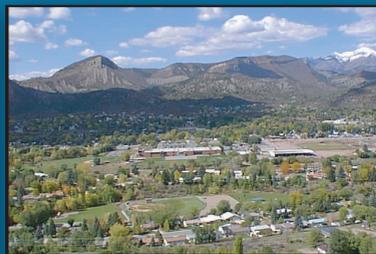


FHWA-CO-EIS-05-02-F
October 2006

RECORD OF DECISION US HIGHWAY 160 FROM DURANGO TO BAYFIELD LA PLATA COUNTY, COLORADO



U.S. Department of Transportation
Federal Highway Administration



Colorado Department
of Transportation

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 actions 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 180 days after the date 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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ERRATA

ACHP	Advisory Council on Historic Preservation
AVC	animal-vehicle collisions
BO	Biological Opinion
BLM	Bureau of Land Management
BMP	Best Management Practice
CDOT	Colorado Department of Transportation
CDOW	Colorado Division of Wildlife
CDPHE	Colorado Department of Public Health and Environment
CFR	Code of Federal Regulations
CR	County Road
CNHP	Colorado Natural Heritage Program
DEIS	Draft Environmental Impact Statement
EA	Environmental Assessment
EIS	Environmental Impact Statement
EPA	US Environmental Protection Agency
FEIS	Final Environmental Impact Statement
FHWA	Federal Highway Administration
LEDPA	Least Environmentally Damaging Practicable Alternative
LOP	Letter of Permission
LOS	Level of Service
MOA	Memorandum of Agreement
MP	milepost
mph	miles per hour
NAC	Noise Abatement Criteria
NEPA	National Environmental Policy Act
NOx	nitrogen oxide
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
PCA	potential conservation area
ROD	Record of Decision
ROW	right-of-way
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users

SH	State Highway
SHPO	State Historic Preservation Office
SMART	Safe Multimodal Aesthetic Regional Transportation
STIP	Statewide Transportation Improvement Program
SUIT	Southern Ute Indian Tribe
TPR	Transportation Planning Region
Uniform Act	Surface Transportation and Uniform Relocation Assistance Act of 1987
URSG	URS Greiner
US	United States
US 160	US Highway 160
US 550	US Highway 550
USACE	US Army Corps of Engineers
USDOI	US Department of the Interior
USFWS	US Fish and Wildlife Service
VOCs	volatile organic compounds

1.1 INTRODUCTION

The purpose of this Record of Decision (ROD) is to document the Federal Highway Administration's (FHWA) decision on improvements to US Highway 160 (US 160) from west of the US 160/US Highway 550 (US 550) (south) intersection in Durango to east of Bayfield in La Plata County, Colorado (see Figure 1.1, Project Location). The project length on US 160 is 16.2 miles, extending from milepost (MP) 88.0, located east of Durango, to MP 104.2, located east of Bayfield. The project length on US 550 will be 1.2 miles, extending from MP 16.6, located at the US 160/US 550 (south) intersection, to MP 15.4, located south of the US 550/County Road (CR) 220 intersection. This ROD has been prepared in accordance with FHWA Regulation 23 Code of Federal Regulations (CFR) 771, Council on Environmental Quality Regulations 40 CFR 1500-1508, and the requirements of the National Environmental Policy Act (NEPA), as amended.

This ROD states what the decision is, presents the basis for the decision, identifies all reasonable alternatives considered, specifies the environmentally preferred alternatives, summarizes the mitigation measures, includes monitoring and enforcement requirements, and documents the Section 4(f) approval in accordance with FHWA Regulation 23 CFR 771.135(l).

1.2 BACKGROUND

In February 1999, the *Final US 550 and US 160 Feasibility Study* [URS Greiner (URSG 1999)] (Feasibility Study) was published after nearly three years of performing technical studies and gathering public input. Between February 1999 and January 2002 a preliminary Environmental Assessment (EA) was prepared by the Colorado Department of Transportation (CDOT) for the FHWA, the lead agency for this project. Based on the preliminary EA, FHWA and CDOT determined an Environmental Impact Statement (EIS) was the appropriate level of NEPA documentation for this project [40 CFR 1501.4 (c)].

The EIS process commenced with a publishing of the notice of intent to prepare an EIS in the *Federal Register* on December 24, 2002. A public and agency scoping meeting was held on March 5, 2003 to identify public and agency issues and possible alternatives to be considered in the EIS. On September 23, 2005, the Draft EIS was made available to the public for a 45-day comment period concluding on November 7, 2005. The US Highway 160 Durango to Bayfield Final Environmental Impact Statement (FEIS) was signed in May 2006. The FEIS was made available for public review and comment for 30 days, from May 26, 2006 to June 26, 2006, with a public hearing on June 7, 2006. Attachment A to Appendix A, Comment Letters, includes the comments received during the public comment period. The comments are addressed in Section 6, Comments on FEIS, of this ROD.

1.3 PURPOSE AND NEED

The purpose of this project is to improve the conditions for the traveling public along US 160 in the project corridor. Specifically, the purpose of the project is to:

- Increase travel efficiency/capacity to meet current and future needs
- Improve safety for the traveling public by reducing the number and severity of accidents
- Control access

The need for this project is based on the projected increase in travel demands on highway capacity and efficiency, and the existing substandard design that contributes to accidents associated with roadway deficiencies. The US 160 purpose and need is summarized in the following sections. More detail can be found in Chapter 1, Purpose and Need, of the FEIS.

1.3.1 Travel Efficiency and Capacity

Accident rates throughout the corridor demonstrate the design deficiencies that include poor sight distance, steep roadway grades, lack of shoulders, insufficient recovery zones, uncontrolled access, steep embankments, lack of wildlife crossings, and lack of turning lanes.

The growth in population and associated commercial and office-related facilities are the major reasons for the expected traffic volume increases throughout the county and especially along the US 160 project corridor. Tourism traffic is anticipated to remain high during the summer months, and would likely increase as the number of resort and recreational facilities increases in the region. Highway improvements were made on the existing US 160 in La Plata County in the 1950s and 1960s. At that time, the population of La Plata County was less than 20,000 residents. Since then, the population has more than doubled, and tourist activity has increased as well. As a result, traffic volumes along the US 160 project corridor have increased and traffic volumes in the region increase by 50 percent in the summer months with the influx of tourists.

In summary, demand would exceed capacity by 2025 throughout the project corridor and at key intersections. Traffic volumes along the project corridor are expected to more than double over the next 20 years as residential and commercial development increases. These increases in traffic volume are expected to result in failing levels of service – below Level of Service (LOS) D for urban highways and below LOS C for rural highways. Consequently, traffic operations would be unacceptable to most drivers at peak periods.

1.3.2 Safety Issues

US 160 has a higher than average number and severity of accidents in the state. Contributing to this rating is uncontrolled access; lack of shoulders, turning lanes, and wildlife crossings; and steep grades with insufficient lanes for passing. These problems are compounded by the increasingly high traffic demands that are being placed on this section of highway. Design improvements are needed for US 160 to reduce both the accident rates and the severity of the accidents, as well as mitigate wildlife collisions through the use of wildlife crossings.

1.3.3 Access Control

Uncontrolled access is one of the contributors to accidents in the project corridor. There are almost 200 access points on this segment of US 160, creating a situation where unsafe movements are a common occurrence. For example, drivers have been observed traveling on the shoulder and on the wrong side of the highway, and passing left-turning vehicles on the right shoulder. This situation is due in part to the extensive development in the urban areas along US 160 over the past 20 years. Numerous roads and driveways intersect US 160. Most of these driveways and roads are unsignalized intersections. The following access issues contribute to the traffic capacity and safety problems:

- High density of undefined business and private accesses

- Terrain features that affect sight distance and intersection geometry
- Areas with poorly defined accesses that create problems for drivers to predict when cars are going to turn
- The density of development along US 160 that is anticipated to increase in the future

1.4 SELECTED ALTERNATIVE

FHWA and the CDOT have identified the Selected Alternative as a combination of the preferred alternatives for each project section, as described in Section 2.5, Advanced Alternatives, of the *Final Environmental Impact Statement/Final Section 4(f) Evaluation for US Highway 160 from Durango to Bayfield, La Plata County, Colorado*. For the reasons stated in Section 2.5, Advanced Alternatives, and Table 2.5.1, Summary of Preferred Alternatives, of the FEIS, the preferred alternatives selected in each project section were:

- Grandview Alternative G Modified
- Florida Mesa and Valley Alternative C
- Dry Creek and Gem Village Alternative H
- Bayfield Alternative B

The major components of the Selected Alternative are summarized below, and are discussed further in Section 2.0, Alternatives Considered, of this ROD.

On US 160, the Selected Alternative will extend the existing four-lane highway from Grandview east to Bayfield where it will transition to a two-lane highway. The four-lane typical section will provide two 12-foot travel lanes in each direction, 10-foot outside shoulders, and 4-foot inside shoulders. The median width will vary from 10 feet to 46 feet with narrower median widths used in conjunction with access roads, interchanges, or intersections in the more urbanized areas of Grandview, Gem Village, and Bayfield.

Beyond MP 104.2, the roadway provides sufficient capacity; accident data do not dictate the need for capacity and safety improvements by 2025. In Gem Village, from MP 100 to MP 101, US 160 will be realigned to the south. From the west project limit to the proposed US 160/US 550 (south) intersection, a westbound auxiliary lane and an eastbound climbing lane will be required. In addition, the project will realign approximately 1.2 miles of US 550 south of US 160. The realigned portion of US 550 will be improved to a four-lane highway.

The Selected Alternative will include reconstruction of the US 160/US 550 (south) intersection as an interchange. A grade separation of this intersection will provide the best option to address the reconnection of US 160 and US 550 due to terrain and traffic volume. The Selected Alternative will also include reconstruction of the US 160 intersections with CR 233 (west) and State Highway (SH) 172/CR 234 as interchanges. The US 160 intersections with CR 233 (east), CR 232 (west), and CR 232 (east) will be eliminated, with CR 233 passing beneath US 160. The realigned CR 222/CR 223 (west) intersection with US 160 will be signalized; improvements will be made to the existing US 160/CR 501 intersection; and numerous direct access points to US 160 for businesses, neighborhoods, and facilities will be consolidated or improved to provide access control.

The US 160/CR 233 (west) intersection has been improved to a signalized intersection to accommodate development north of US 160. As this connection to US 160 will primarily serve the new Three Springs Development, the road will be renamed Three Springs Boulevard.

CR 233 has been realigned and no longer intersects with US 160, but with Three Springs Boulevard north of US 160. However, due to local convention, the FEIS and this ROD refer to the US 160/Three Springs Boulevard intersection as the US 160/CR 233 (west) intersection.

1.5 FUNDING STATUS

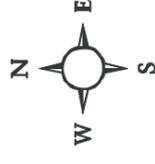
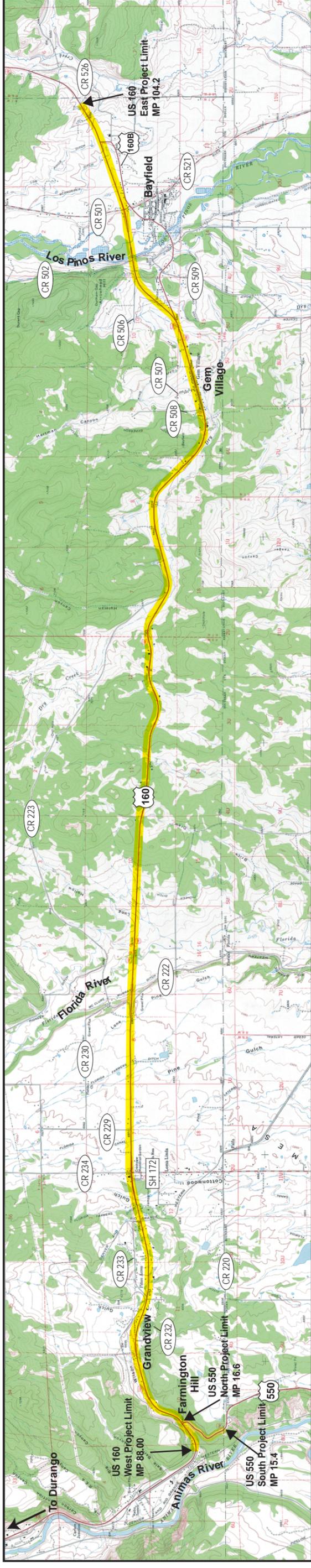
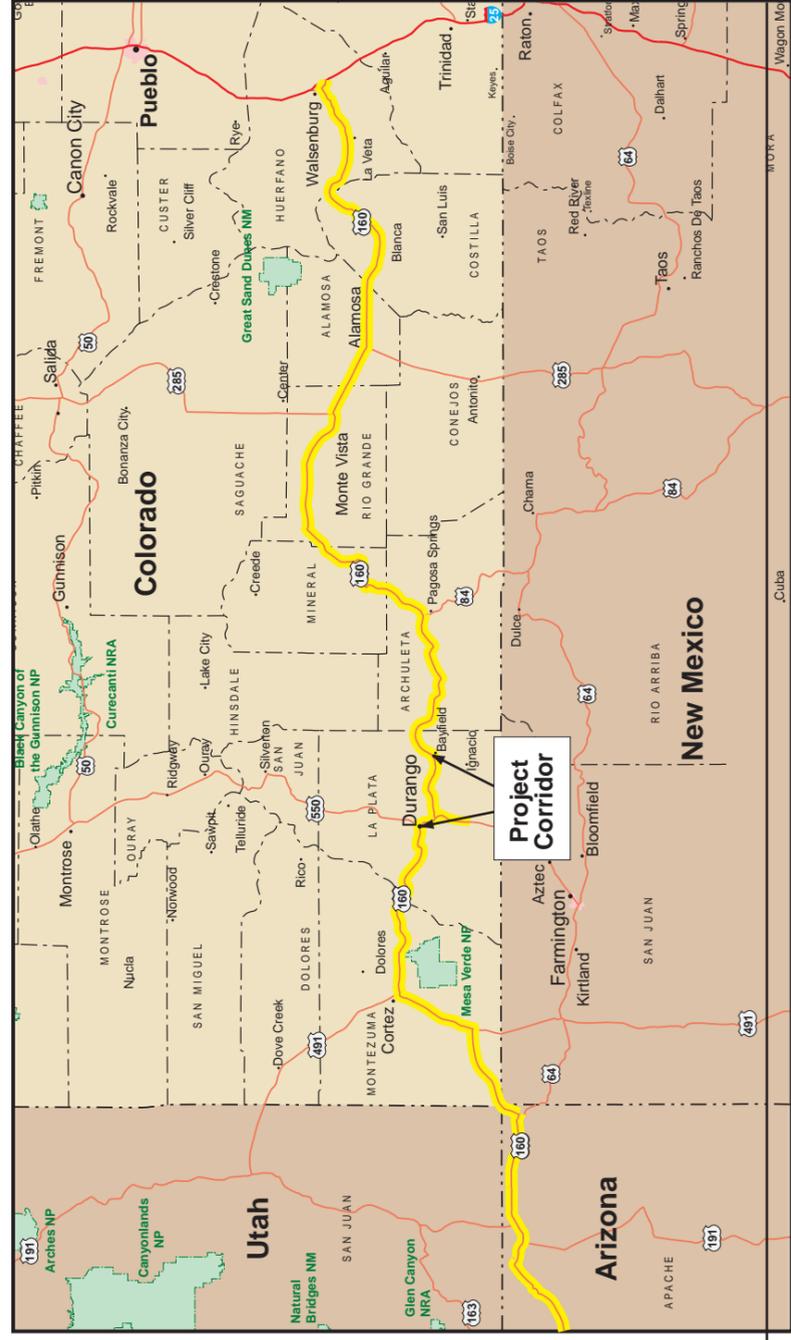
The approximate cost for the Selected Alternative is \$455.6 million for the entire corridor. The proposed improvements have been identified as a priority for funding in the Southwest Transportation Planning Region (TPR) Preferred Plan (*Southwest TPR 2030 Transportation Plan*). Additionally, US 160 from Durango to Bayfield has been identified as a strategic corridor by the Colorado Transportation Commission. Final design and construction on the US 160 project will be completed in phases as funding becomes available.

The Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) signed into law by the President on August 10, 2005 earmarked \$6.8 million for this project. In addition, the US 160 project is included in the 2007-2012 Statewide Transportation Improvement Program (STIP) with \$6.5 million identified for the corridor.

Utilizing this funding, CDOT has identified two projects for immediate design and construction:

- An additional westbound lane through the US 160/US 550 (south) intersection that would be an initial phase of the interchange; and
- The realignment of the CR 222/CR 223 (west) intersection.

Design on these projects would start in 2006 with construction scheduled to begin in 2008.



US 160 Record of Decision

Figure 1.1
Project Location

Loma Linda USGS Topo

Bayfield USGS Topo

2.1 ALTERNATIVES CONSIDERED

Chapter 2, Alternatives, of the FEIS provides a detailed description of the alternatives development and screening used to identify the reasonable alternatives that were fully considered in the FEIS. Reasonable alternatives that were evaluated in the FEIS are depicted in Figure 2.1, Advanced Alternatives Grandview to Florida Mesa and Valley Sections, and Figure 2.2, Advanced Alternatives Dry Creek and Gem Village and Bayfield Sections. In addition to the Advanced Alternatives, the No Action Alternative was also evaluated. Under the No Action Alternative, US 160 would remain largely unchanged except at specific locations where safety improvements may be constructed, as warranted by traffic and safety data. This alternative was fully assessed as an alternative and for use as a “baseline” against which other alternatives were evaluated. A summary of the Alternatives fully evaluated in the FEIS and the data collected for each alternative are shown in Table 2.1, Summary of Advanced Alternatives Screening.

No Action Alternative

In addition to the Advanced Alternatives, the No Action Alternative was also evaluated. Under the No Action Alternative, US 160 would remain largely unchanged except at specific locations where safety improvements may be constructed, as warranted by traffic and safety data. This alternative was fully assessed as an alternative and for use as a “baseline” against which other alternatives were evaluated. The No Action Alternative fails to satisfy the purpose and need for the project because there would be no capacity improvements, the planned safety and access improvement projects would not address corridor-length deficiencies, and travel demand anticipated for 2025 would not be accommodated, creating more congestion in the project corridor.

**Table 2.1
Summary of Advanced Alternatives Screening**

Section/ Alternative	Social Feasibility Residential/ Business Relocations	Cost Construction Cost (millions)	Aquatic Ecosystems Wetlands (acres)	Environmental Consequences	
				Irrigated Farmland (acres)	Wildlife Habitat (acres)
Grandview					
F Modified	43/14	181.4	8.9	49.4	52.7
G Modified	41/14	211.5	7.3	23.6	68.3
Florida Mesa and Valley					
A	8/1	53.2	1.5	70.6	6.6
C	6/0	52.4	1.3	55.5	6.9
Dry Creek and Gem Village					
C	15/9	144.5	7.3	16.8	129.5
H	8/0	168	8.2	20.7	140.3
Bayfield					
A	3/0	24.4	5	24.9	19.2
B	3/0	23.7	4.2	21.4	18

2.1.1 Grandview Section

In addition to the No Action Alternative, two alternatives, Grandview section alternatives F Modified and G Modified, were advanced for detailed analysis in the FEIS.

Alternative F Modified

Under this alternative, US 160 would be four lanes from the west project limit in the Grandview section to the south intersection with US 550, with an eastbound climbing lane and a westbound auxiliary lane. From the US 550 (south) intersection to the intersection with SH 172/CR 234, US 160 would be four lanes. There would be a single-point urban interchange at SH 172/CR 234. US 160 would remain on the existing alignment, except near the SH 172/CR 234 intersection, where it would be shifted north to avoid Crestview Memorial Gardens.

US 550 would be four lanes from CR 220 to the intersection with US 160. US 550 would be realigned to the east of the existing US 550 and cross the top of the Florida Mesa before connecting to US 160 with a single-point urban interchange at the existing US 160/CR 233 (west) intersection location.

Alternative G Modified

This alternative is similar to Alternative F Modified, except that there would be single-point urban interchanges on US 160 at CR 233 (west) and SH 172/CR 234.

US 550 would be realigned to the east of the existing US 550 and skirt the western edge of the Florida Mesa before connecting to US 160 with a trumpet interchange approximately 0.6 mile east of the existing US 160/US 550 (south) intersection.

Preferred Alternative Selection

Alternative G Modified is the Selected Alternative over Alternative F Modified because it has an additional access point and therefore more reserve capacity, is preferred by the public, and has less environmental consequences when balancing the impacts to wetlands, wildlife habitat and irrigated farmlands. The rationale for selecting Alternative G Modified is provided below.

The main difference between Alternative F Modified and Alternative G Modified is the location of the US 160/US 550 (south) intersection. In Alternative F Modified, US 550 would cross the top of the Florida Mesa. In Alternative G Modified, US 550 would skirt the western edge of the Florida Mesa. While the interchange types at these locations would vary, the key difference is that Alternative G Modified would provide two access points between the existing US 550 (south) and SH 172/CR 234 intersections with US 160, where Alternative F Modified would provide only one. Alternative G Modified is, in part, the Selected Alternative because of this additional access point which would provide reserve capacity and accommodate additional growth beyond 2025 in Alternative G Modified. In comparison, under Alternative F Modified, this interchange would be near capacity in 2025 and would not accommodate additional growth. This additional access point causes Alternative G Modified to have a higher construction cost (\$211.5 million) versus Alternative F Modified (\$181.4 million). Alternative G Modified also has less effect on the environment than Alternative F Modified when balancing impacts to wetlands, wildlife habitat and irrigated farmlands. Both alternatives affect Wilson Gulch and the associated high quality wetlands. Alternative F Modified has more impacts to wetlands (8.9 acres) and irrigated farmlands (49.4 acres) than Alternative G Modified, which has 7.3 acres

of impacts to wetlands and 23.6 acres of impacts to irrigated farmlands. Conversely, due to its location along the edge of the mesa, Alternative G Modified has more impacts to wildlife habitat (68.3 acres) than Alternative F Modified, which has 52.7 acres of impacts. Although Alternative F Modified has less impacts to wildlife habitat, this alternative is considered to have a greater effect on the environment because it impacts an additional 1.6 acres of wetlands, a sensitive aquatic ecosystem protected under the Clean Water Act, and it bisects and impacts more irrigated farmland that is of statewide importance (see Chapter 3 of the FEIS). Although 1.6 acres of wetlands saved under Alternative G Modified is a smaller acreage compared to 15.6 acres of wildlife habitat saved for Alternative F Modified, only 5 percent of the project corridor comprises wetlands vs. 35 percent of the project corridor comprising wildlife habitat. Additionally, because Alternative F Modified bisects irrigated farmland that is of statewide importance and impacts an additional 26.4 acres of irrigated farmland, it limits the useable acreage for pasture and hay. In contrast, Alternative G Modified skirts the western edge of the Florida Mesa keeping the majority of the irrigated farmland intact.

Alternative G Modified is the Selected Alternative because it has an additional access point and therefore more reserve capacity, has less environmental impacts, and is preferred by the public. Alternative G Modified is also the Environmentally Preferred Alternative because it has less effect on the environment than Alternative F Modified when balancing impacts to wetlands, wildlife habitat and irrigated farmlands. Alternative G Modified is also considered to be the Least Environmentally Damaging Practicable Alternative (LEDPA) under Section 404 of the Clean Water Act because it has a less adverse impact on the aquatic ecosystem than Alternative F Modified.

2.1.2 Florida Mesa and Valley Section

In addition to the No Action Alternative, two alternatives, Florida Mesa and Valley section alternatives A and C, were advanced for detailed analysis in the FEIS.

Alternative A

Under this alternative for the Florida Mesa and Valley section, US 160 would be four lanes and generally remain on the existing alignment, with slight shifts as necessary to avoid residential structures on the north side of US 160 and the Griffin Dairy Farm complex on the south side of US 160. Continuous access roads would be constructed both north and south of the highway. CR 222 and CR 223 would be realigned and connected to US 160 at a new intersection approximately 500 feet west of the existing CR 222/CR 223 (west) intersection with US 160.

Alternative C

This alternative is similar to Alternative A, except that CR 222 and CR 223 would be realigned and connected to access roads on both sides of US 160. A new intersection with US 160 would be created approximately 4,500 feet east of the existing CR 222/CR 223 (west) intersection. Because this is on the east side of the Florida River, new roadway connections would be made to CR 510 on the south and CR 223 on the north.

Preferred Alternative Selection

The primary difference between Alternative A and Alternative C is the treatment of the CR 222/CR 223 (west) intersection with US 160. In Alternative A this intersection would be moved to the west, higher onto the Florida Mesa, while realigning the associated county roads. In Alternative C, this intersection would be moved into the Florida Valley to the east, to the other side of the Florida River. New connections would be made to the county roads while still maintaining access to the existing county roads through access roads near the existing intersection. Alternative C has fewer relocations (6), fewer impacts to wetlands (1.3 acres) and irrigated farmlands (55.5 acres), and is less expensive (\$52.4 million) than Alternative A, which has 9 relocations, 1.5 acres of wetland impacts, and 70.6 acres of impacts to irrigated farmlands. Alternative C is also included in the La Plata County Comprehensive Plan. In addition, the location of the CR 222/CR 223 (west) intersection with US 160 was considered safer in Alternative C due to improved sight distance and intersection geometry. For these reasons, Alternative C is the Selected Alternative, the Environmentally Preferred Alternative, and the LEDPA.

2.1.3 Dry Creek and Gem Village Section

In addition to the No Action Alternative, two alternatives, Dry Creek and Gem Village section alternatives C and H, were advanced for detailed analysis in the FEIS.

Alternative C

Under this alternative for the Dry Creek and Gem Village section, US 160 would be four lanes and generally remain on the existing alignment with improvements for curvature, grades, and sight distance. CR 223 would be realigned and connected to US 160 approximately 1,500 feet west of the existing US 160/CR 223 (east) intersection. To reduce impacts to high quality wetlands, a 36-foot median would be used at this intersection to separate opposing travel lanes. A 46-foot median would be used in all other areas. Access roads would be provided on both sides of US 160 between MP 94 and MP 95 and on the north side of US 160 between MP 96 and MP 97 to consolidate direct highway access and reduce out-of-direction travel. In Gem Village, US 160 would be widened to the south. Access roads would be constructed on both sides of US 160, and access would be provided at the west end of Gem Village.

Alternative H

Under this alternative for the Dry Creek and Gem Village section, US 160 would be four lanes and generally remain on the existing alignment with improvements for curvature, grades, and sight distance from the CR 222/CR 223 (west) intersection to the CR 223 (east) intersection. CR 223 would be realigned and connected to US 160 approximately 1,500 feet west of the existing US 160/CR 223 (east) intersection. To reduce impacts to high quality wetlands, a 36-foot median would be used from MP 98 to MP 99 to separate opposing travel lanes. A 46-foot median would be used in all other areas. Access roads are provided on both sides of US 160 between MP 94 and MP 95 and on the north side of US 160 between MP 96 and MP 97 to consolidate direct highway access and reduce out-of-direction travel. East of the US 160/CR 223 (east) intersection, US 160 would be realigned and bypass Gem Village to the south. The realigned US 160 would leave the existing US 160 on the west side of Gem Village near MP 100 and rejoin it near MP 101. No access roads would be constructed, but access would be

provided at the east end of Gem Village. A one-way slip ramp would provide access to US 160 for westbound traffic at the west end of Gem Village.

Preferred Alternative Selection

Gem Village is the distinguishing factor in the Dry Creek and Gem Village section. The majority of the community is centered along the existing US 160 alignment. This close-knit and coherent community consists of a mixture of residences and well-established businesses. Alternative C would follow the existing alignment through Gem Village, while Alternative H would bypass the community. Because it bypasses the community and has a longer length, Alternative H would have a higher construction cost (\$168 million) and have more impacts to wetlands (8.2 acres), irrigated farmland (20.7 acres) and wildlife habitat (140.3 acres) than Alternative C, which would have a construction cost of \$144.5 million, impact 7.3 acres of wetlands, 16.8 acres of irrigated farmland, and 129.5 acres of wildlife habitat. However, because it would be on the existing US 160 alignment through Gem Village, Alternative C would have 15 residential relocations and nine business relocations, as compared to eight residential relocations and no business relocations for Alternative H. Alternative C would remove approximately 50 percent of the downtown district. Impacts of this magnitude would at the very least cause a severe, adverse impact to the community's cohesion, and at worst could cause the deterioration of the entire community. Because of these severe social impacts, Alternative C is not considered to be practicable when compared to Alternative H based on the logistics screening criteria. Therefore, Alternative H is the Selected Alternative, the Environmentally Preferred Alternative, and the LEDPA.

2.1.4 Bayfield Section

In addition to the No Action Alternative, two alternatives, Bayfield section alternatives A and B, were advanced for detailed analysis in the FEIS.

Alternative A

Under this alternative for the Bayfield section, US 160 would be four lanes and generally remain on the existing alignment with improvements for curvature, grades, and sight distance. Three closely spaced intersections with US 160 [US 160B (west), CR 506, and CR 502] would be consolidated into a single unsignalized intersection. CR 502 would be realigned and connect to US 160 approximately 1,500 feet west of the existing US 160/CR 502 intersection. The realigned CR 502 would intersect CR 506 north of US 160 and continue south of US 160 to intersect with US 160B. This realignment would eliminate both of the existing US 160 intersections with CR 502 and CR 506. Access to US 160B would be maintained through an access road on the south side of US 160. CR 501 would be realigned and connect to US 160 approximately 800 feet west of the existing US 160/CR 501 intersection. This new intersection with US 160 would be a diamond interchange. From US 160 to the US 160B/CR 521 intersection, the existing CR 501 would be eliminated. The intersections of US 160B/CR 501 and US 160B/CR 521 would be reconstructed as a roundabout.

Alternative B

This alternative is similar to Alternative A, except that the US 160/CR 501 intersection would remain a signalized intersection at its present location. The intersections of US 160B/CR 501 and US 160B/CR 521 would be reconstructed as a roundabout.

Preferred Alternative Selection

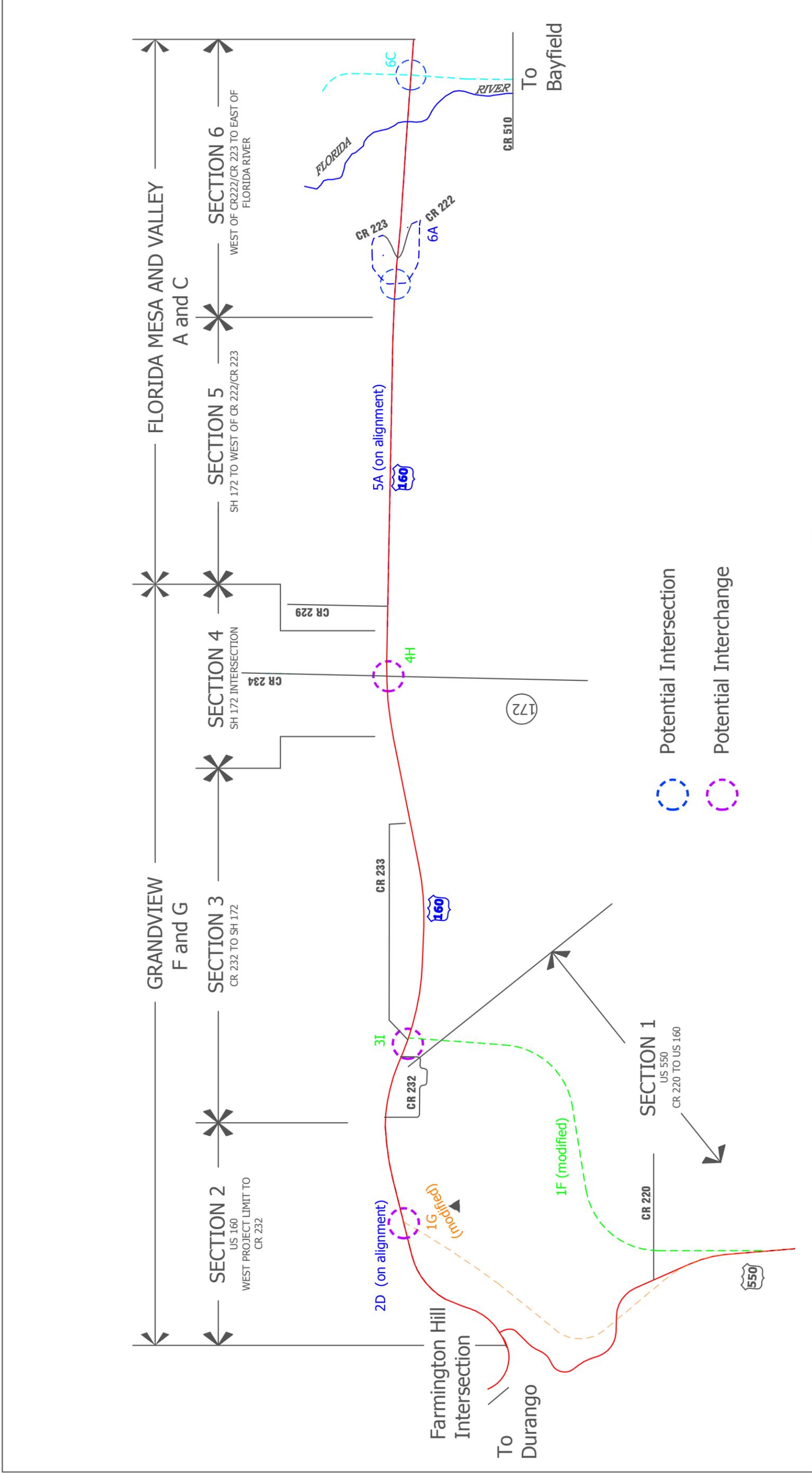
The difference between Alternative A and Alternative B is the US 160/CR 501 intersection. In Alternative A this intersection would be a diamond interchange. In Alternative B this intersection would remain a signalized intersection. In both alternatives, the intersections of US 160B/CR 501 and US 160B/CR 521 would be reconstructed as a roundabout. Both alternatives would meet the projected traffic demand. Due to the smaller footprint of an intersection instead of an interchange, Alternative B would have fewer impacts to wetlands (4.2 acres), irrigated farmland (21.4 acres), and wildlife habitat (18.0 acres) than Alternative A, which would have 5.0 acres of impacts to wetlands, 24.9 acres of impacts to irrigated farmlands, and 19.2 acres of impacts to wildlife habitat. The US 160/CR 501 intersection in Alternative B would also be less expensive and was supported by the public and the Town of Bayfield. The roundabout at the US 160B/CR 501 and US 160B/CR 521 intersections is opposed by the Town of Bayfield and many members of the public. Because of the proximity to US 160, an intersection at this location under stopped conditions would cause vehicles to back up onto US 160 creating safety and congestion problems on US 160. The roundabout avoids the safety problems of traffic stacking onto US 160, US 160B, or CR 521. For these reasons, Alternative B is the Selected Alternative, the Environmentally Preferred Alternative, and the LEDPA.

2.2 ENVIRONMENTALLY PREFERRED ALTERNATIVE

The environmentally preferred alternative is the alternative “that causes the least damage to the biological and physical environment” [40 CFR 1505.2(b)]. Table 2.1, Summary of Advanced Alternatives Screening, presents information regarding impacts to the biological and physical environment. As described above in Section 2.1, Alternatives Considered, the Selected Alternative for each section is considered the Environmentally Preferred Alternative.

2.3 SECTION 404 PERMIT

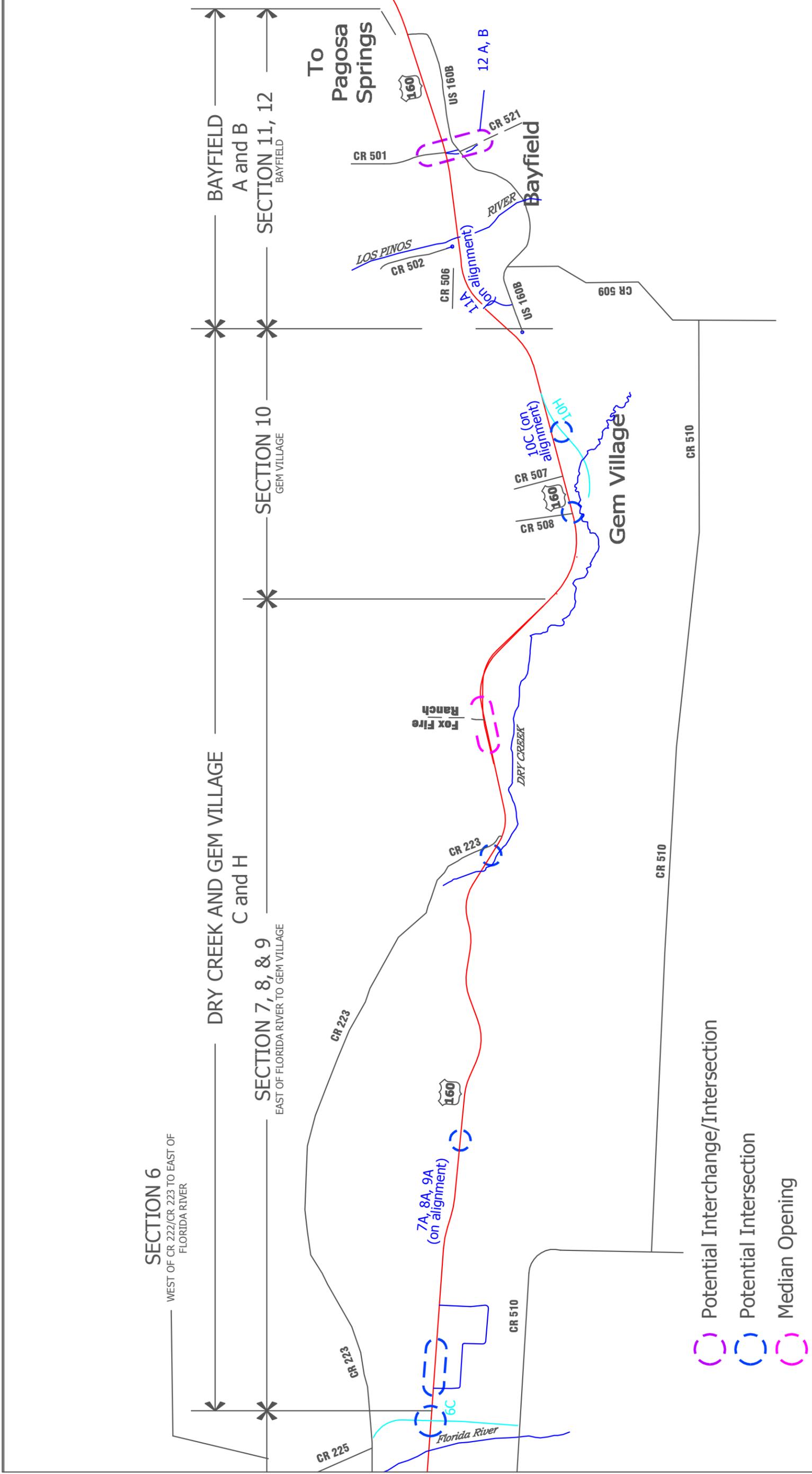
The US Army Corps of Engineers (USACE) has concurred that the Selected Alternative is the LEDPA and is issuing a Section 404 permit in conjunction with this ROD (see Appendix B, Section 404 Permit Materials). The US Fish and Wildlife Service (USFWS) and Colorado Division of Wildlife (CDOW) also have concurred with the Selected Alternative, with particular support for the proposed wildlife crossings.



US 160 Record of Decision

Figure 2.1
Advanced Alternatives
Grandview to Florida Mesa
and Valley Sections





US 160 Record of Decision

Figure 2.2
Advanced Alternatives
Dry Creek and Gem Village
and Bayfield Sections



Chapter 5, Final Section 4(f) Evaluation, of the FEIS, describes, in detail, the ten Section 4(f) properties identified in the project area, including one recreation resource (the Little Pine River Park) and nine cultural resources (one railroad and eight ditches). As described in Section 5.3.1, Recreation Areas, in the FEIS, there is no proposed use of the Little Pine River Park under either of the build alternatives. Because there is no permanent, temporary, or constructive use of the Little Pine River Park, it was not carried forward for Section 4(f) evaluation.

3.1 SECTION 4(F) PROPERTIES

Ten Section 4(f) properties were identified in the US 160 corridor. These properties were divided into two categories: (1) recreation areas, and (2) cultural resources.

3.1.1 Cultural Resources

The inventory listed in Table 3.1, Historic Section 4(f) Properties, identifies the historic Section 4(f) properties that are located within the project corridor. The nine historic properties qualify as Section 4(f) properties and will have a use by the project.

**Table 3.1
Historic Section 4(f) Properties**

Site Number	Site Type	NRHP Register Eligibility Criteria*
5LP1131.8	Denver & Rio Grande Railroad	A
5LP5658	King Ditch	A
5LP5659	Thompson-Epperson Ditch	A
5LP5661	Florida Farmers' Ditch	A
5LP5662	Florida Canal	A
5LP5663	McCluer-Murray Ditch	A
5LP5664	Pioneer Ditch	A
5LP5665	Schroder Irrigating Ditch	A
5LP5666	Los Pinos Irrigating Ditch	A

Source: National Register of Historic Places (NRHP), 36 CFR 60.4.

*See Section 3.13, Historic Preservation, of the FEIS for an explanation on eligibility criteria.

3.2 AVOIDANCE ALTERNATIVES

Alternatives that avoided impacts to the cultural Section 4(f) properties were evaluated during each screening process described in Chapter 2, Alternatives, of the FEIS. The Final Section 4(f) Evaluation describing the avoidance alternatives for each screening process is included in Chapter 5 of the FEIS. FHWA determined there were no prudent and feasible alternatives.

3.3 ALL POSSIBLE PLANNING TO MINIMIZE HARM

The conceptual design for the alternatives examined in the FEIS include all possible planning to minimize harm to the nine historic Section 4(f) properties that would be impacted by the

proposed project. Additional design options such as narrower roadway width, retaining walls, culvert design, and steeper slopes will be considered during final design of the roadway. Some of these sections may not be designed and constructed for many years. CDOT has consulted with the State Historic Preservation Office (SHPO) and determined the effects of the project. SHPO has concurred with CDOT on the following mitigation measures to minimize impacts:

- Although minimal use of the historic ditches would occur through roadway expansion, the actual use of the ditches would not change and under Section 106, these impacts have no adverse effect. To mitigate impacts to irrigation ditches in general, a public information notice is proposed.
- Part of ditch segment 5LP5661.2 (Grandview section), part of segment 5LP5658.3 (Dry Creek and Gem Village section), and segments 5LP5659.3 and 5LP5659.4 (Bayfield section) will be crossed by new roadway adjacent to existing roadways. To mitigate these impacts, these ditch segments will be SHPO Level II documented before construction and SHPO will have the opportunity to review design plans for the new ditch crossings.
- The proposed project would have a severe impact upon archaeological site 5LP5677, which is not considered a Section 4(f) property at the time of this publication. A Memorandum of Agreement (MOA) specific to 5LP5677 was executed in April 2006 by FHWA, CDOT, SHPO and two consulting Native American tribes. If the site is ultimately determined eligible for the National Register of Historic Places (NRHP) as a result of testing, the MOA includes provisions for mitigation of adverse effects through the implementation of data recovery excavations, in consultation with the signatory agencies and tribes, as well as the Advisory Council on Historic Preservation (ACHP). An expedited review will be requested from SHPO, and FHWA will seek concurrence that in-place preservation was not warranted, in which case, Section 4(f) would not apply.
- Final design will take into consideration the use of retaining walls and other measures to minimize the impact to the abandoned railroad grade (5LP1131.8) in the Grandview section. Use of retaining walls and other design options will be examined at locations where ditches are crossed to minimize property easements or right-of-way purchases.
- In the event that previously unknown cultural deposits are discovered during construction, work will cease in the area of discovery and the CDOT archaeologist will be notified. The CDOT archaeologist, or a designated representative, will evaluate any such discovery, and in consultation with SHPO, complete appropriate mitigation measures before construction activities resume. Further, the construction contractor will be responsible for informing all persons associated with this project that they would be subject to prosecution for knowingly disturbing any historic properties or for collecting artifacts.

3.4 SECTION 4(f) DETERMINATION

Based upon the considerations presented in Chapter 5, Final Section 4(f) Evaluation, of the FEIS, there is no feasible and prudent alternative to the use of the land from the abandoned Denver and Rio Grande Railroad or the eight irrigation ditches. The proposed action has the least harm to the Section 4(f) resources and includes all possible planning to minimize harm to the Section 4(f) property resulting from such use. The basis of approval for the use of the Section 4(f) property is because the preferred alternative has the least overall net harm to the Section 4(f) resources, the use for the historic properties had no adverse effect under the provisions of the National Historic

Preservation Act, and SHPO concurred with these findings on December 6, 2001. On January 18, 2006, the U.S. Department of Interior (USDO I) provided written concurrence with the finding that there is no feasible or prudent alternative to the Preferred Alternative selected in the document, and that all possible planning has been included to minimize harm to these resources (see Addendum to Appendix E, Historic Preservation Correspondence, of the FEIS).

All practicable measures to minimize the environmental effects, including effects to Section 4(f) properties [as stated in Section 3, Section 4(f) Properties], have been incorporated into the proposed action. Additional measures to minimize cumulative impacts could be taken by local jurisdictions. These additional measures are identified after Table 4.1, Summary of Mitigation Measures. In some cases, local jurisdictions already have these measures included in their policies. The following table summarizes the mitigation adopted for each resource affected by the proposed action.

**Table 4.1
Summary of Mitigation Measures**

Category	Principal Mitigation Measures
Land Use	<ul style="list-style-type: none"> • All acquisitions and relocations will conform with Public Law 91-646 and the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Uniform Act) as implemented in 40 CFR 24. Procedural guidance will be provided by the <i>CDOT Right-of-Way Manual</i> (CDOT 2001). • CDOT will mitigate for the loss of real property and physical relocation costs as needed. • To limit land use impacts, the amount of land acquired for highway improvements will be limited to only portions of parcels actually needed for the right-of-way (ROW) instead of the entire parcel, depending on CDOT policies and negotiations with landowners. • A livestock culvert between the Bureau of Land Management (BLM) parcels will be of sufficient size when extended/replaced. • Replacement fencing will prevent cattle access to the highway.
Farmland	<ul style="list-style-type: none"> • As part of the ROW acquisition process, CDOT will coordinate with affected landowners on possible impacts to agricultural land. Mitigation may include relocation of irrigation ditches and/or payment for the lost value of crops.
Socioeconomics and Relocations	<p><i>Social Resources</i></p> <ul style="list-style-type: none"> • In compliance with the Uniform Act, CDOT will mitigate the loss of real property and physical relocation by providing financial and other assistance. • Large parcels, houses, mobile homes, and businesses may be relocated on the same parcel.
	<p><i>Economic</i></p> <ul style="list-style-type: none"> • In compliance with the Uniform Act, CDOT will mitigate the loss of real property and physical relocation by providing financial and other assistance.
	<p><i>Environmental Justice</i></p> <ul style="list-style-type: none"> • In compliance with the Uniform Act, CDOT will mitigate the loss of real property and physical relocation by providing financial and other assistance, including payment of relocation costs. • As a result of discussions with the mobile home park residents, highway access and frontage roads were modified to minimize impacts to the Narrow Gauge, Cropley, and Gohn’s Homestead mobile home parks. • FHWA and CDOT commit to providing affordable replacement housing for all displaced residents, up to and including housing of last resort. • During advanced design of the project, noise mitigation will be reconsidered for three other mobile home parks in Grandview (Lilly Belle, Gohn’s Homestead, and Cedar Meadows).
Recreation	<ul style="list-style-type: none"> • Dust control measures will be implemented. • Permanent signage will be installed to direct motorists to the Little Pine River Park and KOA campground. • Construction-related delays will be mitigated through measures listed under “Construction.” • Where additional ROW is available, CDOT will allow another entity to fund, construct, and maintain a shared use trail in the US 160 ROW to enhance recreational opportunities. • In Grandview, CDOT will design the portions of the shared-use trail within CDOT ROW. Another entity will be responsible for funding, construction, and maintenance of the trail.

**Table 4.1
Summary of Mitigation Measures**

Category	Principal Mitigation Measures
Air Quality	<ul style="list-style-type: none"> • Dust control techniques (such as watering the construction-disturbed areas) will be employed to minimize air quality impacts during construction. • Fugitive dust permits and/or air pollutant emission notices for construction activities will be obtained where applicable from the Colorado Department of Public Health and Environment (CDPHE). • Construction vehicles will use low-sulfur and ultra low-sulfur diesel as required by 40 CFR 80.
Traffic Noise Analysis	<ul style="list-style-type: none"> • Mitigation measures to be considered for construction noise will include requiring the contractor to use well maintained equipment and limiting work in some populated areas to daylight hours when feasible. • Based on the 2002 CDOT Noise Analysis and Abatement Guidelines, noise mitigation is recommended at the following locations: <ul style="list-style-type: none"> – Grandview: Mountain Vista Mobile Home Park (single family residences) – Bayfield: South side of US 160 across from Commerce Drive (single-family residences, multi-family residences, and one business) • The final height and location of noise walls will be determined during final design.
Wetlands	<ul style="list-style-type: none"> • FHWA and CDOT will continue to coordinate with the USACE, US Environmental Protection Agency (EPA), and other appropriate permitting agencies, on final design and development of detailed mitigation plans in future phases of construction as described in the Section 404 Permit. • Prior to each phase of construction, a detailed mitigation plan will be submitted by CDOT to USACE for review and approval. The USACE will then distribute the detailed mitigation plan to other agencies, including EPA, for review as appropriate. • Wetland impacts have been avoided or minimized during conceptual design of roadway elements and selection of the alternatives. Avoidance and minimization of impacts to wetlands will be ongoing during engineering design. • Access control lines have been established along portions of the corridor to limit future wetland impacts. • CDOT will obtain access control lines along the entire corridor and, where feasible, restrict access through wetlands and waterways while providing for reasonable access. • Unavoidable permanent impacts will be mitigated through on-site and/or off-site wetland creation or restoration. All wetlands will be replaced at a minimum 1:1 ratio in accordance with CDOT policy. • Because no mitigation banks are located in the region, mitigation will be on-site and in-kind where possible and will be designed to restore or enhance wetland functions that will be lost. CDOT will preserve larger blocks of land for wetland mitigation as early as possible. • Mitigation for non-wetland waters and riparian habitat is incorporated into the mitigation conceptual design. • Wetland mitigation areas will not be located in primary stormwater management facilities used for water quality mitigation Best Management Practices (BMPs). • Areas temporarily disturbed by construction will be restored to original contours. • Precautions will be taken when working in areas with shallow groundwater or areas that frequently carry surface water flows to avoid inadvertent hydrologic modifications. During final design, roadway embankments and retaining walls will be designed to maintain existing hydrology of wetlands with documentation provided in project-specific Mitigation and Monitoring Plans. • Unnecessary temporary impacts will be avoided by fencing the limits of disturbance during construction. • Specific permanent BMPs, including infiltration basins, trenches, wet ponds, and other practices, will be evaluated during final design. • Where practicable, work will be performed during low flows or dry periods. If flowing water is present, it will be diverted around active construction areas. • No unpermitted discharge of effluent into wetlands or other waters will occur. • Temporary fill material will not be stored within wetlands or other waters unless appropriate measures are taken to protect them from permanent impacts. • Any wetland areas used for construction access will be covered with a layer of geotextile, straw, and soil prior to use.

**Table 4.1
Summary of Mitigation Measures**

Category	Principal Mitigation Measures
Wetlands <i>(continued)</i>	<ul style="list-style-type: none"> • Upland seed mixes will not be used in wetlands. • Detailed Wetland Mitigation and Monitoring Plans will be developed in accordance with USACE Regulatory Guidance Letter 02-2 (USACE 2002). • Mitigation sites for replacement of jurisdictional wetland impacts will be developed outside the existing CDOT ROW. Properties purchased for mitigation will be acquired as permanent Conservation Easements, or similar protection as allowed by statute. Mitigation sites may also be developed on remnant parcels that are not required for transportation purposes but are still part of CDOT ROW. These sites will be protected in accordance with the USACE Mitigation and Monitoring Proposal Guidelines, dated December 30, 2004. • Wetlands that are impacted by channel realignment or installation of drop structures will be replaced or expanded at their same location (i.e., along the stream) following completion of construction in that area. • The use of bridges instead of concrete box culverts will be evaluated during final design for the US 160 and CR 223 crossings of Dry Creek to reduce the disturbed area and maintain the natural channel. • Wetland mitigation will be in advance or at a minimum concurrent with impacts and within the same watershed. Based on available funding, a wetland mitigation project will be set up in 2007 or 2008 with input from conservation organizations or agencies to locate the best mitigation site(s). • Wetland mitigation areas will include vegetated buffers to enhance, expand, and diversify the surrounding landscape. In riparian areas, trees and shrubs will be planted. • CDOT will be responsible for maintenance, monitoring, and meeting USACE-approved performance standards at wetland mitigation sites. • New bridges will be designed so that stormwater does not discharge directly into wetlands. • The tangent section between MP 98 and 99 (Dry Creek and Gem Village) will be evaluated during final design for possible alignment shifts to avoid high quality wetlands. Minor alignment shifts will be considered to optimize avoidance of higher quality wetlands over lower quality wetlands, and to allow for sufficient areas for upland buffers. Permanent BMPs will be evaluated in lieu of upland buffers to replace this function.
Water Resources	<p><i>Floodplains</i></p> <ul style="list-style-type: none"> • Local and CDOT criteria will be followed in the design of all hydraulic structures, and the design will meet the requirements of 23 CFR 650. • Impacts on floodplains will be mitigated using bridges, guardrail, retaining walls, and box culverts. • Channel realignment of creeks or streams (e.g., Wilson Gulch, Dry Creek) will be designed to approximate natural condition gradients and sinuosity. <p><i>Water Quality</i></p> <ul style="list-style-type: none"> • A construction stormwater management plan identifying BMPs will be developed during final design and implemented in accordance with CDOT specifications. The plan and BMPs will help mitigate any construction-related impacts to water quality. • Areas of disturbance will be revegetated in accordance with National Pollutant Discharge Elimination System (NPDES) permit requirements and CDOT specifications. • The use of sedimentation basins and other permanent BMPs will be included in the final design at appropriate locations as outlined in the MS4 Permit/New Development and Redevelopment Stormwater Program (CDOT 2004). • As per the Driscoll Method results, permanent water quality BMPs (including multiple BMPs in series) will be evaluated during final design for all water crossings. • No equipment staging or storage of construction materials will occur within 50 feet of wetlands or other waters. • The use of chemicals, such as soil stabilizers, dust inhibitors, and fertilizers within 50 feet of wetlands and other waters will be prohibited. • Equipment will be refueled in designated contained areas, at least 50 feet away from wetlands and other waters.

**Table 4.1
Summary of Mitigation Measures**

Category	Principal Mitigation Measures
Water Resources <i>(continued)</i>	<ul style="list-style-type: none"> • Concrete washout structures will be located at least 50 feet from wetlands and other waters. • BMPs will be used during all phases of construction to reduce impacts from sedimentation and erosion. BMPs may include the use of berms, brush barriers, check dams, erosion control blankets, filter strips, sandbag barriers, sediment basins, silt fences, straw-bale barriers, surface roughening, and/or diversion channels. • All areas of exposed soil will be seeded and/or planted, and mulched throughout construction (following the completion of each section). Mulch and mulch tackifier will be placed for temporary erosion control when seeding and/or planting cannot occur due to seasonal constraints.
Vegetation	<ul style="list-style-type: none"> • Further efforts to avoid permanent impacts to riparian vegetation will be made during final design. • Construction impacts will be minimized by fencing the ROW where it passes through riparian vegetation to prevent temporary disturbance outside the construction limits. Construction staging areas will not be placed in riparian areas. • All disturbed areas within riparian areas not occupied by permanent facilities will be revegetated with appropriate native species. • Riparian areas disturbed during construction will be stabilized as soon as possible. • Trees removed during construction will be replaced at a 1:1 ratio. Shrubs will be replaced based on their pre-construction aerial coverage. All replacement trees and shrubs will be native species. • Replacement habitat will be provided for unavoidable impacts through enhancement of existing habitat or restoration of riparian habitat on floodplains. • Restoration of riparian woodland and shrub land will be included in design of wetland mitigation areas to provide vegetated buffers and increased habitat diversity and value. • Noxious weeds will be controlled during construction and habitat restoration. • Monitoring during and following construction will be implemented to identify new weed infestations and to evaluate the effectiveness of weed control methods. • Silt fencing and other BMPs will be used to prevent degradation of habitats adjacent to construction area.
Noxious Weeds	<ul style="list-style-type: none"> • Following construction, CDOT maintenance crews will provide for control of noxious weeds within the CDOT ROW on an as-needed basis. • CDOT will develop a project-specific noxious weed management plan to be implemented during construction. The plan will include results of a noxious weed inventory, identification of weed management goals and objectives, and preventive and control measures: <ul style="list-style-type: none"> – Noxious weeds observed in and near the construction area at the start of construction will be treated with herbicide or physically removed. The presence of protected species may limit the method of treatment. – Contractors’ vehicles will be washed before they are used for construction to ensure they are free of soil and debris capable of transporting noxious weed seeds or roots. – Periodic surveys will be conducted during construction to identify and treat noxious weeds. – Topsoil used for reclamation will be free of noxious weeds or will be treated prior to use. – Disturbed areas will be reclaimed and seeded as soon as construction of the individual areas is finished. – Fertilizer will not be used in seeded areas. – Certified weed-free mulch will be used for reclamation, and weed-free straw bales, where specified, will be used as sediment barriers.

**Table 4.1
Summary of Mitigation Measures**

Category	Principal Mitigation Measures
Wildlife and Fisheries	<p><i>Wildlife</i></p> <ul style="list-style-type: none"> • To increase habitat connectivity across the highway and decrease animal-vehicle collisions (AVCs), 19 “multi-use” wildlife underpasses sized appropriately for deer and elk use (see Section 4.11.7, Mitigation, of the FEIS), will be installed. Once installed, the multi-use wildlife underpasses will be monitored for a minimum of 3 years post-construction to evaluate their effectiveness. • Fencing will be installed in association with multi-use wildlife underpasses to help guide deer and elk to crossing areas. Fenced areas will incorporate one-way earthen escape ramps to prevent animals from becoming trapped on the wrong side of the fence. Additionally, crash gates or sections of removable fence will be installed between underpass locations to provide gaps in the fence in the event that an extreme weather event traps animals in areas where they cannot access underpass locations. • To ensure that locations of wildlife crossings will be suitable in the future as development occurs and projects are designed and constructed in the project corridor, CDOT will continue to collect data on roadkilled wildlife to identify trends in locations of AVCs. The site-specific locations of the multi-use wildlife underpasses will be determined in consultation with CDOW as part of final design. • Culverts 3 to 5 feet in diameter will be installed every 500 to 1,000 feet to increase habitat connectivity across US 160 for small- to medium-sized mammals. Culverts will be partially buried to accommodate a natural substrate floor. The numbers and site-specific locations of culverts will be determined in consultation with CDOW during final design. • Prior to each phase of construction, CDOT will coordinate with CDOW to identify specific areas along the highway that are particularly problematic crossing areas for small to medium-sized mammals and herpetofauna. Appropriate fencing will be installed in these problem crossing areas to guide small mammals and herpetofauna to the culvert openings. • Raptor nest surveys will be completed prior to start of construction to identify active nests. If nests are located in the study area, protective buffer zones will be established around active nests during construction to avoid disturbance to individual birds while nesting. • Individual raptor perch trees and tall snags will be avoided to the extent possible, and raptor perch trees that are removed will be replaced at a 2:1 ratio, or as specified by state and federal wildlife agencies. Perch poles will be placed at a 1:1 ratio for raptor perch trees to mitigate for the temporary loss of perching opportunities until replacement perch trees mature. • Vegetation removal activities will be timed to the extent possible to avoid the migratory bird breeding season (April 1 through August 15). Areas that must be scheduled for vegetation removal between April 1 and August 15 shall be surveyed for nests and approved by a qualified biologist prior to the initiation of work. Appropriate inactive nest removal and hazing/exclusion measures shall be incorporated into the work to avoid the need to disturb active migratory bird nests. • Any demolition or structural work on existing bridge structures will be scheduled to the extent possible between August 16 and March 31 to avoid impacts to nesting swallows. If bridge work must begin after April 1, nest surveys will be conducted prior to April 1 to determine if inactive nests are present. Appropriate hazing/exclusion measures or inactive nest removal will be used prior to the nesting season if nests are present to ensure that no active nests are disturbed during demolition and construction activities.
	<p><i>Fisheries</i></p> <ul style="list-style-type: none"> • To protect spawning fish and reduce the potential for whirling disease, construction equipment will not enter the river channel from April 1 through June 30, and September 1 through November 30 unless specifically authorized using mitigation measures developed under the required SB 40 Certification from the CDOW. • Any riparian vegetation removed as a part of the project will be replaced with similar native vegetation. • Water quality BMPs will be implemented during project construction. • CDOT will delineate sensitive habitat after construction to avoid direct impacts from maintenance operations. • Per SB 40, CDOT will be required to consult with CDOW on impacts to streams, as well as preparing an individual application for SB 40 Wildlife Certification.

**Table 4.1
Summary of Mitigation Measures**

Category	Principal Mitigation Measures
Threatened, Endangered, and Sensitive Species	<p><i>Bald Eagles</i></p> <ul style="list-style-type: none"> • Raptor nest surveys will be conducted within 0.5 mile of the construction area prior to starting construction of specific highway segments. If an active or inactive nest is identified, a 0.5-mile buffer will be required around the nest, and seasonal restrictions on construction in the area will be implemented. Seasonal restrictions will coincide with the bald eagle breeding season (November 15 to July 31), and human encroachment will be prohibited within the 0.5-mile radius of the nest between these dates. • Nocturnal roost surveys will be conducted within 0.25 mile of the construction area prior to starting construction on specific highway segments. Construction activity will be restricted within 0.25 mile of active nocturnal roost sites between November 15 and March 15, if bald eagles are present. • Perch and roost trees removed during construction will be replaced at a 2:1 ratio with an appropriate tree species such as cottonwood. <p><i>Southwestern Willow Flycatcher</i></p> <ul style="list-style-type: none"> • Surveys in suitable habitat will be required annually to determine presence or absence of southwestern willow flycatchers if habitat will be affected or when construction will occur within 0.25 mile of affected habitat. Construction buffers will be required around active nest areas or within 0.25 mile of any occupied habitat. • To minimize potential impacts to breeding southwestern willow flycatchers, the USFWS requires removal of unoccupied suitable nesting habitats outside of the breeding season (between May 1 and August 15). Construction activities that begin in an area prior to May 1 in documented unoccupied habitat will not adversely affect southwestern willow flycatcher nesting location choice. • Removal of documented unoccupied suitable nesting habitat will be replaced at a 2:1 ratio. The replaced habitat will be monitored annually for at least three years or until vegetation has been deemed successful by the USFWS (See Appendix H, Biological Assessment, Biological Evaluation, and Biological Opinion, of the FEIS). • CDOT will map and flag suitable southwestern willow flycatcher habitat prior to construction and inform contractors and CDOT employees to avoid direct impacts from construction and maintenance activities. • CDOT will comply with the additional Reasonable and Prudent Measures and non-discretionary Terms and Conditions of the USFWS BO for the project dated February 3, 2006 (see Appendix H, Biological Assessment, Biological Evaluation, and Biological Opinion, of the FEIS). <p><i>Yellow-billed Cuckoo</i></p> <ul style="list-style-type: none"> • Surveys for presence/absence of yellow-billed cuckoos shall be conducted annually for two years prior to each construction phase in potential habitats along the Florida and Los Pinos rivers. • If surveys determine yellow-billed cuckoos are present, seasonal restrictions will be implemented on construction activities to avoid removing nesting habitat or disturbing nesting yellow-billed cuckoos (May 1 to September 15). CDOT will coordinate with USFWS and CDOW to determine an appropriate seasonal buffer distance from an active nest. Buffers will be required around active nest areas or within 0.25 mile of habitat. <p><i>Knowltons Cactus</i></p> <ul style="list-style-type: none"> • Annual field surveys shall be conducted in suitable habitat to document individuals and populations to avoid impacts. Surveys shall be within one year prior to construction and USFWS consultation is required if impacts cannot be avoided. <p><i>Western Burrowing Owl</i></p> <ul style="list-style-type: none"> • Surveys for the presence of burrowing owls will be conducted annually in suitable habitat prior to each construction phase. If nesting burrowing owls are observed, seasonal restrictions will be implemented (April 15 – July 15). A seasonal 225-foot construction buffer zone will be required around any active nest. Surveys shall be conducted within 1 year prior to construction.

**Table 4.1
Summary of Mitigation Measures**

Category	Principal Mitigation Measures
Threatened, Endangered, and Sensitive Species <i>(continued)</i>	<p><i>Sensitive Mammals</i></p> <ul style="list-style-type: none"> To mitigate potential impacts to roosting Yuma myotis, surveys will be conducted by a qualified biologist for roosting bats under bridges and in cliff swallow nests prior to initiation of any bridge work. If roosting Yuma myotis are present, CDOT will coordinate with BLM to develop a mitigation strategy for the species. <p><i>Sensitive Amphibians</i></p> <ul style="list-style-type: none"> Wetland mitigation will help mitigate any northern leopard frog or New Mexico spadefoot toad habitat removed. <p><i>Sensitive Plant Species</i></p> <ul style="list-style-type: none"> During final design, field surveys for sensitive plant species will be conducted in sagebrush and piñon-juniper habitats that will be impacted by construction activities. Appropriate mitigation actions will then be taken to avoid any sensitive populations found in surveys. Surveys for green sedge, Philadelphia fleabane, and wood lily will be combined with any subsequent wetland work completed for the project. <p><i>Colorado River Fish</i></p> <ul style="list-style-type: none"> Construction of the US 160 realignment will not utilize water from rivers and streams in excess of 44.6 acre-feet (the estimated project water consumption) in accordance with the biological opinion (BO) issued by USFWS. Further consultation will be initiated with USFWS if this amount is exceeded. As required by the BO, FHWA retains jurisdiction to re-initiate Section 7 consultation in the event that the recovery program for Colorado pikeminnow and razorback sucker is unable to implement the flows identified for recovery in a timely manner.
Historic Preservation	<ul style="list-style-type: none"> Once final design is complete, CDOT will ensure that all areas not surveyed during the initial fieldwork are subjected to intensive pedestrian surveys prior to construction. If any newly discovered resources are determined eligible for the NRHP, then appropriate mitigation measures will be developed in consultation with the State Historic Preservation Office (SHPO), BLM, and the tribes (if they are on lands that they administer), and implemented prior to construction in those areas. Coordination between CDOT and representatives of the Southern Ute Indian Tribe (SUIT) will continue regarding potential medicinal plant locations and site 5LP2223. Treatments for the irrigation ditches include a public education and interpretation signage program as well as Level II recordation for segments 3 and 4 of the Thomas Epperson Ditch (5LP5669). Ditch segments 5LP5659.3 and 5LP5659.4 will likely be crossed by completely new roadway crossings adjacent to existing roadways. To mitigate these impacts, these ditch segments will be recorded prior to construction so there will be a permanent record of their present appearance and history. Additional data will be collected at archaeological site 5LP5677 to assist with an official determination of eligibility. An MOA specific to 5LP5677 was executed in April 2006 by FHWA, CDOT, SHPO, and two consulting Native American tribes. If the site is determined eligible for the NRHP, data recovery excavations will be conducted to appropriately mitigate the adverse effect of construction. As per CDOT standard specifications, in the event that cultural deposits are discovered during construction, work will cease in the area of discovery, and the CDOT archaeologist will be notified. The construction contractor will be responsible for informing all persons associated with a project that they will be subject to prosecution for knowingly disturbing any cultural resources or for collecting artifacts. Construction activity in the vicinity of site 5LP1131.8 will be monitored by CDOT to ensure site avoidance and to minimize the potential for adverse effect. As requested by the BLM, clearing, grubbing, and surface stripping activities within 200 feet of site SLP6490, which is not eligible, will be monitored by CDOT. Final design will take into consideration the use of retaining walls and other measures to minimize the impact to the abandoned railroad grade (5LP1131.8) in the Grandview section. Use of retaining walls and other design options will be examined at locations where ditches are crossed by the project to minimize property easements or ROW purchases.

**Table 4.1
Summary of Mitigation Measures**

Category	Principal Mitigation Measures
Paleontological Resources	<ul style="list-style-type: none"> • Construction impacts to the fossil locality east of the Florida River will be mitigated by excavation of a statistically valid representative sample of the contained fossils prior to construction. • Prior to any construction project, ground reconnaissance for paleontological resources will be conducted in portions of breakout projects not previously examined. If any scientifically significant fossil localities are located in any of those previously unexamined portions, mitigation measures will be developed for and implemented at those localities, prior to or during construction, as appropriate. • If fossil materials are exposed during any construction activities, work will stop in the area of the discovery and the CDOT paleontologist will be notified. The CDOT paleontologist will be given the opportunity to assess the significance of the discovery prior to the resumption of construction activities.
Hazardous Waste Sites	<ul style="list-style-type: none"> • Contractor hazardous waste management plans will include safety measures developed for protection of workers and the public while doing this work and during construction if hazardous materials/waste are encountered. • Potential mitigation measures may include, but are not limited to, excavation and removal, in-situ and ex-situ treatment, and enhanced natural attenuation/bioremediation. • Disposal of roadway structures potentially coated with lead-based paint will be performed according to CDOT standard specifications. • Fill material derived from areas that could be impacted by hazardous materials sites or are suspected of being contaminated will be tested as necessary to ensure that contaminated materials are not redeposited within CDOT ROW.
Visual Resources	<ul style="list-style-type: none"> • Sizes of cut-and-fill slopes will be minimized and the cut line blended into the existing terrain. • Revegetation will occur as soon as possible after construction of the individual area to stabilize soils and reduce visual contrasts. • Retaining walls and bridges will include design features to add to the scenic quality of the built area. • Architectural design guidelines for the project will be developed. • Removal of adjacent roadside vegetation will be minimized where possible. Areas that lose vegetation providing important visual screens will be revegetated with plant species (trees and shrubs) that serve the same function. • The original US 550 roadway at Farmington Hill will be removed and revegetated with native species, including shrubs and trees.
Energy Consumption	<ul style="list-style-type: none"> • On-site material will be used to the extent possible to reduce haulage requirements. • Vehicles will be maintained to help maintain maximum efficiency. • Design of construction access roads and location of construction staging areas will minimize distances traveled by construction vehicles to the extent allowed by environmental constraints.
Geology and Soils	<ul style="list-style-type: none"> • Excavated soils or materials will be used within the project, if possible, so as to disturb less ground area. • Temporary and permanent retaining structures and other engineering controls (e.g., rock fall mesh, retaining walls) will be incorporated to increase slope stability. • Native topsoil will be replaced with on-site soils of similar or same type to the appropriate depth for fill areas of cropland and wetlands. • Drainage structures will be used to prevent erosion and runoff into sensitive areas and areas outside the ROW. • Necessary permits will be obtained, and requirements of the NPDES process will be addressed. • A stormwater management plan that prescribes BMPs will be prepared and implemented for each project. • Temporary BMPs will be used in all phases of construction to reduce impacts from sedimentation and erosion. • Permanent BMPs will be installed as early in the project as possible. • Potentially contaminated soils will be tested for hazardous constituents prior to being used as fill.

**Table 4.1
Summary of Mitigation Measures**

Category	Principal Mitigation Measures
Construction	<ul style="list-style-type: none"> • Mitigation measures implemented during construction will include: <ul style="list-style-type: none"> - Follow all FHWA and CDOT regulations and guidance regarding worker and public safety in effect at the time of construction. - Maintain access to businesses and residences at all times. - Use BMPs to reduce impacts from dust emissions, sedimentation, and erosion. - Perform construction vehicle maintenance and refueling operations at a designated area away from sensitive wildlife habitat, wetlands, and waters of the US. - Coordinate with other public and private entities in a public information effort. - Provide adequate public notices through newspapers and local signs to warn motorists of future detours and road closures. - Provide temporary signage to business entrances during construction to draw attention to highway access points. - Ensure emergency vehicle access at all times during construction. - Plan the shortest, most direct detours with adequate signage. - Limit any major disruption of traffic to off-peak hours as much as possible to alleviate congestion, and reduce highway capacity and economic impacts. - Minimize average delay times to the traveling public. - Place flaggers immediately adjacent to work areas to optimize traffic flow. - Employ dust control techniques, such as watering the construction-disturbed areas, to minimize air quality impacts during construction. - As required by 40 CFR 80, use low-sulfur and ultra low-sulfur diesel in construction vehicles.

The following measures could be used by local and state governments to mitigate cumulative environmental impacts in the corridor:

- Access controls – If an access control plan is determined necessary for a particular area, CDOT will work with the appropriate local entity to avoid and minimize impacts to wetlands and other sensitive environmental resources.
- Context sensitive designs.
- Local land use plans – The *Grandview Area Plan* will direct where and to what density development should occur in the Grandview area. The Plan recommends many measures that will mitigate for impacts to the environment including transfer development rights, creation of open space buffer zones, and greater pedestrian amenities and bike path improvements to promote alternative modes of transportation. Plans for other areas may be developed in the future.
- Growth management regulation – The City of Durango and La Plata County have established standards that regulate growth and require mitigation for impacts. These include requiring high density developments to provide for areas for open space within the subdivision (La Plata County) and supporting cost-effective habitat conservation strategies, such as dedications, targeted acquisition of land or development rights, and mandatory clustering of development (City of Durango).
- Resource management and preservation regulations – Through Section 404 of the Clean Water Act, the USACE regulates impacts to wetlands and requires mitigation. In addition, BMPs are required for water quality mitigation on federally funded projects under Phase II

stormwater regulations. The Four Corners Air Quality Task Force is studying the region's air quality issues and will develop a broad list of mitigation options.

- Land acquisition and conservation easements – The City of Durango has a land conservation program and encourages conservation easements for wetlands and other sensitive environmental resources.
- Development fees and exactions – The City of Durango has a series of fees for parks, schools, roads, sewer, and water.

Both FHWA and CDOT will monitor this project to ensure that mitigation measures contained in the ROD (and subsequent permits) are implemented. Copies of this ROD will be provided to responsible public agencies and CDOT project personnel. Commitments defined within this document will be implemented through the inclusion of these measures in the construction plans for the US 160 project.

5.1 SPECIFIC MONITORING REQUIRED BY MITIGATION MEASURES

Specific monitoring requirements have been identified as part of the mitigation measures noted above in Table 4.1 and described in Chapter 4, Environmental Consequences and Mitigation, of the FEIS. Prior to construction, CDOT will coordinate with FHWA to ensure that all mitigation commitments have been adequately addressed.

5.2 PERMITS

The permits and approvals listed below may be required for the US 160 project. Specifically, applicable permits will be identified during final design of each construction segment. For a full description of these permits, see Section 4.24, Permits, of the FEIS.

Land Use

- Construction Access Permits (permitted by CDOT)
- BLM Reservation for ROW

Water Resources

- Section 401 Water Quality Certification (permitted through CDPHE, Water Quality Control Division)
- Colorado Discharge Permit System (permitted through CDPHE)
- Construction Dewatering Permit (permitted through CDPHE)
- National Pollutant Discharge Elimination System Permit (permitted through CDPHE)

Air Quality

- Construction Permit/Fugitive Emissions Control Plan (in accordance with the Colorado Air Quality Control Commission Regulation No. 1, Part 3D, and Regulation No. 3, Applicable Permit Requirements)

Wildlife and Fisheries

- SB 40 Certification (permitted through CDOW)
- Migratory Bird Treaty Act Permit (permitted by USFWS)
- Incidental Take Permit (permitted by USFWS; required if any species listed under the Endangered Species Act are to be taken during construction activities)

Wetlands and Floodplains

- Clean Water Act Section 404 Permit (permitted by the USACE). In accordance with the NEPA/404 merger process, a Section 404 permit is being issued in conjunction with this ROD (see Appendix B, Section 404 Permit Materials).

- Federal Emergency Management Agency approval for bridges, culverts, or structures within the 100-year floodplain
- Floodplain Development Permit (permitted by La Plata County)

Historic Properties

- Section 106 Approval Process (coordinated with SHPO)

Construction Permits

- USACE Easements
- Other permits, such as:
 - Utility easements, permitted through appropriate utility company
 - Construction, slope, and grading permits as appropriate

Municipal or County Permits

- La Plata County may require additional permits for construction. These permits will be defined after the Preferred Alternative is adopted and may include:
 - Stormwater
 - Erosion control
 - Environmental permits

The Notice of Availability for the FEIS was published in the *Federal Register* on May 26, 2006 with a comment due date of June 26, 2006. A total of 21 comments were received from citizens and agencies during this period, including those submitted at a public hearing held on June 7, 2006 at Escalante Middle School in Durango, Colorado. According to sign-in sheets, a total of 53 people attended the hearing.

All comments received have been reviewed and responded to (see Attachment A to Appendix A, Comment Letters). A summary of the comments is shown in Table 6.1, Comment Index. None of the comments received required a change in the assessment of impacts, alternatives, or mitigation as presented in the FEIS and ROD. FHWA has considered all comments received on the FEIS in reaching decisions documented in this ROD.

**Table 6.1
Comment Index**

Comment Number	Commenter	Agency or Organization	Category	Comment
Federal Agency				
1	Larry Svoboda	US Environmental Protection Agency	Wetlands, water quality, air quality, cumulative impacts	Section 404(b)(1) compliance, cumulative impacts to wetlands, and mitigations plans
2	Neil Cloud	Southern Ute Indian Tribe	Cultural Resources	Determination of no effect
State Agency				
None				
Local Agency				
3	Dr. Rick Smith	Town of Bayfield	Engineering	Install traffic signal at the 160B/Buck Highway intersection instead of roundabout
Independent and Advocacy Organizations				
None				
Business and Commercial				
4	Stewart L. Leach	Skyway Auto Inc.	Access	Loss of public access to business would decrease access to business and property value
5	Jim Ellis	Narrow Gauge Mobile Home Park	Noise and wetlands	Requesting feasibility of noise wall at Narrow Gauge Mobile Home park and concerned about Long Hollow wetland impacts
Individuals – Verbal Comments				
6	Clarence Gohn		Miscellaneous	Downed trees in ROW
7	Jan Neleigh		Engineering	Objects to realignment of CR 223 due to high accidents, loss of wetlands, and loss of land use
8	Derek Smith		Traffic	Traffic speed at US 160 exit into Homestead Bay; requests tall vegetation between property and highway
9	Bob Brooks	Representing Harry Goff	Wetlands, access	Avoidance of wetlands; raised median cuts off access to CR 526 from US 160 (access to property)
10	Jan Neleigh		Engineering	Same as comment 7
11	Leroy Beaver		Engineering	Impacts to property between Gem Village and the US 160/US 160B intersection
12	Derek Smith		Traffic	Same as comment 8

**Table 6.1
Comment Index**

Comment Number	Commenter	Agency or Organization	Category	Comment
Individuals – Written Comments				
13	Scott and Teryl Wait		Engineering	Issues with future irrigation to property, wants to be included in CDOT's coordination with Florida Acres subdivision
14	Derek C. Smith		Traffic	Same as comment 8
15	Terri Belcher		Engineering	Wants bike path and/or wide shoulder width alongside US 160
16	Becky Smith		Engineering	Opposed to roundabout at 160B; wants a traffic light
17	Leroy Beaver		Engineering	Same as comment 11
18	Richard and Carol Cohen		Engineering, wildlife	Impacts to underground utilities and well on property; impacts to wildlife
19	Harry Goff		Wetlands, access	Avoidance of wetlands; raised median cuts off access to CR 526 from US 160 (access to property)
20	Jan Neleigh		Engineering, wetlands	Objects to realignment of CR 223; unstable slope above irrigation ditch along US 160; also same as comment 7
21	Charles H. Wallace		Engineering, visual resources	Wide, grassy ROW in Bayfield will not preserve properties on south side of Bayfield; mitigate the auditory and visual impacts to properties on the south side of US 160 through Bayfield

FEIS COMMENTS AND RESPONSES

Federal Agency Comments

Comment 1 (Larry Svoboda, US Environmental Protection Agency)

The US Environmental Protection Agency Region 8 (EPA) has reviewed the Final Environmental Impact Statement (FEIS) regarding proposed improvements to US Highway 160 from Durango to Bayfield, Colorado. EPA submitted comments on the Draft EIS on November 14, 2005. This letter reflects EPA's remaining comments based on FHWA and CDOT's responses to our November 14, 2005 comments, in the areas of wetlands, air quality, water quality, and cumulative impacts.

Wetlands and Waters of the US

We wish to thank FHWA and CDOT for considering our comments throughout the process, and modifying the project in several areas. Specifically, our comments on wetlands and 404(b)(1) guidelines have resulted in reducing wetland impacts in the Dry Creek and Gem Village areas. We also appreciate the commitments added to the summary of mitigation measures stating that CDOT will construct wetlands prior to, or concurrently with, impacts; and that the constructed wetlands will be monitored and protected in perpetuity. We are concerned however, with the process for reducing wetland impacts further. The response to our comments states that the estimated wetland impacts represent the worst case impact scenario and the best that can be done on a conceptual design basis. The impacts are subject to further reduction during detailed design, but it is unclear how this further reduction in impact will be communicated to the public

or EPA. The Public Notice regarding the placement of fill material in waters of the US had already been issued (Public Notice 200275568), and we support this merger of the 404 and NEPA processes. We are just unclear as to whether another public notice will be required at final design, to assess the least damaging practicable alternative. I am attaching EPA's comments to the USACE on the public notice, for your information.

CDOT has stated that it will use Potential Conservation Areas (PCAs), areas identified by the Colorado Heritage Program as important ecological preservation areas, as a surrogate for putting wetland acreage data into perspective. While this is very good information, and we appreciate their inclusion in the document, it is unclear how the PCA numbers can be interpreted. The document states that there are 16,166 acres of PCAs within La Plata County. The estimate of acres affected cumulatively in La Plata County is 543 acres. We would need more information to determine whether these acres are significant.

Air Quality

We also wish to acknowledge the inclusion of air quality measurement data from the Ignacio station and the information added on emission trends for VOCs, NO_x, and formaldehyde. The analysis of formaldehyde as a mobile source air toxic (MSAT) is helpful in assessing and comparing the potential impacts of the Highway 160 project alternatives and no action scenario. In addition, the analysis of NO_x and VOCs, which are ozone precursors, is useful information as ozone begins to impact less developed areas of Colorado. It is important to note that several of the assumptions made in the DEIS such as the assumption that MSATs would be reduced by 67 to 90 percent under all alternatives and the no action scenario, were found incorrect once the quantitative analysis was performed.

As noted in EPA's comments on the DEIS, EPA's position is that reasonable and informative methods of analysis of MSATs and risk assessment exist and can be performed. EPA is not suggesting that a risk assessment is warranted on this project, just that when warranted, it can be done. And while the operation of this project does not result in increases in toxics over the long term, the population in the area and people living near the roadway will be exposed to increased air pollution as a result of construction activity, increased fugitive dust, and oil and gas development in the vicinity. EPA suggests that due to this increased exposure, additional mitigation measures be instituted during construction. Significant steps for reducing construction dust and diesel emissions should be taken.

Water Quality

We wish to thank CDOT for the inclusion of information on both de-icers (Section 4.8.2.3) and local government's controls and plans to affect future growth (Section 4.23.17, Mitigation). Section 4.8.2.3 contains an excellent new discussion on de-icers, in response to EPA's comments. The information on trace metals measured in de-icers as well as the potential impacts de-icers can have on nearby waterbodies, is information that can be used in the future to model the impacts de-icers may have to nearby waterbodies, particularly if impaired waterbodies exist.

Cumulative Impacts

The inclusion of statements in section 4.23.9 relating to the significant increases in air pollution resulting from a large increase in oil and gas development in the project area is very useful in understanding the full picture of air quality impacts related to this project. It is important to note

that fugitive dust from the many new and existing paved and unpaved roads will be increasingly relevant as the proximity of people in urbanized areas to oil and gas development increases.

Section 4.23.17 discusses what some of the local governments area already doing to plan for future impacts from growth. This section contains good information and we commend CDOT for including the section in the final document. We cannot tell from this section whether these controls and plans the local governments have in place will be sufficient to avoid or minimize future indirect and cumulative impacts, but it is a good start. We would hesitate, however, to have these items titled mitigation unless there is an agreement in place that these things will happen and will mitigate for specific impacts.

Again, thank you for the opportunities you have provided for being involved in this project as it developed, and for your attention to our comments.

Attachment to EPA Letter (Comment on the Section 404 Permit)

We have reviewed the referenced Public Notice regarding the placement of fill material in waters of the U.S., including wetlands, in conjunction with a highway widening project in La Plata County, Colorado. The proposed project entails a “rural” highway design with extensive median widths, new intersection and interchange construction, and limited access frontage roads. The Public Notice identifies between approximately 16.2 and 20 acres of potential wetland losses resulting from the project.

We have also reviewed pertinent sections of the Final Environmental Impact Statement (EIS) regarding responses to the Environmental Protection Agency’s (EPA’s) concerns on the Draft EIS. The EPA has the following concerns and recommendations for your consideration of compliance with the Section 404(b)(1) Guidelines and the National Environmental Policy Act.

1. The federal and state 404/NEPA merger process used on this project assured that the LEDPA was not eliminated during the EIS process. However, because this is early in the design of the project, there may or may not be significant new information. The Public Notice does not identify how project impacts will be disclosed in the future to the resource agencies or the public once final engineering design is completed. It appears that in order for the least damaging practicable alternative to be adequately evaluated for compliance with the Section 404(b)(1) Guidelines, another Public Notice will need to be sent out for public comment and review. Final engineering may be needed to more accurately assess less damaging practicable alternatives considering such things as retaining wall designs v. slope designs, median widths with potential improved technologies, changing landscape considerations, etc.
2. With final engineering designs, more specific details on direct impacts may be disclosed but more details may be evaluated concerning indirect and future cumulative impacts. Phasing the Section 404 permit over an extended time period presents opportunities for County PUD approvals and other RFD considerations under NEPA. We believe these indirect and cumulative adverse impacts should be evaluated and disclosed with future phasing and design of the highway project.
3. Further, we believe that a permit should not be issued until mitigation plans are reviewed by EPA and the resource agencies and should required to be implemented prior to construction. Without information regarding the location, types, and size of the wetland complex, we believe that the making a determination of compliance at this time is not warranted.

We understand that future phases of this project may take many years to design, fund and construct. However, we would request that the Corps consider future phases and adverse impacts to aquatic resources as opportunities for a more critical review of alternatives related to design work and landscape changes (i.e., development). We are willing to assist in the review of these future phases especially in the more controversial sites, including the Dry Creek area.

The Corps has taken a very active role in reviewing this EIS with continued effort towards avoiding and minimizing adverse effects to aquatic resources. We applaud your active participation in dealing with difficult design and land-use issues. If you have any questions or concerns regarding these comments, please feel free to contact me at 303-312-6192.

Response 1

Wetlands and Waters of the US

The FEIS and Section 404 permit application disclose all anticipated impacts to wetlands and other waters of the US based on the current design. Future design is intended to reduce impacts through avoidance and minimization measures. If additional impacts are discovered, the USACE would consider what public involvement activities are appropriate for the situation, ranging from a Letter of Permission (LOP) to a Public Notice. If the USACE determines that changes in impacts are significant, a public notice will be issued. In addition, a supplemental EIS would be required if changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS. This would result in additional public involvement, including an additional public notice.

Irrespective of future public involvement requirements, FHWA and CDOT will continue to coordinate with USACE and EPA on final design and development of detailed mitigation plans in future phases of construction. CDOT will communicate further reductions in impacts to wetlands and other waters of the US by providing detailed design plans to USACE and EPA.

Potential conservation areas from the Colorado Natural Heritage Program (CNHP) were used in the FEIS because no other comprehensive wetland data was available for La Plata County. As stated in the FEIS, these areas are described as land areas that can provide the habitat and ecological needs upon which a particular element or suite of elements depends for their continued existence. When delineating potential conservation area (PCA) boundaries, the best available knowledge of each species' life history was used in conjunction with information about topographic, geomorphic, and hydrologic features, and vegetative cover, as well as current and potential land uses (CNHP 2003).

Using the PCA data provides a worst-case scenario, as it assumes that all wetlands within the reasonably foreseeable development would be impacted and not replaced. However, most of these wetlands are protected by Section 404 of the Clean Water Act, which requires avoidance and minimization of impacts to wetlands as much as practicable. If impacts cannot be avoided or minimized, it is likely that some portion would be mitigated. Therefore, impacts to wetlands are likely to be less than the estimate contained within the FEIS.

Air Quality

We appreciate your comments regarding the addition of air quality measurement data and the analysis of formaldehyde, nitrogen oxide (NOx), and volatile organic compounds (VOCs). As you mention, this analysis does not show an increase in toxics over the long term. However,

additional mitigation measures have been added to Table 4.1, Summary of Mitigation Measures, to reflect your comment regarding increased air pollution as a result of construction activity, increased fugitive dust, and oil and gas development. These include the use of low dust surfaces and low-sulfur fuels during construction.

Water Quality

Comment noted.

Cumulative Impacts

As there is not a specific agreement in place to implement the cumulative impact mitigation measures, these measures were removed from Table 4.1, Summary of Mitigation Measures. However, because they are existing local and state policies, and can apply as potential mitigation measures, these measures are included in the mitigation section following Table 4.1, Summary of Mitigation Measures.

Attachment to EPA Letter (Comment on the Section 404 Permit)

We appreciate your continued involvement in the US 160 project and Section 404 permit. FHWA and CDOT will continue to coordinate with USACE and EPA on final design and development of detailed mitigation plans in future phases of construction as described in the Section 404 permit.

- 1) The FEIS and Section 404 permit application disclose all anticipated impacts to wetlands and other waters of the US based on the current design. Future design is intended to reduce impacts through avoidance and minimization measures. If additional impacts are discovered, the USACE would consider what public involvement activities are appropriate for the situation, ranging from a LOP to a Public Notice. If the USACE determines that changes in impacts are significant, a public notice will be issued. In addition, a supplemental EIS would be required if significant changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS. This would result in additional public involvement, including an additional public notice.*

During the EIS process, the preliminary alternatives were subjected to a screening process that considered factors necessary in selecting the Least Environmentally Damaging Practicable Alternative (LEDPA) for Section 404 permitting. Consistent with these requirements, alternatives were eliminated if they did not meet the purpose and need and therefore were not practicable. Alternatives were also eliminated and not considered to be practicable based on logistics or cost, or if they had greater environmental consequences to the aquatic ecosystem and natural environment. Based on this screening, which was consistent with requirements of Section 404 of the Clean Water Act, two alternatives were advanced for detailed analysis in each section of the US 160 EIS. A preferred alternative was identified for each section, based on social and environmental criteria, again including logistics, cost, and environmental consequences. In three of the four sections, the preferred alternative has less impact to wetlands than the other advanced alternative and therefore is considered to be the LEDPA because of having the least amount of impacts to the aquatic environment. In the Dry Creek and Gem Village Section, Alternative H (Preferred Alternative) has more impacts to wetlands than Alternative C. However, Alternative C would have 15 residential relocations and

nine business relocations, as compared to eight residential relocations and no business relocations for Alternative H. With these relocations, Alternative C would remove approximately 50 percent of the Gem Village downtown district. This would result in adverse impacts to community cohesion in Gem Village. For these reasons, Alternative C was determined to be not practicable based on logistics and Alternative H (Preferred Alternative) is considered the LEDPA.

In a letter dated May 10, 2006, the USACE concurred that the Preferred Alternative appears to be the LEDPA contingent upon several conditions. These conditions include further avoidance and minimization of impacts to waters of the US, including wetlands, during the design phase of specific construction projects. These avoidance and minimization measures are design options to further reduce impacts, not an alternatives analysis that would require re-evaluation of the LEDPA.

Retaining walls, median width reductions, and changing landscape conditions have already been considered in the alternatives described in the FEIS. In Wilson Gulch and Dry Creek, retaining walls have been incorporated into the design to minimize impacts to wetlands; in Dry Creek the median width has been reduced from 46 feet to 36 feet, also specifically to reduce impacts to wetlands. Changing landscape conditions, including reasonably foreseeable developments in the corridor, were disclosed in the FEIS. A mitigation commitment is made in the FEIS and ROD to obtain access control lines along the entire corridor and, where feasible, restrict access through wetlands and waterways while providing for reasonable access.

- 2) Indirect and cumulative impacts were evaluated in the FEIS. A supplemental EIS would be required if it is determined that (1) changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS, or (2) new information or circumstances relevant to environmental concerns and bearings on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS (23 CFR 771.130). Prior to each construction phase, the USACE will evaluate whether a major modification to the Section 404 permit is required. At that time, FHWA, in conjunction with CDOT, will also evaluate whether a supplemental FEIS is required. Indirect and cumulative impacts would be re-evaluated and reassessed for any supplemental EIS or major modification to the Section 404 permit.*
- 3) A conceptual mitigation plan, including proposed mitigation areas, was included in the FEIS and Section 404 permit application. The conceptual mitigation plan shows areas of mitigation based on site selection in areas that are suitable and contiguous with other wetland areas while providing the greatest benefit to the ecosystem on a watershed basis. Prior to each phase of construction, a detailed mitigation plan will be submitted by CDOT to USACE for review and approval. The USACE will then distribute the detailed mitigation plan to other agencies, such as EPA, for review, as appropriate. This will ensure appropriate and functional replacement of wetland impacts. The proposed mitigation will be implemented prior to or in conjunction with construction.*

*Tribes**Comment 2 (Neil Cloud, Southern Ute Indian Tribe)*

I have reviewed your Consultation Request under Section 106 of the National Historic Preservation Act regarding the proposed communications tower construction project referenced above and offer the following response as indicated by the box that is checked and my initials.

I have determined that there are no properties of religious and cultural significance to the Southern Ute Indian Tribe that are listed on the National Register within the area of potential or that the proposed project will have no effect on any such properties that may be present.

Response 2

Comment noted.

State Agency Comments

None received.

*Local Government Comments**Comment 3 (Dr. Rick K. Smith, Town of Bayfield)*

As we discussed at the June 7th meeting, here are my written comments on the Bayfield section of US 160. The Town of Bayfield (TOB) has a master street plan that supports the flow of traffic in and around Bayfield including connectivity across Hwy 160. This plan includes a signal intersection at the east end of 160B at the point it connects to 160. TOB has already secured 90% of the right-aways North from that point creating a traffic flow North and South of Hwy 160. This connection also moves North with 3 connections (cross streets) to the west to Mountain View and Dove Ranch Road. The overall effect would be less pressure on Commerce Dr./Hwy 110 and CR501/Hwy 160. The remaining point would be the use of a signal at the 160B/Buck Hwy intersection as opposed to a round-about. The Town has every intent of taking over 160B in the future as our Frontage Rd. south side of Hwy 160. We would respectfully request that the round-about not be part of the 8-Corners solution. Thank you.

Response 3

CDOT and FHWA appreciate the efforts the Town of Bayfield has made toward increasing connectivity across US 160 and agree that increased flow on the north side of US 160 at the US 160/US 160B (east) intersection would likely lessen the impact to the US 160/Commerce Drive intersection, and decrease the potential for safety hazards. An access permit will be required for the northern connection to US 160 at the US 160/US 160B (east) intersection. If a signal is proposed as part of the improvements, a Traffic Impact Study will be required. CDOT will work with the Town of Bayfield and evaluate this through the access permitting process.

A roundabout at the US 160B/CR 521 (Buck Highway) intersection would perform better than intersection alternatives at this location and is the best design for this area at this time. Because of the close proximity to US 160 (400 feet), an intersection at this location under stopped conditions would cause vehicles to back up onto US 160, creating safety and congestion

problems on US 160. The roundabout would avoid the safety problems of traffic stacking onto US 160, US 160B, or CR 521. The roundabout was designed to accommodate semi-trailer trucks that may need to access the south part of Bayfield.

If, at some point in the future, the Town of Bayfield assumes responsibility for US 160, the decision to construct a roundabout in this location could be revisited.

Independent and Advocacy Organizations

None received.

Business and Commercial

Comment 4 (Stewart L. Leach, President, Skyway Auto Inc.)

I have reviewed the most recent construction plans for the US 160/ US 550 interchange and the western side of the Grandview area. The “preferred alternative” represents serious detrimental effects for Skyway Auto Inc. Loss of workable public access would significantly decrease business and property value of my company. This loss would require relocation or closure of Skyway Auto Inc.

Established in 1998, Skyway Auto Inc has an established trend of profitability and growth for more than eight years. Visibility and direct access have been key in this positive growth. Making the only access to the business more than 7/10th of a mile away (at three springs intersection), completely out of sight of potential customers, would be disastrous. This “preferred alternative” is anything but preferred by this business owner. Touting this alternative as “providing an additional access point to Grandview”, when in fact, many established access are closed, is at the very least, inaccurate. Other studied alternatives, included an intersection at the west end of CR232. That design would be much more preferred than the plan being presented currently.

Closing direct visible access to Skyway Auto Inc. would be disastrous. This is not a plan for future growth, but an established business, providing a sole source of support to several local residents. The current plan must not be accepted as now presented at the “issue record of decision” point of this process. The current plan would represent the end of Skyway Auto Inc., as it now operates. Without alteration, C-DOT acceptance of the current plan would require Skyway Auto Inc. to seek a settlement, for loss of an established business.

With the exception of bulk mailers, there has been no direct contact to Skyway Auto Inc. Having received a blue card in the mail, I called to find out the date (missing from the card), and attended the June 7th 2006 meeting. That was the first time I had seen the “preferred alternative”. This is why there has been no prior correspondence from Skyway Auto Inc. Please respond to these concerns as soon as possible.

Response 4

Access control is a fundamental part of the purpose and need of the US 160 project. Increasing population growth, along with associated development, increased traffic volumes, and an increase in the number and severity of accidents along US 160 support this need for access control. In particular, the Grandview area is experiencing tremendous growth, resulting in the

proposed interchanges on US 160 with US 550 and CR 233 (west). Access to Skyway Auto, Inc. will be maintained through the use of an access road from the US 160/CR 233 (west) interchange. Visibility to Skyway Auto, Inc. from US 160 will be maintained. No alternatives considered in the EIS process, including the initial feasibility alternatives, proposed an intersection or interchange at the US 160/CR 232 (west) intersection, as this location is too close to either the proposed US 160/US 550 (south) interchange to the west or the US 160/CR 233 (west) interchange to the east.

Our records indicate you were sent a notice of the Draft Environmental Impact Statement (DEIS) publication and public hearing, as well as the FEIS. In addition to postcard mailers, notices were placed in public places and published in local newspapers. At the DEIS public hearing held on October 13, 2005, Alternative G Modified was presented as the preferred alternative for the Grandview area. If acquisition of your property is necessary as a part of the US 160 project, you will be compensated in compliance with the Uniform Act.

Comment 5 (Jim Ellis, Owner, Narrow Gauge Mobile Home Park)

I own Narrow Gauge Mobile Home Park, and I do appreciate the fact that we got -- saved 14 homes and got our entrance resolved. A comment I have about Narrow Gauge. I know when the highway is widened, it's going to come very close to the back of probably seven or eight of the units that are in there coming up the hill going east. And I noticed when they widened the road in Grandview, I think it was around Lillybell Mobile Home Park or the Mountain View Park or something in there, that they did put a fence in to try to keep some of the noise down, and I would like to see something like that done in planning when this -- you know, when this happens.

Another comment. We also own property west of the mobile home park. There's a subdivision in there. And then down below that we -- in fact, we own the property that Long Hollow goes down through. And the drawings that I've seen now for the extension of County Road 222 off of 510 has changed since the last time we looked at that. It looks like that they've moved it further to the east, and that's going to make it quite difficult for us dealing with Long Hollow and whatever we're going to have to deal with, too, as far as that's -- I don't know how much of it's been considered wetlands, but hopefully not all of it is wetlands. But I would like to talk to somebody about that.

Response 5

Noise abatement strategies are considered when the continuous noise levels meet or exceed CDOT's Noise Abatement Criteria (NAC) values. Noise walls for the Preferred Alternatives and other action alternatives were analyzed at residential locations, including Narrow Gauge Mobile Home Park, to determine the feasibility and reasonableness of installing a wall. Narrow Gauge Mobile Home Park did not meet or approach the NAC threshold, therefore, a noise mitigation wall is not considered reasonable and feasible at this location.

The extension of CR 222 shown is the same location as that shown in the draft EIS. The project does have minor impacts to 0.01 acre of jurisdictional wetlands where CR 222 crosses Long Hollow, north of CR 510. Additionally, 0.88 acres of wetlands would be impacted where Long Hollow crosses US 160. These impacts would be mitigated through wetland mitigation sites near these locations.

CDOT will make every attempt to maintain the existing access to your property near Long Hollow, either through an access road, the CR 225 connector, or at individual access locations on US 160. If it is not possible to maintain the existing access, then you will be compensated in compliance with the Uniform Act. A CDOT representative will contact you to discuss this issue further.

Individual Comments (Verbal)

Comment 6 (Clarence Gohn)

Clarence Gohn, G-O-H-N, 28146 Highway 160. The only thing I have to say is, when the highway went through before, they went through and cut down the old dead trees. They're still laying in front of my house along the right-of-way. It's a very bad fire hazard. If that's the way it's going to be, it's not going to work from here to Bayfield. That's all.

Response 6

The downed trees are a result of the recent construction project in Grandview. A CDOT representative will contact you to address this issue.

Comment 7 (Jan Neleigh)

My name is Jan Neleigh. I live near US Highway 160. I live right where you have the beautiful wetlands. The last picture we saw tonight of the high-quality wetlands on 160 close to Gem Village are on my property, and they were described that way last time, and I did comment last time the same thing that I have commented for 20 years before and I'm going to comment on again tonight. There is a very bad, dangerous intersection where 223 enters 160, where I've watched so many accidents in the years that I've lived there that I would be hardput to tell you, but I think at this point hundreds, not dozens. They aren't all bad, and I think part of that is because the intersection is so lousy that those of us who live out there are very careful. Some 30 years ago I talked to the county about giving them land to straighten out 223 and bring it into highway 160 at a T intersection between where it is now and a driveway. I offered the land for free because I was concerned enough with the danger of that intersection. In the years since then, I've talked to numerous sets of people who work for the highway department about my concern about the safety. At the last meeting that I did comment on this, the road had been moved from the configuration that I had offered for years and years that would have been very safe because they were concerned that it went through wetlands. The wetlands are a direct part of the fact that I irrigate there, and I'm irrigating on shale. And water does drop down and travel also under the road there. With the way that the proposal now places the intersection of 223 at 160, it would be cutting across diagonally a piece of property that would make a whole piece of it utterly useless. It would still go through some wetlands. And it would leave me with a piece of land I would no longer have any excuse for irrigating. It wouldn't be any good to me for animals, certainly, and I can't think of anything else I'd use it for. So the wetlands that they're trying to save would probably all disappear because I'm not going to irrigate it if it doesn't do me any good. I have suggested in the past, and I will say again tonight on the record, as I already have for the recording, that I am very willing to replace those wetlands with others on my property. I know where that is possible. I have offered to do it. I am extremely disturbed by the

fact that they have a total disregard for not only my having commented on this for years in the past at numerous meetings and with various people on site -- I've walked it with many people from the highway department for years.

It needs to be changed, but it can be changed without being terribly damaging to me or the wetlands, because I'm very willing to work with them on replacement of wetlands. But the configuration right now disturbs me because I feel as if I've been talking to myself for the last 30 years. Thank you very much.

Response 7

Both the horizontal curves and vertical grade of the existing US 160 will be changed as part of the reconstruction. All proposed intersections along US 160 will meet the required design criteria, such as sight distance and slopes. The US 160/CR 223 (east) intersection was shifted to reduce impacts to high-quality wetlands in the Dry Creek area in response to USACE and EPA requirements to avoid and minimize impacts to high quality wetlands. While it is possible that these wetlands are a result of irrigation, they could be supported by other water sources, such as shallow alluvial groundwater or surface water from Dry Creek.

During final design, CDOT will make every attempt to maintain access to your property on both sides of the proposed CR 223, including during and after construction. Landowner issues related to pasture access for livestock and horses may be addressed through construction of permanent crossings where feasible from an economic and engineering standpoint. If it is not possible to maintain the existing access, then you will be compensated in compliance with the Uniform Act.

In addition to relocation of the US 160/CR 223 (east) intersection, fencing along the highway is planned and wildlife crossings will be installed west and east of the proposed intersection within approximately 1/4 to 1/2-mile.

Comment 8 (Derek Smith)

My name is Derek Smith. I'm at 1330 Homestead Drive in Homestead Bay subdivision. My concerns are the same kind. There will be an interchange -- or not an interchange, but an intersection directly off of 160 into the subdivision where I'm currently living just east of Homestead Bay. They're planning on developing a lot more houses out there, and there will be more than just a couple of access points to Homestead Bay, and our house will be the closest one to the intersection. My wife and I just want to make sure that the traffic as it goes into the subdivision is calmed and slowed to residential speeds, is the main concern we have, and also just, you know, beautification of the highway as it goes through, preservation of the wetlands, and possibly putting up trees and privacy fences so that the, you know, property values of our home and our neighbors' homes are able to stay up, but mainly the safety concerns for intersections coming into Homestead Bay, make sure that the traffic slows way, way, way down. Thank you.

Response 8

The US 160 FEIS commits to mitigation measures that maintain or enhance visual aesthetics for visual impacts. Retaining walls and bridge structures will include design features that add to the scenic quality of the built area. Areas where vegetation provides important visual screens will

be revegetated with taller plant species (trees and shrubs) that can serve the same function. These areas, including your property, will be determined during final design.

The posted speed limit on US 160 in Gem Village is anticipated to be no higher than 60 miles per hour (mph). Vehicles entering Homestead Bay from US 160 will need to reduce their speed to turn into the subdivision. Once beyond CDOT ROW, measures such as reduced speed limits, speed bumps, and additional signing can be considered by local jurisdictions or homeowner associations.

Comment 9 (Bob Brooks, representing Harry Goff)

I'm Bob Brooks from Post 23 Office Box 1 in Bayfield, Colorado. I am a real estate broker, and I represent one Harry Goff, G-O-F-F, who owns a parcel of land at the extreme eastern end of your project on the north side of the road. That particular parcel has, as it's now utilized, three accesses, permitted accesses. Mr. Goff is a retired civil engineer and is acquainted with highway needs and wants and understands that the kind of access that's going to be provided to his property is very important. He has 75 acres, I think, and it's adjacent contiguous to town, so that at some time in the future, it will be put to some improved use. Right now it's just agricultural ground. Anyway, he would very much like to talk to your people about the implications of those accesses, and he also would like to talk about the fact that there is some wetlands on this property adjacent to the highway that will be -- have to be mitigated in some kind of way, and so he'd like to address that issue as well. I know that he has made written comment to earlier statements or whatever, and -- but anyway, he was unable to come today, and I'm here in his stead, and I just want to have people understand that that is something that would be very helpful if they could contact Mr. Goff and review those issues with him.

Response 9

See response to Comment 19.

Comment 10 (Jan Neleigh)

I'm Jan Neleigh. I live at 37640 US Highway 160. And a mile of US 160 crosses my land, so a substantial piece of highway divides my property in two.

I have been working, I hoped, with the county -- I mean, with the highway department for, gosh, 35 years, and there are some things that happened to my property as a result of their moving Highway 160 off County Road 223 many years ago. They made some engineering type errors and some inadequacies.

So despite the fact that I have a bad cut that they made on an irrigation ditch, and they cut two pastures in two that were supposed to -- had been one property, had been one pasture before they moved the road, and they put a theoretical cattle underpass under the highway right beside the pipe for Dry Creek. Dry Creek crosses the highway on my property.

It was installed so that it only worked for maybe five years. It hasn't worked for the last 20 or 30 -- 30 years, about, because the pipe was put in so that it washed out badly enough so there was no way for the cattle to get into it or out of it.

So I had to treat the properties on the two sides of the road, the property south of 160 as pasture and the property between County Road 223 and 160 as a separate pasture because I could no longer move the cattle back and forth.

The intersection of County Road 223 and 160 has been high-accident horrible since they moved 160. And of course, it gets worse with any extra traffic. And we now have a whole lot of that, as you know. There are enough accidents on -- at the intersection of 223 and 160, which is on my property, so that one winter day I called in six accidents. And when I called the last one, I said, "This is Jan Neleigh." And she said, "You have an accident? Is it the usual place?" which says something about an intersection.

But years ago, 25 years ago, I told the county that I would give them a stretch of land that would take off from County Road 223 and come in as a straight T into 160. It would have been west of the current bad curve, and it would have given good sight distance, which is the problem with the way it is now. The county told me they couldn't afford it.

I offered the same thing to the highway department, and I was told, maybe 15 years ago, that they thought they would do that that year because it was dangerous. Well, obviously they didn't have the funding, and whoever was talking to me didn't have the authorization.

But what they are proposing now will -- let me see. I don't have a good picture of it here to show you. But instead of coming in with a straight T that would cut off a little piece of my property, they are angling across so that it's going to completely make the 64 acres north of the highway useless for me agriculturally. It will cut off one piece so that I can't get to it.

And the reason that they are putting it where they are is not safety, which is my concern, it is that they want to protect wetlands. The wetlands that are there are a direct result of shale seepage from irrigation.

If, in fact, they put the thing where they are now, I would have no reason whatever to irrigate that section, and they're not going to have any wetlands. They're not going to have any irrigation. And they have ruined it for me and not accomplished anything for themselves.

If they would -- and I have told several different sets of highway employees for the last 20 years this. If they would make a safe T intersection there in the area immediately west between 223 and Dry Creek, that I'll work with them on any reasonable alignment there, and I will allow them to put extra wetlands someplace else on my property. And that has been a standing offer for years and years. And different bunches of people who work for the highway department have walked the area with me. They have agreed with me. I have thought, you know, it's now firm, and I keep coming up with a new problem each time.

But this one, I thought I had so solidly addressed, but I saw that they were still cutting up the property, they were ignoring everything I said about the wetlands and not significantly, in my view, improving the traffic.

I live on a hill up here, and I can look down at that intersection. I see it all the time. And I also see the corner where they're going to move it. And that one is also high risk, for a whole lot of reasons. My mile of 160 had the unique distinction last year of being the highest deer kill in the state of Colorado for one mile. This is a dangerous section of highway, and I'd love to have them fix it.

If they had no alternative but to do what they're suggesting, I would say go ahead, but they do have some alternatives, and they simply won't listen, and I am very tired of it.

I have had promises many times in the past from perfectly good employees of the highway department and the people working for them, but because of funding, because of turnover -- you know, as I talk to the people here at the moment, it's not surprising that they don't know that this is something that is repetitiously difficult for me at this point, and I was promised that it would be all done all the way to Bayfield by 2005.

Response 10

See response to Comment 7.

Comment 11 (Leroy Beaver)

This is Leroy Beaver. I wanted to talk to the DOT about the way they've gone on to put the highway at the east end of Gem Village and the intersection of 160 and 160B. Again, this is between Gem Village and the intersection of 160 and 160B.

The way they want to do this highway would really have a big impact on my home. And my folks built this place, and it is a lot of sentimental value to me, and if at all possible, I'd like to have the property saved.

I don't know what else to put on there. But this has been there for 45 years, and like I say again, it's a lot of sentimental value, and if they can at all possible move the highway to the south of where it is right now and try and save my place, I'd sure appreciate it.

So the address is 40355 Highway 160, Bayfield, Colorado. And I think that's all I have right now. That's just a comment I needed to make to see if I could save my house. I don't think there's anything else I have to say right now, so I'll put my comments in the comment box, and we can decide what to do from there. I appreciate your time.

Response 11

According to the current design, some additional ROW will need to be acquired from this property. However, the design does not show direct impacts to the home or other buildings on the property (see Figure 2.5.29, Dry Creek and Gem Village Section Alternative H (Preferred Alternative) and Figure B-42, Dry Creek and Gem Village Section Alternative H, in Appendix B, Traffic Noise Analysis, of the FEIS). It appears that some of the required ROW is needed to accommodate the gradually sloping embankments up to the roadway. This design will be refined during final design and the amount of ROW required from your property may be reduced.

Comment 12 (Derek Smith)

My name's Derek Smith, and I'm at Homestead Bay, the development near Gem Village, east of Gem Village. And Alternative H which they're discussing won't directly affect my home, but it will affect the value of my home in that it will be a lot closer to the highway, but I'm not on the right-of-way.

My wife and I have some concerns we want to make known. So we won't be compensated for the property, but that's fine, because our house won't be affected by it, but it will be a lot harder

to sell our house when the time comes down the road because we'll be so much closer to the highway.

The main concern we have is the speed of traffic coming off of Highway 160 into the Homestead Bay subdivision where we live. We want to make sure that the traffic coming off of 160 is calmed, that it's down, you know, to residential speeds, as opposed to 55 or 45 or something coming off of the highway.

And also because the diversion south of Gem Village is going to bring the highway pretty much due west of our house, we want a way to avoid headlight glare coming into the west side of our house, so that we don't get headlights shining into the west side of our house, keeping our kids up.

So if we could talk to the highway department, CDOT or whomever, about possibly planting trees to block the view of the highway from our house when it's moved south of Gem Village, and also just mainly to calm the traffic coming into the subdivision, whether it's by traffic signs or speed bumps or something along those lines. And that's what we'd really like to have addressed when the time comes. We know this is sometime down the road.

Response 12

See response to comment 8.

Individual Comments (Written)***Comment 13 (Scott and Teryl Wait)***

Thank you for providing the Public Hearing regarding improvements intended for US 160 between Durango and Bayfield.

When the roadway expands taking some right-of-way on the South of its current location about ¼ mile east of Elmore's corner, we are concerned about the future delivery of our irrigation water. Ten of the twelve houses in our subdivision take the water from a ditch on the West side of Florida Acres Dr. The two Northern most houses take the water through a culvert that goes under our road below the current overhead entrance sign. The majority of the folks (including the officers) in the subdivision do not understand this distinction. Therefore, we are requesting to be included in any discussions regarding movement of ditches, weirs, culverts, boxes, etc.

There are also issues with water measuring and grade that must be addressed. If you are negotiating directly with the officers of the subdivision, we know that our needs will not be adequately or fairly taken into account. Our water is critical to our lifestyle. We will not take any chances that misunderstandings will lead to unfair distribution of the water owned by Florida Acres Subdivision.

Response 13

CDOT is required to maintain the existing water supply and quantity to all properties during and after construction. If this is not possible, property owners will be compensated in compliance with the Uniform Act. CDOT will coordinate with you and other individual property owners during final design and construction if there is a potential for loss or interruption of the water supply.

Comment 14 (Derek C. Smith)

I am new to Gem Village and Homestead Bay, but a longtime resident of Colorado.

The impact of Section 10, Alternative H is profound on my property. I am very much opposed to H, but if it happens I have some concerns to address. Marketability of the house is hurt.

When traffic exits southbound into Homestead Bay Subdivision, it will pass my house. I want to make sure that traffic is slowed way down from highway speeds, to maybe 35 or 30 mph as it passes my home. Perhaps speed bumps or signage to slow traffic. This is a critical concern!

Second, please beautify the view of 160 as it bypasses Gem Village. The view to my west will be of 160 and headlights will impact the property. Trees and privacy fences off the highway and exit ramp will help mitigate this.

Because CDOT won't directly use my property in the right-of-way, I don't anticipate compensation. However, the highway will be 100-150 feet closer, and the high volume access road to 160 out of Homestead Bay both negatively affect the value of my real estate. I would appreciate CDOT addressing this by: 1) slowing traffic greatly as it enters and exits Homestead Bay, and 2) blocking unsightly views of 160 from our property, or at least beautifying it with trees or fences.

Response 14

See response to comment 8.

Comment 15 (Terri Belcher)

Please, please consider wide shoulder width and/or parallel bike path (preferred) along side of this Hwy 160 reconfiguration! Thank you!

Response 15

During the US 160 EIS process, CDOT collaborated with the Safe Multimodal Aesthetic Regional Transportation (SMART) 160 Committee, a grassroots effort of concerned citizens and representatives from the city, county, and Trails 2000. SMART 160 requested that considerations for novice bicyclists and pedestrians be included as part of the project.

A shared use path is proposed in the Grandview Section (see Figure 2.5.5, Grandview Section Alternative G Modified (Preferred Alternative), in the FEIS). CDOT will design the section of shared use path within CDOT ROW; the entire path will be constructed by others. When reconstructed, the remainder of US 160 will have 10-foot shoulders that will provide a multi-modal route for cyclists. Where additional ROW is available, CDOT will allow another entity to fund, construct, and maintain a shared use path in the US 160 ROW. Shared use path under crossings will also be located along the project corridor for bicycle and pedestrian use.

Comment 16 (Becky Smith)

The citizens of Bayfield were the unhappy recipients of one roundabout. The force behind those decisions (our Mayor Pro-tem at the time) was not a representative of the majority. Our current roundabout is a symbol of that misrepresentation and a traffic nuisance. The people of Bayfield will speak out strongly in opposition to a second roundabout. Our preference would be a second stoplight. CDOT will be handing the ownership of 160B to the town in the near future. Please

build the intersection that the people of Bayfield desire... the first time you build. Don't make us pay to correct a sad communication error.

Response 16

See response to comment 3.

Comment 17 (Leroy Beaver)

The way you want to do the Highway at the east end of Gem Village and the intersection of Hwy 160 and 160 B would really have a big impact on my home. My folks built this place and it has a lot of sentimental value to me. If at all possible I would like to have this property saved. I can't see why the highway couldn't be moved 20 feet to the south of the existing highway now.

Response 17

See response to comment 11.

Comment 18 (Richard and Carol Cohen)

Your current highway proposal would inflict a grievous and irreversible injury upon us (as well as to wildlife indigenous to our property).

Almost one-half the strip of our meadow running South to North contains the leech field for our septic system, and to the North and Center of this is our fourth and ONLY viable water well we ever found on our property.

Moreover, the strip of woods running parallel and to the East of our meadow (adjacent to the current highway 550) is, and always has been, a major Magpie sanctuary containing countless numbers of the species!

In addition, this is all not to mention the destruction of existing power lines, as well as our maze of underground electronics, phone lines, and plumbing.

PLEASE visit us for a walking tour, and see for yourself!

Can't you shift the highway diminutively onto the vacant just East of us, and demonstrate of gesture of mercy? Thank you.

Response 18

CDOT is required to maintain the existing water supply and quantity to all properties during and after construction. If this is not possible, property owners will be compensated accordingly.

CDOT will coordinate with you during final design if there is a potential for loss or interruption of the water supply. In addition, all existing utilities within the proposed ROW will be relocated prior to construction, at no expense to the property owner.

Impacts to wildlife were considered in the FEIS. While black-billed magpies do not receive federal Endangered Species Act protection, nests with eggs and young are protected under the Migratory Bird Treaty Act. As part of the mitigation stated in the FEIS, migratory bird nests will not be removed during the nesting season. Therefore, no harm to adult birds, juveniles, or eggs is expected.

As this location is near the southern limit of the project, the proposed alignment needs to match the existing US 550 alignment. Shifting the roadway to the east would result in a sharp curve to match the existing roadway, and would not meet the horizontal design criteria for this project.

Comment 19 (Harry Goff)

I received your notice of the open house for the subject project, held on June 7, 2006. I was out of town and unable to attend, but I did have a friend attend and take notes. I was also able to review parts of the EIS at the Durango Public Library. I especially took note of the *Comments and Responses*, under Section Two, Appendix G, particularly the responses to my comments from the earlier *Draft EIS* meeting. I would like to go over those items one more time.

Response 11A (Pg. G2-12): I understand the need for appropriate instruments to assure the perpetuity of any relocated wetlands and welcome the offer that: “CDOT will coordinate with you to identify potential options for mutually beneficial solutions for wetland protection and compensation.” I would reiterate that our first choice is to have CDOT stay out of this particular wetland area altogether (perhaps by shifting the alignment slightly to the south) at the time of design and construction.

Response 11B (Pg. G2-12): Right in/right out is not reasonable access when all of our trips to the property are from Durango where we live. That would mean that we would have to drive past the property to the intersection of US 160 and CR 526 and make a U-turn to gain access. The same would apply to gas field trucks that visit the three wells to the north (via our access road) on a constant basis. The aforementioned types of traffic turns certainly would “compromise the safety and functionality of the highway.” As I mentioned in my earlier comment, a frontage road to these access points from a full movement intersection would be advisable and acceptable.

Response 17A (Pg. G2-19): I think that the written response to this comment is adequate.

Thank you for your attention to these matters. I look forward to further contact from CDOT at the appropriate time(s) in the planning/design phases.

Response 19

CDOT will continue to pursue opportunities for avoidance and minimization of impacts to wetlands in this and other areas along the project corridor. During final design, CDOT will coordinate with you to identify potential options for mutually beneficial solutions for wetland protection and compensation.

A traversable median, which provides separation between the directions of travel but would allow vehicles to cross over it, is currently proposed in this location. However, CDOT will utilize the State Highway Access Code to reexamine this access point during final design to consider full movement access.

Comment 20 (Jan Neleigh)

I own land on both sides of US Highway 160 where it crosses Section 7, Township 34 North of the Ute Line.

I have testified and/or conferred with Highway Department personnel at hearings for all the years you have discussed creating four lanes from Durango to Bayfield. I have met former highway

employees on site on different occasions. For at least the last twenty years I have discussed creating a safer intersection for County Road 223 and US Highway 160, and had substantial agreement that the intersection should move West toward Dry Creek far enough to improve site distance. I had agreed to assist you in replacing wetlands.

At the public hearing before the last one I was dismayed to find that you had moved the proposed access of 223 to a point West of the Dry Creek crossing without any discussion with me. I objected – politely – to the change, and gave reasons. I asked to have someone come and inspect the proposal with me because I know the history of the creation of the present wetland, and I know the damage your new proposal would do to my property. No one came out here.

At the June 7 Public Hearing I strongly objected to your current proposal both to the court reporter, and on the floor of the hearing. I repeat and add to the statements I made at the hearing below. PLEASE PAY ATTENTION TO THIS LIST.

- 1) I strongly object to your proposed realignment of County Road 223 for several reasons: The alignment will cut off an unnecessarily large piece of my pasture, making it useless.
- 2) The proposed placement of the road will, by making irrigation difficult and pointless on the land you cut off, destroy the wetlands this irrigation has created. The wetlands you intend to save by your proposed road placement will in time disappear because of that alignment.
- 3) The current proposal has County Road 223 entering 160 on an upslope that would make entry unnecessarily dangerous when the road is icy.

In addition to concerns about 223, I add the following:

- 4) You appear to be cutting off access south of 160 near the West line of Section 7 where my irrigation pipe crosses under the highway. The 1.8 +/- acre of land *was created as a separate parcel by the highway department* at the time that 160 was moved from its old route on what is now 223. If the new highway takes away the current access, you will have created an illegal tract with no access (It will be entirely surrounded by the highway and BLM). Conversely, if you acquire the 1.8 acres of land, you could substantially straighten the adjoining curve.
- 5) You refer in your report to two pipes under the highway at the Dry Creek crossing. As I pointed out at the hearing, the highway department installed one pipe as the Dry Creek crossing, and a second as a cattle underpass. The cattle underpass had become unusable because cattle could not longer get in/out of it. As a result, I could no longer use the pastures north and south of 160 as a single pasture. (It might be of interest to you that in the early seventies during a severe summer storm, water filled both the Dry Creek pipe and the cattle underpass pipe, and still ran over the highway for 30-40 feet near the entry of 223. The pipes were not clogged; horses swam in my pasture south of the highway).
- 6) When the highway department realigned 160 the last time, placing a portion of my irrigation ditch on highway right of way, they left a steep unstable slope above the ditch that continues to silt in the ditch after any storm. This could be corrected, probably, by stabilizing the slope. The chance that it will stabilize by itself is highly improbable after around fifty years.
- 7) I have one other drainage issue that could be addressed on site.

P.S. When 160 is converted to four lanes it will be a real inconvenience to have to drive a mile +/- to cross the road, but I do not object to that because we urgently need a safer highway, and you have no other options. I do strongly object to some decisions you have made when you do have other choices available.

Response 20

Your comments (written and verbal) on the US 160 DEIS were received and responded to in the US 160 FEIS. Responses to your current comments are:

- 1) If it is determined that your property has been damaged or is no longer usable due to the proposed improvements, you will be compensated accordingly.*
- 2) The US 160/CR 223 (east) intersection was shifted to reduce impacts to high-quality wetlands in the Dry Creek area in response to USACE and EPA requirements to avoid and minimize impacts to high quality wetlands. While it is possible that these wetlands are a result of irrigation, they could be supported by other water sources such as shallow alluvial groundwater or surface water from Dry Creek.*
- 3) Both the horizontal curves and vertical grade of the existing US 160 will be changed as part of the reconstruction. All proposed intersections along US 160 will meet the required design criteria, such as sight distance and slopes.*
- 4) If possible, access to the remaining parcel will be maintained or replaced. If, during final design, the remainder parcel is deemed to be unusable or that access cannot be maintained, you will be compensated accordingly.*
- 5) During final design, this location will be evaluated to satisfy the need for a cattle crossing as well as conveyance of Dry Creek.*
- 6) While the US 160 FEIS addressed the existing condition of slope stability and erosion in general, this specific area was not addressed. Mitigation for highway improvements was also proposed in the FEIS. However, this mitigation is for the proposed improvements, not existing conditions.*
- 7) A CDOT representative will contact you to discuss this and item 6 above.*

Comment 21 (Charles H. Wallace)

In regard to the US 160 Right-of-way (“ROW”) through Bayfield, CO., as shown in the preliminary plan:

The plan indicates acquiring additional ROW on both north and south sides of the highway, impacting all adjacent land uses. The plan includes a 36’ grassy median. While such a median is standard in rural settings, it is a horrible waste of land in the midst of Bayfield’s commercial/residential center. A curbing, such as through Bodo, with a narrow median of pavers, would be a far more desirable option, and would eliminate the need for ROW acquisition on the south side of Hwy 160.

- Preserve the properties south of Hwy 160 in Bayfield.
- Mitigate the audible/visual impact on the “receptors” along same.

Response 21

Much of the additional ROW required in the Bayfield area is necessary to accommodate the full movement intersections at US 160/CR 501 and US 160/Commerce Drive. These intersections allow for turning movements of semi-trailer trucks and require a wide median. Reducing the median width between the CR 501 and Commerce Drive intersections would need to be done gradually. Because of the distance between these intersections, the reduction in additional ROW required would be minimal.

The proposed improvements, including the additional ROW, do not require the relocation of any businesses or residences along US 160 in Bayfield. A noise wall to reduce noise impacts is proposed along the south side of US 160 opposite the Commerce Drive intersection. The proposed noise wall is approximately 8 feet tall and 805 feet in length. Final dimensions of the proposed noise wall will be determined during final design.

See ERRATA A for corrections to the US 160 Durango to Bayfield FEIS.

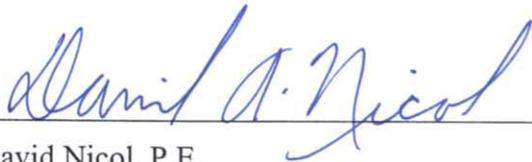
Colorado Department of Transportation (CDOT). 2001. *Right-of-Way Manual*. January.

_____. 2004. *MS4- Permit – New Development and Redevelopment Stormwater Management Program*. February.

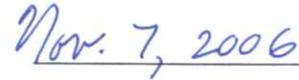
URS Greiner (URSG). 1999. *Final US 550 and US 160 Feasibility Study*. La Plata County, Colorado. February.

US Army Corps of Engineers (USACE). 2002. *Guidance on Compensatory Mitigation Projects for Aquatic Resource Impacts Under the Corps Regulatory Program Pursuant to Section 404 of the Clean Water Act and Section 10 of the Rivers and Harbors Act of 1899*. Regulatory Guidance Letter 02-2.

Based on information contained in the *Final Environmental Impact Statement/Final Section 4(f) Evaluation for US Highway 160 from Durango to Bayfield, La Plata County, Colorado*, and this ROD, I conclude that the decision reached on the US 160 project is in the best overall public interest; uses all practicable means to restore and enhance the quality of the human environment; and avoids or minimizes any possible adverse effects. Based on considerations identified in the Section 4(f) Evaluation, I also conclude that there are no feasible and prudent alternatives to the use of Section 4(f) protected lands, and that the proposed action includes all possible planning to minimize harm to the identified Section 4(f) properties resulting from such use.



David Nicol, P.E.
Division Administrator, Colorado Division
Federal Highway Administration



Date

Appendix A
FEIS Public Hearing Materials

Attachment A
Comment Letters



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET- SUITE 200

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

JUN 27 2006

Ref: EPR-N

David A. Nicol
Division Administrator, Colorado Division
Federal Highway Administration
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228

Richard Reynolds
Region 5 Transportation Director
Colorado Department of Transportation
3803 North Main Ave., Suite 306
Durango, CO 81301

RE: EPA comments on US Highway 160
Durango to Bayfield, CO FEIS
CEQ# 20060197

Dear Mr. Nicol and Mr. Reynolds:

The U.S. Environmental Protection Agency Region 8 (EPA) has reviewed the Final Environmental Impact Statement (FEIS) regarding proposed improvements to US Highway 160 from Durango to Bayfield, Colorado. EPA submitted comments on the Draft EIS on November 14, 2005. This letter reflects EPA's remaining comments based on FHWA and CDOT's responses to our November 14, 2005 comments, in the areas of wetlands, air quality, water quality, and cumulative impacts.

Wetlands and Waters of the U.S.

We wish to thank FHWA and CDOT for considering our comments throughout the process, and modifying the project in several areas. Specifically, our comments on wetlands and the 404(b)(1) guidelines have resulted in reducing wetland impacts in the Dry Creek and Gem Village areas. We also appreciate the commitments added to the summary of mitigation measures stating that CDOT will construct wetlands prior to, or concurrently with, impacts; and that the constructed wetlands will be monitored and protected in perpetuity. We are concerned however, with the process for reducing wetland impacts further. The response to our comments states that the estimated wetland impacts represent the worst case impact scenario and the best that can be done on a conceptual design basis. The impacts are subject to further reduction during detailed design, but it is unclear how this further reduction in impacts will be

communicated to the public or EPA. The Public Notice regarding the placement of fill material in waters of the US had already been issued (Public Notice 200275568), and we support this merger of the 404 and NEPA processes. We are just unclear as to whether another public notice will be required at final design, to assess the least damaging practicable alternative. I am attaching EPA's comments to the Corps of Engineers on the public notice, for your information.

CDOT has stated that it will use Potential Conservation Areas (PCAs), areas identified by the Colorado Heritage Program as important ecological preservation areas, as a surrogate for putting wetland acreage data into perspective. While this is very good information, and we appreciate their inclusion in the document, it is unclear how the PCA numbers can be interpreted. The document states that there are 16,166 acres of PCAs within La Plata County. The estimate of acres affected cumulatively in La Plata County is 543 acres. We would need more information to determine whether these acres are significant.

Air Quality

We also wish to acknowledge the inclusion of air quality measurement data from the Ignacio station and the information added on emission trends for VOCs, NO_x and formaldehyde. The analysis of formaldehyde as a mobile source air toxic (MSAT) is helpful in assessing and comparing the potential impacts of the Highway 160 project alternatives and no-action scenario. In addition, the analysis of NO_x and VOCs, which are ozone precursors, is useful information as ozone begins to impact less developed areas of Colorado. It is important to note that several of the assumptions made in the DEIS such as the assumption that MSATs would be reduced by 67 to 90 percent under all alternatives and the no-action scenario, were found incorrect once the quantitative analysis was performed.

As noted in EPA's comments on the DEIS, EPA's position is that reasonable and informative methods of analysis of MSATs and risk assessment exist and can be performed. EPA is not suggesting that a risk assessment is warranted on this project, just that when warranted, it can be done. And while the operation of this project does not result in increases in toxics over the long term, the population in the area and people living near the roadway will be exposed to increased air pollution as a result of construction activity, increased fugitive dust, and oil and gas development in the vicinity. EPA suggests that due to this increased exposure, additional mitigation measures be instituted during construction. Significant steps for reducing construction dust and diesel emissions should be taken.

Water Quality

We wish to thank CDOT for the inclusion of information on both de-icers (section 4.8.2.3) and local government's controls and plans to affect future growth (section 4.23.17, Mitigation). Section 4.8.2.3 contains an excellent new discussion on de-icers, in response to EPA's comments. The information on trace metals measured in de-icers as well as the potential impacts de-icers can have on nearby waterbodies, is information that can be used in the future to model the impacts de-icers may have to nearby waterbodies, particularly if impaired waterbodies exist.

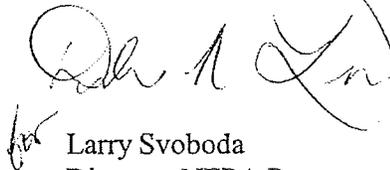
Cumulative Impacts

The inclusion of statements in section 4.23.9 relating to the significant increases in air pollution resulting from a large increase in oil and gas development in the project area is very useful in understanding the full picture of air quality impacts related to this project. It is important to note that fugitive dust from the many new and existing paved and unpaved roads will be increasingly relevant as the proximity of people in urbanized areas to oil and gas development increases.

Section 4.23.17 discusses what some of the local governments are already doing to plan for future impacts from growth. This section contains good information and we commend CDOT for including the section in the final document. We cannot tell from this section whether these controls and plans the local governments have in place will be sufficient to avoid or minimize future indirect and cumulative impacts, but it is a good start. We would hesitate, however, to have these items titled mitigation unless there is an agreement in place that these things will happen and will mitigate for specific impacts.

Again, thank you for the opportunities you have provided for being involved in this project as it developed, and for your attention to our comments. If you have any questions or concerns regarding these comments, please contact Jody Ostendorf of my staff at 303 312-7814.

Sincerely,



Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and
Remediation

Attachment: EPA's comments on Public Notice 200275568
cc: Kerrie Neat, CDOT
Monica Pavlik, FHWA



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8

999 18TH STREET - SUITE 300

DENVER, CO 80202-2466

Phone 800-227-8917

<http://www.epa.gov/region08>

Ref: EPR-EP

June 19, 2006

Kara Hellige, Project Manager
Corps of Engineers, Sacramento District
278 Sawyer Drive, Suite 1
Durango, Colorado 81303

RE: Public Notice 200275568
Colorado Department of Highways
State Highway 160

Dear Ms. Hellige:

We have reviewed the referenced Public Notice regarding the placement of fill material in waters of the U.S., including wetlands, in conjunction with a highway widening project in La Plata County, Colorado. The proposed project entails a "rural" highway design with extensive median widths, new intersection and interchange construction, and limited access frontage roads. The Public Notice identifies between approximately 16.2 and 20 acres of potential wetland losses resulting from the project.

We have also reviewed pertinent sections of the Final Environmental Impact Statement (EIS) regarding responses to the Environmental Protection Agency's (EPA's) concerns on the Draft EIS. The EPA has the following concerns and recommendations for your consideration of compliance with the Section 404(b)(1) Guidelines and the National Environmental Policy Act.

1) The federal and state 404/NEPA merger process used on this project assured that the LEDPA was not eliminated during the EIS process. However, because this is early in the design of the project, there may or may not be significant new information. The Public Notice does not identify how project impacts will be disclosed in the future to the resource agencies or the public once final engineering design is completed. It appears that in order for the least damaging practicable alternative to be adequately evaluated for compliance with the Section 404(b)(1) Guidelines, another Public Notice will need to be sent out for public comment and review. Final engineering may be needed to more accurately assess less damaging practicable alternatives considering such things as retaining wall designs v. slope designs, median widths with potential improved technologies, changing landscape considerations, etc.



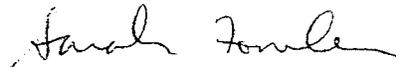
2) With final engineering designs, more specific details on direct impacts may be disclosed but more details may be evaluated concerning indirect and future cumulative impacts. Phasing the Section 404 permit over an extended time period presents opportunities for County PUD approvals and other RFD considerations under NEPA. We believe these indirect and cumulative adverse impacts should be evaluated and disclosed with future phasing and design of the highway project.

3) Further, we believe that a permit should not be issued until mitigation plans are reviewed by EPA and the resource agencies and should required to be implemented prior to construction. Without information regarding the location, types, and size of the wetland complex, we believe that the making a determination of compliance at this time is not warranted.

We understand that future phases of this project may take many years to design, fund and construct. However, we would request that the Corps consider future phases and adverse impacts to aquatic resources as opportunities for a more critical review of alternatives related to design work and landscape changes (i.e., development). We are willing to assist in the review of these future phases especially in the more controversial sites, including the Dry Creek area.

The Corps has taken a very active role in reviewing this EIS with continued effort towards avoiding and minimizing adverse effects to aquatic resources. We applaud your active participation in dealing with difficult design and land-use issues. If you have any questions or concerns regarding these comments, please feel free to contact me at 303-312-6192.

Sincerely,



Sarah Fowler
Wetlands and Watershed Unit
Ecosystem Protection Program

cc: USWFS, Grand Junction
COW Durango
CWQCD, Denver



Date: JUNE 21, 2006

Re: US 160 - DURANGO TO BAYFIELD
FINAL ENVIRONMENTAL IMPACT
STATEMENT

Dear DAVID A. NICOL, P.E.

I have reviewed your Consultation Request under Section 106 of the National Historic Preservation Act regarding the proposed communications tower construction project referenced above and offer the following response as indicated by the box that is checked and my initials.

- NO INTEREST ____ (Initials of duly authorized Tribal official)
I have determined that there is not a likelihood of eligible properties of religious and cultural significant to the Southern Ute Indian Tribe in the proposed construction area.
- REQUEST ADDITIONAL INFORMATION ____ (Initials of duly authorized Tribal official)
I require the following additional information in order to provide a finding of effect for this Proposed undertaking: _____
- NO EFFECT NC (Initials of duly authorized Tribal official)
I have determined that there are no properties of religious and cultural significance to the Southern Ute Indian Tribe that are listed on the National Register within the area of potential or that the proposed project will have no effect on any such properties that may be present.
- NO ADVERSE EFFECT ____ (Initial of duly authorized Tribal official)
I have identified properties of cultural and religious significance within the area of effect that I believe are eligible for listing in the National Register, for which that would be no adverse effect as a result of the proposed construction project.
- ADVERSE EFFECT ____ (Initial of duly authorized Tribal official)
I have identified properties of cultural and religious significance within the area of potential Effect that are eligible for listing in the National Register. I believe the proposed construction Project would cause and adverse effect on these properties.

Sincerely,

Neil B. Cloud

Neil B. Cloud
NAGPRA Coordinator



PUBLIC HEARING

US 160 Durango to Bayfield - Final Environmental Impact Statement

FC NH(CX)160-2(048), 91050

June 7, 2006

PUBLIC COMMENT FORM

Your comments and/or suggestions for the public record are encouraged regarding this Final Environmental Impact Statement. Please turn in the sheet before you leave, or you may mail it before June 26, 2006 to the following address: Colorado Department of Transportation, 3803 North Main Avenue, Suite 300, Durango, CO 81301. Attn: Kerrie E. Neet; or email to patty.dickinson@dot.state.co.us

Kerrie:

As we discussed at the June 7th meeting, here are my written comments on the Bayfield section of US 160. The Town of Bayfield (TOB) has a master street plan that supports the flow of traffic in & around Bayfield including connectivity across 160. This plan includes a signal intersection at the east end of 160B at the point it connects to 160. TOB has already secured 90% of the right-of-ways north from that point creating a traffic flow north and south of Hwy 160. This connection also moves north with 3 connections (cross streets) to the west to Mountain View & Dove Ranch Road. The overall affect would be less pressure on Commerce Dr. / Hwy 160 and CR 501 / Hwy 160. The remaining point would be the use of a signal at the 160B / Buck Hwy intersection as opposed to a round-about. The Town has every intent of taking over 160B in the future as our frontage Rd south side of Hwy 160.

NAME: Dr. Rick K. Smith

ADDRESS: 1067 N. Cedar Dr. Bayfield, 81122

REPRESENTING: Town of Bayfield

We would respectfully request that the round-about NOT be part of the 8-corners solution. Thank you!

Dr. Rick Smith

RECEIVED BY:
JUN 26 2006
PROGRAM ENG.

June 21, 2006

Colorado Department of Transportation
Plan Administration Supervisor- US Highway 160
3803 N Main Ave
Durango, CO 81301

RE: Grandview Section, US Hwy160- "preferred alternative"

Dear C-Dot Representative,

I have reviewed the most recent construction plans for the US 160/ US 550 interchange and the western side of the Grandview area. The "preferred alternative" represents serious detrimental effects for Skyway Auto Inc. Loss of workable public access would significantly decrease business and property value of my company. This loss would require relocation or closure of Skyway Auto Inc.

Established in 1998, Skyway Auto Inc has an established trend of profitability and growth for more than eight years. Visibility and direct access have been key in this positive growth. Making the only access to the business more than 7/10th of a mile away (at three springs intersection), completely out of sight of potential customers, would be disasterous. This "preferred alternative" is anything but preferred by this business owner. Touting this alternative as "providing an additional access point to grandview", when in fact, many established access are closed, is at the very least, inaccurate. Other studied alternatives, included an intersection at the west end of CR232. That design would be much more preferred than the plan being presented currently.

Closing direct visible access to Skyway Auto Inc. would be disasterous. This is not a plan for future growth, but an established business, providing a sole source of support to several local residents. The current plan must **not** be accepted as now presented at the "issue record of decision" point of this process. The current plan would represent the end of Skyway Auto Inc.,as it now operates. Without alteration, C-DOT acceptance of the current plan would require Skyway Auto Inc. to seek a settlement, for loss of an established business.

With the exception of bulk mailers, There has been no direct contact to Skyway Auto Inc. Having received a blue card in the mail, I called to find out the date (missing from the card), and attended the June 7th 2006 meeting. That was the first time I had seen the "preferred alternative". This is why there has been no prior correspondence from Skyway Auto Inc. Please respond to these concerns as soon as possible.

Sincerely,

Stewart L. Leach
President- Skyway Auto Inc.

ccfile

Jim Ellis

I own Narrow Gauge Mobile Home Park, and I do appreciate the fact that we got -- saved 14 homes and got our entrance resolved. A comment I have about Narrow Gauge. I know when the highway is widened, it's going to come very close to the back of probably seven or eight of the units that are in there coming up the hill going east. And I noticed when they widened the road in Grandview, I think it was around Lillybell Mobile Home Park or the Mountain View Park or something in there, that they did put a fence in to try to keep some of the noise down, and I would like to see something like that done in planning when this -- you know, when this happens.

Another comment. We also own property west of the mobile home park. There's a subdivision in there. And then down below that we -- in fact, we own the property that Long Hollow goes down through. And the drawings that I've seen now for the extension of County Road 222 off of 510 has changed since the last time we looked at that. It looks like that they've moved it further to the east, and that's going to make it quite difficult for us dealing with Long Hollow and whatever we're going to have to deal with, too, as far as that's -- I don't know how much of it's been considered wetlands, but hopefully not all of it is wetlands. But I would like to talk to somebody about that.

Clarence Gohn

Clarence Gohn, G-O-H-N, 28146 Highway 160. The only thing I have to say is, when the highway went through before, they went through and cut down the old dead trees. They're still laying in front of my house along the right-of-way. It's a very bad fire hazard. If that's the way it's going to be, it's not going to work from here to Bayfield. That's all.

Jan Neleigh

I'm Jan Neleigh. I live at 37640 US Highway 160. And a mile of US 160 crosses my land, so a substantial piece of highway divides my property in two.

I have been working, I hoped, with the county -- I mean, with the highway department for, gosh, 35 years, and there are some things that happened to my property as a result of their moving Highway 160 off County Road 223 many years ago. They made some engineering type errors and some inadequacies.

So despite the fact that I have a bad cut that they made on an irrigation ditch, and they cut two pastures in two that were supposed to -- had been one property, had been one pasture before they moved the road, and they put a theoretical cattle underpass under the highway right beside the pipe for Dry Creek. Dry Creek crosses the highway on my property.

It was installed so that it only worked for maybe five years. It hasn't worked for the last 20 or 30 -- 30 years, about, because the pipe was put in so that it washed out badly enough so there was no way for the cattle to get into it or out of it.

So I had to treat the properties on the two sides of the road, the property south of 160 as pasture and the property between County Road 223 and 160 as a separate pasture because I could no longer move the cattle back and forth.

The intersection of County Road 223 and 160 has been high-accident horrible since they moved 160. And of course, it gets worse with any extra traffic. And we now have a whole lot of that, as you know. There are enough accidents on -- at the intersection of 223 and 160, which is on my property, so that one winter day I called in six accidents. And when I called the last one, I said, "This is Jan Neleigh." And she said, "You have an accident? Is it the usual place?" which says something about an intersection.

But years ago, 25 years ago, I told the county that I would give them a stretch of land that would take off from County Road 223 and come in as a straight T into 160. It would have been west of the current bad curve, and it would have given good sight distance, which is the problem with the way it is now. The county told me they couldn't afford it.

I offered the same thing to the highway department, and I was told, maybe 15 years ago, that they thought they would do that that year because it was dangerous. Well, obviously they didn't have the funding, and whoever was talking to me didn't have the authorization.

But what they are proposing now will -- let me see. I don't have a good picture of it here to show you. But instead of coming in with a straight T that would cut off a little piece of my property, they are angling across so that it's going to completely make the 64 acres north of the highway useless for me agriculturally. It will cut off one piece so that I can't get to it.

And the reason that they are putting it where they are is not safety, which is my concern, it is that they want to protect wetlands. The wetlands that are there are a direct result of shale seepage from irrigation.

If, in fact, they put the thing where they are now, I would have no reason whatever to irrigate that section, and they're not going to have any wetlands. They're not going to

Jan Neleigh (continued)

have any irrigation. And they have ruined it for me and not accomplished anything for themselves.

If they would -- and I have told several different sets of highway employees for the last 20 years this. If they would make a safe T intersection there in the area immediately west between 223 and Dry Creek, that I'll work with them on any reasonable alignment there, and I will allow them to put extra wetlands someplace else on my property. And that has been a standing offer for years and years. And different bunches of people who work for the highway department have walked the area with me. They have agreed with me. I have thought, you know, it's now firm, and I keep coming up with a new problem each time.

But this one, I thought I had so solidly addressed, but I saw that they were still cutting up the property, they were ignoring everything I said about the wetlands and not significantly, in my view, improving the traffic.

I live on a hill up here, and I can look down at that intersection. I see it all the time. And I also see the corner where they're going to move it. And that one is also high risk, for a whole lot of reasons. My mile of 160 had the unique distinction last year of being the highest deer kill in the state of Colorado for one mile. This is a dangerous section of highway, and I'd love to have them fix it.

If they had no alternative but to do what they're suggesting, I would say go ahead, but they do have some alternatives, and they simply won't listen, and I am very tired of it.

I have had promises many times in the past from perfectly good employees of the highway department and the people working for them, but because of funding, because of turnover -- you know, as I talk to the people here at the moment, it's not surprising that they don't know that this is something that is repetitiously difficult for me at this point, and I was promised that it would be all done all the way to Bayfield by 2005.

Derek Smith

My name is Derek Smith. I'm at 1330 Homestead Drive in Homestead Bay subdivision. My concerns are the same kind. There will be an interchange -- or not an interchange, but an intersection directly off of 160 into the subdivision where I'm currently living just east of Homestead Bay. They're planning on developing a lot more houses out there, and there will be more than just a couple of access points to Homestead Bay, and our house will be the closest one to the intersection. My wife and I just want to make sure that the traffic as it goes into the subdivision is calmed and slowed to residential speeds, is the main concern we have, and also just, you know, beautification of the highway as it goes through, preservation of the wetlands, and possibly putting up trees and privacy fences so that the, you know, property values of our home and our neighbors' homes are able to stay up, but mainly the safety concerns for intersections coming into Homestead Bay, make sure that the traffic slows way, way, way down. Thank you.

Bob Brooks

I'm Bob Brooks from Post 23 Office Box 1 in Bayfield, Colorado. I am a real estate broker, and I represent one Harry Goff, G-O-F-F, who owns a parcel of land at the extreme eastern end of your project on the north side of the road. That particular parcel has, as it's now utilized, three accesses, permitted accesses. Mr. Goff is a retired civil engineer and is acquainted with highway needs and wants and understands that the kind of access that's going to be provided to his property is very important. He has 75 acres, I think, and it's adjacent contiguous to town, so that at some time in the future, it will be put to some improved use. Right now it's just agricultural ground. Anyway, he would very much like to talk to your people about the implications of those accesses, and he also would like to talk about the fact that there is some wetlands on this property adjacent to the highway that will be -- have to be mitigated in some kind of way, and so he'd like to address that issue as well. I know that he has made written comment to earlier statements or whatever, and -- but anyway, he was unable to come today, and I'm here in his stead, and I just want to have people understand that that is something that would be very helpful if they could contact Mr. Goff and review those issues with him.

Jan Neleigh

My name is Jan Neleigh. I live near US Highway 160. I live right where you have the beautiful wetlands. The last picture we saw tonight of the high-quality wetlands on 160 close to Gem Village are on my property, and they were described that way last time, and I did comment last time the same thing that I have commented for 20 years before and I'm going to comment on again tonight. There is a very bad, dangerous intersection where 223 enters 160, where I've watched so many accidents in the years that I've lived there that I would be hardput to tell you, but I think at this point hundreds, not dozens. They aren't all bad, and I think part of that is because the intersection is so lousy that those of us who live out there are very careful. Some 30 years ago I talked to the county about giving them land to straighten out 223 and bring it into highway 160 at a T intersection between where it is now and a driveway. I offered the land for free because I was concerned enough with the danger of that intersection. In the years since then, I've talked to numerous sets of people who work for the highway department about my concern about the safety. At the last meeting that I did comment on this, the road had been moved from the configuration that I had offered for years and years that would have been very safe because they were concerned that it went through wetlands. The wetlands are a direct part of the fact that I irrigate there, and I'm irrigating on shale. And water does drop down and travel also under the road there. With the way that the proposal now places the intersection of 223 at 160, it would be cutting across diagonally a piece of property that would make a whole piece of it utterly useless. It would still go through some wetlands. And it would leave me with a piece of land I would no longer have any excuse for irrigating. It wouldn't be any good to me for animals, certainly, and I can't think of anything else I'd use it for. So the wetlands that they're trying to save would probably all disappear because I'm not going to irrigate it if it doesn't do me any good. I have suggested in the past, and I will say again tonight on the record, as I already have for the recording, that I am very willing to replace those wetlands with others on my property. I know where that is possible. I have offered to do it. I am extremely disturbed by the fact that they have a total disregard for not only my having commented on this for years in the past at numerous meetings and with various people on site -- I've walked it with many people from the highway department for years.

It needs to be changed, but it can be changed without being terribly damaging to me or the wetlands, because I'm very willing to work with them on replacement of wetlands. But the configuration right now disturbs me because I feel as if I've been talking to myself for the last 30 years. Thank you very much.

Leroy Beaver

This is Leroy Beaver. I wanted to talk to the DOT about the way they've gone on to put the highway at the east end of Gem Village and the intersection of 160 and 160B. Again, this is between Gem Village and the intersection of 160 and 160B.

The way they want to do this highway would really have a big impact on my home. And my folks built this place, and it is a lot of sentimental value to me, and if at all possible, I'd like to have the property saved.

I don't know what else to put on there. But this has been there for 45 years, and like I say again, it's a lot of sentimental value, and if they can at all possible move the highway to the south of where it is right now and try and save my place, I'd sure appreciate it.

So the address is 40355 Highway 160, Bayfield, Colorado. And I think that's all I have right now. That's just a comment I needed to make to see if I could save my house. I don't think there's anything else I have to say right now, so I'll put my comments in the comment box, and we can decide what to do from there. I appreciate your time.

Derek Smith

My name's Derek Smith, and I'm at Homestead Bay, the development near Gem Village, east of Gem Village. And Alternative H which they're discussing won't directly affect my home, but it will affect the value of my home in that it will be a lot closer to the highway, but I'm not on the right-of-way.

My wife and I have some concerns we want to make known. So we won't be compensated for the property, but that's fine, because our house won't be affected by it, but it will be a lot harder to sell our house when the time comes down the road because we'll be so much closer to the highway.

The main concern we have is the speed of traffic coming off of Highway 160 into the Homestead Bay subdivision where we live. We want to make sure that the traffic coming off of 160 is calmed, that it's down, you know, to residential speeds, as opposed to 55 or 45 or something coming off of the highway.

And also because the diversion south of Gem Village is going to bring the highway pretty much due west of our house, we want a way to avoid headlight glare coming into the west side of our house, so that we don't get headlights shining into the west side of our house, keeping our kids up.

So if we could talk to the highway department, CDOT or whomever, about possibly planting trees to block the view of the highway from our house when it's moved south of Gem Village, and also just mainly to calm the traffic coming into the subdivision, whether it's by traffic signs or speed bumps or something along those lines. And that's what we'd really like to have addressed when the time comes. We know this is sometime down the road.

RECEIVED BY:
JUN 7 2006
PROGRAM ENG



PUBLIC HEARING
US 160 Durango to Bayfield - Final Environmental Impact Statement
FC NH(CX)160-2(048), 91050
June 7, 2006
PUBLIC COMMENT FORM

Your comments and/or suggestions for the public record are encouraged regarding this Final Environmental Impact Statement. Please turn in the sheet before you leave, or you may mail it before June 26, 2006 to the following address: Colorado Department of Transportation, 3803 North Main Avenue, Suite 300, Durango, CO 81301. Attn: Kerrie E. Neet; or email to patty.dickinson@dot.state.co.us

Hello,
Thank you for providing the Public Hearing regarding improvements intended for US 160 between Durango and Bayfield.
When the roadway expands taking some right-of-way on the South of its current location about 1/4 mile east of Elmore's corner, we are concerned about the future delivery of our irrigation water. Ten of the twelve houses in our subdivision take the water from a ditch on the West side of Florida Acres Dr. The two Northern most houses take the water through a culvert that goes under our road below the current overhead entrance sign. The majority of the folks (including the officers) in the subdivision do not understand this distinction. Therefore, we are requesting to be included in any discussions regarding movement of ditches, weirs, culverts, boxes, etc.
There are also issues with water measuring and grade that must be addressed. If you are negotiating directly with the officers of the subdivision, we know that our needs will not be adequately or fairly taken into account. Our water is critical to our lifestyle. We will not take any chances that misunderstandings will lead to unfair distribution of the water owned by Florida Acres Subdivision.

Thank you,
NAME: Scott and Teryl Wait
ADDRESS: 91 Florida Acres Dr. 259-5562
REPRESENTING:



PUBLIC HEARING

US 160 Durango to Bayfield - Final Environmental Impact Statement

FC NH(CX)160-2(048), 91050

June 7, 2006

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Q I AM NEW TO GEN VILLAGE + HOMESTEAD BAY, BUT
A LONG-TIME RESIDENT OF COLORADO

Q THE IMPACT OF SECTION 10, ALTERNATIVE H IS
PROFOUND ON MY PROPERTY. I AM VERY MUCH
OPPOSED TO H, BUT IF IT HAPPENS I HAVE SOME
CONCERNS TO ADDRESS. MARKETABILITY OF THE HOUSE IS HURT.

Q WHEN TRAFFIC EXITS SOUTHBOUND INTO HOMESTEAD BAY
SUBDIVISION, IT WILL PASS MY HOUSE. I WANT TO
MAKE SURE THAT TRAFFIC IS SLOWED WAY DOWN
FROM HIGHWAY SPEEDS, TO MAYBE 35 OR 30 MPH
AS IT PASSES MY HOME. PERHAPS SPEED BUMPS OR
SIGNAGE TO SLOW TRAFFIC. THIS IS A CRITICAL CONCERN!

Q SECOND, PLEASE BEAUTIFY THE VIEW OF 160 AS IT BYPASSES
GEN VILLAGE. THE VIEW TO MY WEST WILL BE OF 160 - ~~THE~~

NAME: Derek C. Smith

ADDRESS: 1330 Homestead Drive, Bayfield CO 81122

REPRESENTING: SELF MAIL - P.O. Box 1145

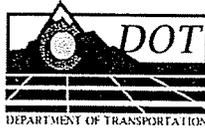
Bayfield CO 81122

AND HEADLIGHTS WILL IMPACT THE PROPERTY. TREES AND PRIVACY FENCES OFF THE HIGHWAY AND EXIT RAMP WILL HELP MITIGATE THIS.

BECAUSE CDOT WON'T DIRECTLY USE MY PROPERTY IN THE RIGHT-OF-WAY, I DON'T ANTICIPATE COMPENSATION. HOWEVER, THE HIGHWAY WILL BE 100-150 FT CLOSER, AND THE HIGH VOLUME ACCESS ROAD TO 160 OUT OF HOMESTEAD BAY.

~~WILL~~ BOTH NEGATIVELY EFFECT THE VALUE OF MY REAL ESTATE. I WOULD APPRECIATE CDOT ADDRESSING THIS BY:

1. SLOWING TRAFFIC GREATLY AS IT ENTERS AND EXITS HOMESTEAD BAY, AND
2. BLOCKING UNSIGHTLY VIEWS OF 160 FROM OUR PROPERTY, OR AT LEAST BEAUTIFYING IT WITH TREES OR FENCES.



PUBLIC HEARING

US 160 Durango to Bayfield - Final Environmental Impact Statement

FC NH(CX)160-2(048), 91050

June 7, 2006

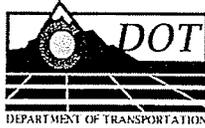
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Please, please consider ^{WIDE} shoulder width
and/or parallel bike path (preferred)
along side of this Hwy 160 reconfiguration!

Thank You!
★

NAME: Terri Belcher
ADDRESS: 92 Ute Place Durango 81303
REPRESENTING: myself + my friends + family



PUBLIC HEARING

US 160 Durango to Bayfield - Final Environmental Impact Statement

FC NH(CX)160-2(048), 91050

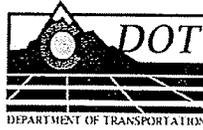
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The citizens of Bayfield were the unhappy recipients of one round about. The force behind those decisions (our Mayor Pro-Tem at the time) was not a representative of the majority. Our current round about is a symbol of that misrepresentation AND a traffic nuisance. The people of Bayfield will speak out strongly in opposition to a second round about. Our preference would be a second stop light. CDOT will be handing the ownership of 160 B to the town in the near future. Please build the intersection that the people of Bayfield desire ... the first time you build! Don't make us pay to correct a sad communication error.

NAME: Becky Smith
ADDRESS: 1067 N Cedar Av Bayfield CO 81222
REPRESENTING: Self



PUBLIC HEARING

US 160 Durango to Bayfield - Final Environmental Impact Statement

FC NH(CX)160-2(048), 91050

June 7, 2006

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The way you ~~wanted~~^{wanted} to do the Highway AT The EAST
End of Gem Village AND The Intersection of
Hwy. 160 AND 160 B would really have A big IMPACT
ON my Home, My Folk's Build this place AND it HAS A LOT
OF ~~sentimental~~ SCENTAMENTAL VALUE TO me. IF AT ALL possible
I would like to have this property SAVED. I CAN'T
see why The Highway couldn't be moved 20 Feet TO
The South OF The Existing Highway now

NAME: NERDY BEAVER

ADDRESS: 40355 Hwy 160 Bayfield, Colo. 81122

REPRESENTING: _____



RECEIVED BY:
JUN 20 2006
PROGRAM ENG.

PUBLIC HEARING
US 160 Durango to Bayfield - Final Environmental Impact Statement
FC NH(CX)160-2(048), 91050
June 7, 2006

PUBLIC COMMENT FORM

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Carol Cohen <hreeseas@hispeed4u.com>

US 160/550

June 18, 2006 11:52:29 AM MDT

Patty.dickinson@dot.stat.co.us

Your current highway proposal would inflict a grievous and irreversible injury upon us (as well as to wildlife indigenous to our property).

Almost one-half the strip of our meadow running South to North contains the leach field for our septic system, and to the North and Center of this is our fourth and ONLY viable water well we ever found on our property.

Moreover, the strip of woods running parallel and the East of our meadow (adjacent to the current highway 550) is, and always has been, a major Magpie sanctuary containing countless numbers of the species!

In addition, this is all not to mention the destruction of existing power lines, as well as our maze of underground electronics, phone lines, and plumbing.

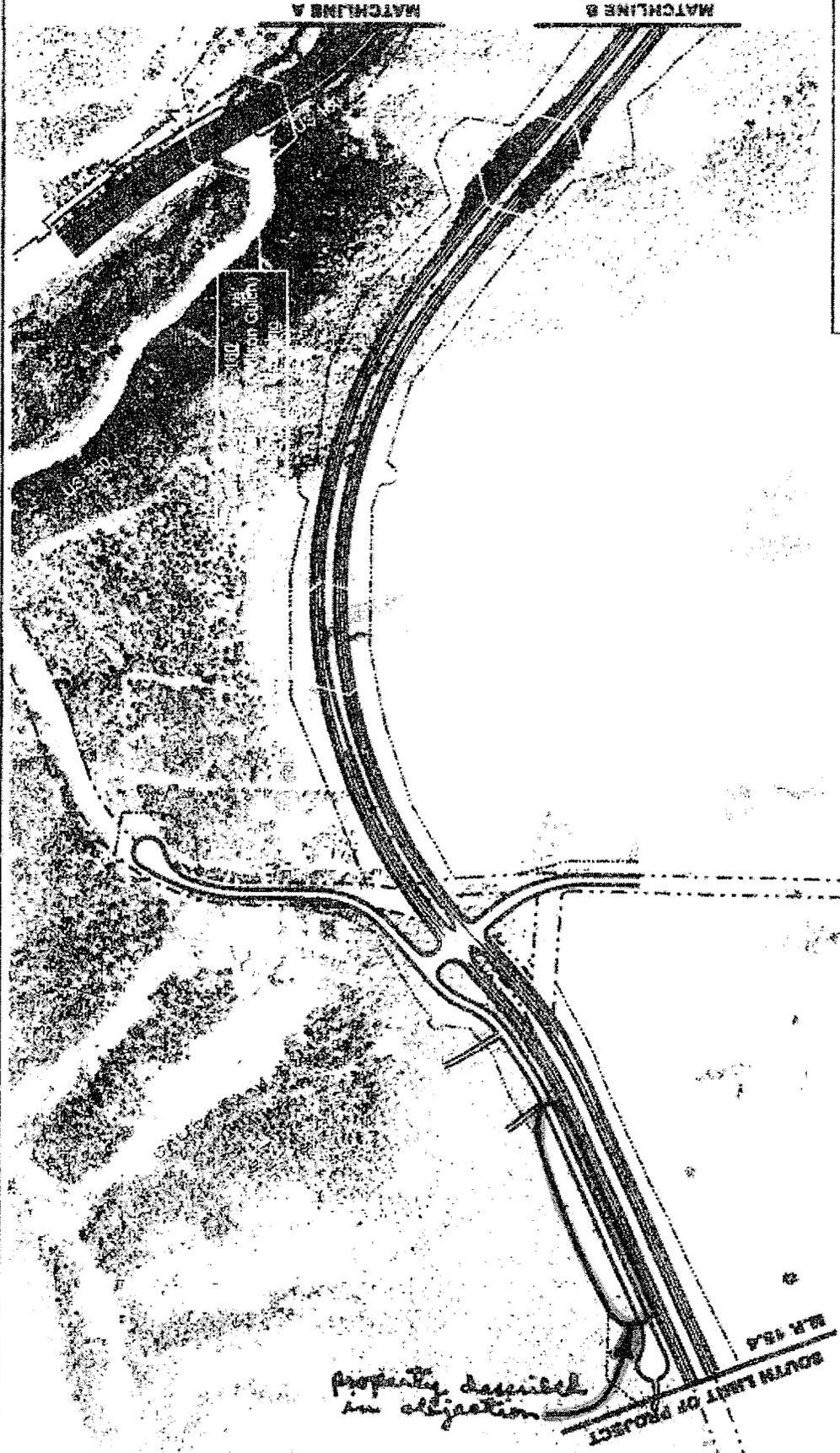
PLEASE visit us for a walking tour, and see for yourself!

Cannot you shift the highway diminutively onto the vacant land just East of us, and demonstrate a gesture of mercy?

Thank you.

Richard and Carol Cohen
15723 Highway 550
Durango Co. 81303

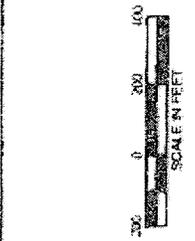
970 385 7254



LEGEND:

- PROPOSED RETAINING WALL
- - - EXISTING RIGHT-OF-WAY
- CONCEPTUAL RIGHT-OF-WAY
- ==== PREFERRED ALTERNATIVE

NOTE:
RIGHT-OF-WAY SHOWN IS CONCEPTUAL AND IS
SUBJECT TO CHANGE AFTER FINAL ENGINEERING.



US 160 Environmental Impact Statement
 Figure 2.5.4
 Grandview Section
 Alternative G Modified
 (Preferred Alternative)



RECEIVED BY:
JUN 19 2006
PROGRAM ENG.

June 15, 2006

Kerrie E. Neet
Colorado Department of Transportation
3803 North Main Avenue
Durango, CO 81301

RE: US 160 DURANGO TO BAYFIELD FINAL EIS

Dear Kerrie Neet:

I received your notice of the open house for the subject project, held on June 7, 2006. I was out of town and unable to attend, but I did have a friend attend and take notes. I was also able to review parts of the EIS at the Durango Public Library. I especially took note of the *Comments and Responses*, under Section Two, Appendix G, particularly the responses to my comments from the earlier *Draft EIS* meeting. I would like to go over those items one more time.

Response 11A (Pg. G2-12): I understand the need for appropriate instruments to assure the perpetuity of any relocated wetlands and welcome the offer that: "CDOT will coordinate with you to identify potential options for mutually beneficial solutions for wetland protection and compensation." I would reiterate that our first choice is to have CDOT stay out of this particular wetland area altogether (perhaps by shifting the alignment slightly to the south) at the time of design and construction.

Response 11B (Pg. G2-12): Right in/right out is not reasonable access when all of our trips to the property are from Durango where we live. That would mean that we would have to drive past the property to the intersection of US 160 and CR 526 and make a U-turn to gain access. The same would apply to gas field trucks that visit the three wells to the north (via our access road) on a constant basis. The aforementioned types of traffic turns certainly would "compromise the safety and functionality of the highway." As I mentioned in my earlier comment, a frontage road to these access points from a full movement intersection would be advisable and acceptable.

Response 17A (Pg. G2-19): I think that the written response to this comment is adequate.

Thank you for your attention to these matters. I look forward to further contact from CDOT at the appropriate time(s) in the planning/design phases.

Sincerely,



Harry L. Goff

1824 Eastlawn, Durango, CO 81301
970-247-1153 (h); 970-749-8741 (c)
hgoff@frontier.net

JUN 21 2006

PROGRAM: ENG.

Jan Neleigh
37640 US Highway 160
Bayfield, Colorado 81122
(970)884-269

Colorado Department of Transportation
3803 North Main Avenue, Suite 300
Durango, Colorado 81301

RE: Final Environmental Statement

To Engineering and Environmental Personnel:

I own land on both sides of US Highway 160 where it crosses Section 7, Township 34 North of the Ute Line.

I have testified and/or conferred with Highway Department personnel at hearings for all the years you have discussed creating four lanes from Durango to Bayfield. I have met former highway employees on site on different occasions. For at least the last twenty years I have discussed creating a safer intersection for County Road 223 and US Highway 160, and had substantial agreement that the intersection should move West toward Dry Creek far enough to improve site distance. I had agreed to assist you in replacing wetlands.

At the public hearing before the last one I was dismayed to find that you had moved the proposed access of 223 to a point West of the Dry Creek crossing without any discussion with me. I objected – politely – to the change, and gave reasons. I asked to have someone come and inspect the proposal with me because I know the history of the creation of the present wetland, and I know the damage your new proposal would do to my property. No one came out here.

At the June 7 Public Hearing I strongly objected to your current proposal both to the court reporter, and on the floor of the hearing. I repeat and add to the statements I made at the hearing below. PLEASE PAY ATTENTION TO THIS LIST.

- (1) I strongly object to your proposed realignment of County Road 223 for several reasons: The alignment will cut off an unnecessarily large piece of my pasture, making it useless.
- (2) The proposed placement of the road will, by making irrigation difficult and pointless on the land you cut off, destroy the wetlands this irrigation has created. The wetlands you intend to save by your proposed road placement will in time disappear because of that alignment.

- (3) The current proposal has County Road 223 entering 160 on an upslope that would make entry unnecessarily dangerous when the road is icy.

In addition to concerns about 223, I add the following:

- (4) You appear to be cutting off access south of 160 near the point near the West line of Section 7 where my irrigation pipe crosses under the highway. The 1.8 +/- acre of land was created as a separate parcel by the highway department at the time that 160 was moved from its old route on what its now 223. If the new highway takes away the current access, you will have created an illegal tract with no access. (It will be entirely surrounded by the highway and BLM.) Conversely, if you acquire the 1.8 acres of land, you could substantially straighten the adjoining curve.
- (5) You refer in your report to two pipes under the highway at the Dry Creek crossing. As I pointed out at the hearing, the highway department installed one pipe as the Dry Creek crossing, and a second as a cattle underpass. The cattle underpass has become unusable because cattle could no longer get in/out of it. As a result, I could no longer use the pastures north and south of 160 as a single pasture. (It might be of interest to you that in the early seventies during a severe summer storm water filled both the Dry Creek pipe and the cattle underpass pipe and still ran over the highway for 30-40 feet near the entry of 223. The pipes were not clogged; horses swam in my pasture south of the highway.)
- (6) When the highway department realigned 160 the last time, placing a portion of my irrigation ditch on highway right of way, they left a steep unstable slope above the ditch that continues to silt in the ditch after any storm. This could be corrected, probably, by stabilizing the slope. The chance that it will stabilize by itself is highly improbable after around fifty years.
- (7) I have one other drainage issue that could be addressed on site.

Jan Neleigh

Cc: 1

P.S. When 160 is converted to four lanes it will be a real inconvenience to have to drive a mile +/- to cross the road, but I do not object to that because we urgently need a safer highway, and you have no other options. I do strongly object to some decisions you have made when you do have other choices available.



PUBLIC HEARING
US 160 Durango to Bayfield - Final Environmental Impact Statement
FC NH(CX)160-2(048), 91050
June 7, 2006

PUBLIC COMMENT FORM

26
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In regard to the US 160 Right-of-Way ("ROW") through Bayfield, CO, as shown in the preliminary plan:

The plan indicates acquiring additional ROW on both north & south sides of the highway, impacting all adjacent land uses. The plan included a 30' grassy median. While such a median is standard in rural settings, it is a horrible waste of land in the midst of Bayfield's commercial/residential center. A curbing, such as through Bodo, with a narrow median of paved, would be a far more desirable option, and would eliminate the need for ROW acquisition on the south side of Hwy 160.

- * Preserve the properties south of Hwy 160 in Bayfield.
- * Mitigate the audible/visual impact on the "receptors" along same.

NAME: Charles H. Wallace
ADDRESS: Box 1084, Dgo. 81302
REPRESENTING: _____

Attachment B
Transcript

1 COLORADO DEPARTMENT OF TRANSPORTATION
2 US 160 FINAL ENVIRONMENTAL IMPACT STATEMENT
3 COLORADO PROJECT FC-NH (CX) 160-2 (048)
4 PROJECT NO. 91050
5
6
7
8
9

10 Transcript of Public Hearing
11 June 7, 2006
12 4:30 p.m.
13
14
15
16
17
18
19
20

21 REPORTED BY: Susan L. Findley, RPR, CCR 77
22 Bean & Associates, Inc.
23 Professional Court Reporting Service
24 500 Marquette, Northwest, Suite 280
25 Albuquerque, New Mexico 87102

25 (1236A) SLF

- 2 Ms. Kerrie Neet
- 3 Mr. Richard Reynolds
- 4 Mr. Keith Powers
- 5 Mr. Paul Jankowski
- 6 Mr. Shane Harris
- 7 Mr. Chris Beller
- 8 Mr. Chris Ribera
- 9 Ms. Nancy Shanks
- 10 Ms. Patty Dickinson
- 11 Marsha Porter-Norton, Moderator
- 12
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1 (The following is a comment for the
2 record:)
3 MS. NELEIGH: I'm Jan Neleigh,
4 N-E-L-E-I-G-H. I live at 37640 US Highway 160. And
Page 2

5 a mile of US Highway 160 crosses my land, so a
6 substantial piece of highway divides my property in
7 two.

8 I have been working, I hoped, with the
9 county -- I mean, with the highway department for,
10 gosh, 35 years, and there are some things that
11 happened to my property as a result of their moving
12 Highway 160 off County Road 223 many years ago. They
13 made some engineering type errors and some
14 inadequacies.

15 So despite the fact that I have a bad cut
16 that they made on an irrigation ditch, and they cut
17 two pastures in two that were supposed to -- had been
18 one property, had been one pasture before they moved
19 the road, and they put a theoretical cattle underpass
20 under the highway right beside the pipe for Dry
21 Creek. Dry Creek crosses the highway on my property.

22 It was installed so that it only worked for
23 maybe five years. It hasn't worked for the last 20
24 or 30 -- 30 years, about, because the pipe was put in
25 so that it washed out badly enough so there was no

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1 way for the cattle to get into it or out of it.

2 So I had to treat the properties on the two
3 sides of the road, the property south of 160 as
4 pasture and the property between County Road 223 and
5 160 as a separate pasture because I could no longer
6 move the cattle back and forth.

7 The intersection of County Road 223 and 160
Page 3

8 has been high-accident horrible since they moved 160.
9 And, of course, it gets worse with any extra traffic.
10 And we now have a whole lot of that, as you know.
11 There are enough accidents on -- at the intersection
12 of 223 and 160, which is on my property, so that one
13 winter day I called in six accidents. And when I
14 called the last one, I said, "This is Jan Neleigh."
15 And she said, "You have an accident? Is it the usual
16 place"? which says something about an intersection.

17 But years ago, 25 years ago, I told the
18 county that I would give them a stretch of land that
19 would take off from County Road 223 and come in as a
20 straight T into 160. It would have been west of the
21 current bad curve, and it would have given good sight
22 distance, which is the problem with the way it is
23 now. The county told me they couldn't afford it.

24 I offered the same thing to the highway
25 department, and I was told, maybe 15 years ago, that

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1 they thought they would do that that year because it
2 was dangerous. Well, obviously they didn't have the
3 funding, and whoever was talking to me didn't have
4 the authorization.

5 But what they are proposing now will -- let
6 me see. I don't have a good picture of it here to
7 show you. But instead of coming in with a straight T
8 that would cut off a little piece of my property,
9 they are angling across so that it's going to
10 completely make the 64 acres north of the highway

11 useless for me agriculturally. It will cut off one
12 piece so that I can't get to it.

13 And the reason that they are putting it
14 where they are is not safety, which is my concern, it
15 is that they want to protect wetlands. The wetlands
16 that are there are a direct result of shale seepage
17 from irrigation.

18 If, in fact, they put the thing where they
19 are now, I would have no reason whatever to irrigate
20 that section, and they're not going to have any
21 wetlands. They're not going to have any irrigation.
22 And they have ruined it for me and not accomplished
23 anything for themselves.

24 If they would -- and I have told several
25 different sets of highway employees for the last 20

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1 years this. If they would make a safe T intersection
2 there in the area immediately west between 223 and
3 Dry Creek, that I'll work with them on any reasonable
4 alignment there, and I will allow them to put extra
5 wetlands someplace else on my property. And that has
6 been a standing offer for years and years. And
7 different bunches of people who work for the highway
8 department have walked the area with me. They have
9 agreed with me. I have thought, you know, it's now
10 firm, and I keep coming up with a new problem each
11 time.

12 But this one, I thought I had so solidly
13 addressed, but I saw that they were still cutting up

14 the property, they were ignoring everything I said
15 about the wetlands and not significantly, in my view,
16 improving the traffic.

17 I live on a hill up here, and I can look
18 down at that intersection. I see it all the time.
19 And I also see the corner where they're going to move
20 it. And that one is also high risk, for a whole lot
21 of reasons. My mile of 160 had the unique
22 distinction last year of being the highest deer kill
23 in the state of Colorado for one mile. This is a
24 dangerous section of highway, and I'd love to have
25 them fix it.

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1 If they had no alternative but to do what
2 they're suggesting, I would say go ahead, but they do
3 have some alternatives, and they simply won't listen,
4 and I am very tired of it.

5 I have had promises many times in the past
6 from perfectly good employees of the highway
7 department and the people working for them, but
8 because of funding, because of turnover -- you know,
9 as I talk to the people here at the moment, it's not
10 surprising that they don't know that this is
11 something that is repetitiously difficult for me at
12 this point, and I was promised that it would be all
13 done all the way to Bayfield by 2005.

14 (The following is a comment for the
15 record:)

16 MR. BEAVER: This is Leroy Beaver,
Page 6

17 B-E-A-V-E-R. I wanted to talk to the DOT about the
18 way they've gone on to put the highway at the east
19 end of Gem Village and the intersection of 160 and
20 160B. Again, this is between Gem Village and the
21 intersection of 160 and 160B.

22 The way they want to do this highway would
23 really have a big impact on my home. And my folks
24 built this place, and it is a lot of sentimental
25 value to me, and if at all possible, I'd like to have

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1 the property saved.

2 I don't know what else to put on there.
3 But this has been there for 45 years, and like I say
4 again, it's a lot of sentimental value, and if they
5 can at all possible move the highway to the south of
6 where it is right now and try and save my place, I'd
7 sure appreciate it.

8 So the address is 40355 Highway 160,
9 Bayfield, Colorado. And I think that's all I have
10 right now. That's just a comment I needed to make to
11 see if I could save my house. I don't think there's
12 anything else I have to say right now, so I'll put my
13 comments in the comment box, and we can decide what
14 to do from there. I appreciate your time.

15 (The following is a comment for the
16 record:)

17 MR. SMITH: My name's Derek Smith,
18 D-E-R-E-K, and I'm at Homestead Bay, the development
19 near Gem Village, east of Gem Village. And

20 Alternative H which they're discussing won't directly
21 affect my home, but it will affect the value of my
22 home in that it will be a lot closer to the highway,
23 but I'm not on the right-of-way.

24 My wife and I have some concerns we want to
25 make known. So we won't be compensated for the

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1 property, but that's fine, because our house won't be
2 affected by it, but it will be a lot harder to sell
3 our house when the time comes down the road because
4 we'll be so much closer to the highway.

5 The main concern we have is the speed of
6 traffic coming off of Highway 160 into the Homestead
7 Bay subdivision where we live. We want to make sure
8 that the traffic coming off of 160 is calmed, that
9 it's down, you know, to residential speeds, as
10 opposed to 55 or 45 or something coming off of the
11 highway.

12 And also because the diversion south of Gem
13 Village is going to bring the highway pretty much due
14 west of our house, we want a way to avoid headlight
15 glare coming into the west side of our house, so that
16 we don't get headlights shining into the west side of
17 our house, keeping our kids up.

18 So if we could talk to the highway
19 department, CDOT or whomever, about possibly planting
20 trees to block the view of the highway from our house
21 when it's moved south of Gem Village, and also just
22 mainly to calm the traffic coming into the

23 subdivision, whether it's by traffic signs or speed
24 bumps or something along those lines. And that's
25 what we'd really like to have addressed when the time

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10

1 comes. We know this is sometime down the road.

2 (The following is the public hearing:)

3 MS. PORTER-NORTON: If everybody can come
4 down here and find a seat, we can get started with
5 the presentation. Thanks. All right. Why don't we
6 go ahead and get started. If you're in the back
7 looking at maps, there will be time later to finish
8 that. So if we could have everybody find a seat,
9 that would be good.

10 My name is Marsha Porter-Norton, and I will
11 be moderating this hearing tonight. And it is the
12 Final Environmental Impact Statement for 160 from
13 Bayfield to Durango.

14 And just a couple of logistical things.
15 The restrooms are down the hall. Feel free to leave
16 anytime if you need to. There's food over there, and
17 help yourselves to that as well.

18 We also ask, if you don't mind, that you
19 put your cell phone on vibrate and step outside to
20 have a call, because we are taking formal comment
21 tonight, and we want to make sure everybody is heard.

22 A couple of other ground rules that we
23 would ask you to respect is to keep side
24 conversations to a minimum, and only one person
25 talking at a time. Again, we want to make sure that

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1 our recorder, Susan, over there hears what everybody
2 says. So just a more formal ground rule, one person
3 talking at a time. If you're in the back, please
4 avoid side conversations, if you can.

5 And the other thing is, there's going to be
6 a lot of views expressed tonight, your views. We're
7 not trying to get consensus with you, and the purpose
8 of tonight -- and you'll hear this in the
9 PowerPoint -- is to take formal comment. So there's
10 not going to be an interchange in the formal comment
11 period, all right? So that's just kind of the
12 structure for tonight, which you will hear more
13 about.

14 Let's see. I would like to introduce
15 Richard Reynolds, who's the regional transportation
16 director for Region 5. And we're going to start with
17 the CDOT staff giving a really good PowerPoint
18 presentation on the alternatives, preferred
19 alternatives, where they're going, what they're
20 thinking, and we will end, again, with taking formal
21 comment.

22 There's a couple of ways to give formal
23 comment. You can e-mail. And we'll tell you how to
24 do that. You can write a letter. And we will give
25 you the address. You can speak up tonight. The

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1 microphone will be right here. And we ask that you
2 address the CDOT folks and state your name so we have
3 that part of the formal record.

4 If you don't feel comfortable talking in
5 public, you can go tell your comments to Susan
6 directly. Some people aren't comfortable formally
7 talking in front of the microphone. So there's lots
8 of ways to give comment.

9 Richard, I'll just turn it over to you.

10 MR. REYNOLDS: Good afternoon. My name is
11 Richard Reynolds. I'm the CDOT Region 5 director.
12 This has been a long process for us, and I see a few
13 familiar faces in the audience.

14 This started off as an EA, an Environmental
15 Assessment for this corridor. And throughout the
16 process we determined that we needed to do something
17 a little more lofty than that, and we changed the
18 process, if you will, to an EIS, Environmental Impact
19 Statement, which took some additional time, some
20 additional cost, but it was certainly a much more
21 thorough way to go through the whole process.

22 So I want to welcome you here tonight.
23 This is sort of a culmination of all that. Most of
24 the things you've seen here, if you've been here
25 before, shouldn't be real different for you. It

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1 should be pretty familiar. There hasn't been a lot
2 of huge changes as far as preferred alternatives or

3 anything like that. I think you've seen these
4 before, and you'll see them tonight. We do have a
5 presentation for you that summarizes all this that I
6 think will hopefully put it into some perspective for
7 you.

8 The reason we have to do this process is
9 because we're talking about potentially some added
10 capacity and some other improvements through this
11 corridor. We're required by the National
12 Environmental Policy Act to make these clearances
13 before we do those kinds of improvements.

14 We've done a couple of improvements. We've
15 done the intersection at 233, and we've added a
16 fourth lane, as safety issues, over the last year or
17 so. And any other improvements that we do, we need
18 to wait till this process gets cleared.

19 Now, having said that, we don't have a lot
20 of funding for additional improvements. Probably the
21 one that's closest on our radar screen is to put a
22 fourth lane through Grandview. If you're familiar
23 with that, right around C & J Gravel there, it drops
24 to a fourth lane. And we're looking to try and add
25 that fourth lane through the intersection so that we

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1 can have two lanes contiguous through there instead
2 of just the one that's there now. Our projection
3 throws it out in the 20-year time frame that that
4 becomes pretty problematic, and it's something we do
5 need to address at some point in the future.

6 So we have some money. We have a federal
7 earmark, actually, scheduled in fiscal year '08, I
8 believe, for about \$6.8 million, and that money will
9 be used to add the fourth lane through Grandview. We
10 have some other money with that. We have just about
11 \$12 million set aside at this point. Our plan is to
12 set aside. We don't know what's going to happen
13 entirely with our revenue funding.

14 What we plan on doing in fiscal year '08
15 starts July 1st of '07, so that's probably the next
16 improvement you'll see. In fiscal year '07-'08 we
17 have some money for 222 and 223 to relocate that to
18 the east, down sort of near the Florida River down at
19 the bottom of the basin there. And I think we have
20 \$3.7 million for that project. Again, that's
21 probably not quite enough for that one, but we're
22 trying to get that worked out.

23 Those are the only projects we really have
24 identified funding for at this point in time. If we
25 do get additional funding from the transportation

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1 commission, then we'll apply it towards the corridor,
2 if they choose to do that. And we are also trying to
3 seek a more stable funding source for the Department
4 of Transportation in general. We have a pretty
5 volatile source now, as you may have seen in the
6 newspapers or may have read in the newspapers. So
7 we're trying to get that stabilized a little bit and
8 get our financing for the future approved.

9 Now, what else was I supposed to do? Oh,
10 introduce everybody. Why don't all the CDOT folks
11 all stand up, because I don't want to miss anybody.
12 Kerrie Neat is our environmental/planning manager.
13 Keith Powers is our program engineer. Shane Harris
14 is our right-of-way manager. Mike McVaugh is our
15 traffic and safety engineer. Chris Ribera is in our
16 equal opportunity area and for translations. Chris
17 is -- you've probably seen Chris here for a while.
18 He's been around since we started this project,
19 actually. Who else? Paul Jankowski is an
20 environmental engineer. Who am I missing? Nancy
21 Shanks is in our public relations office. Is that
22 it?

23 Okay. Well, what we're going to do is give
24 you a brief slide show here and go through this.
25 This hopefully won't put you to sleep. And then we

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1 have some more formalized processes for taking your
2 comments. As Marsha talked about already, there are
3 a couple of ways for you to do that. Thank you.

4 MR. POWERS: Good evening. Hopefully this
5 microphone works. We're here tonight to hopefully
6 bring our environmental phase to a conclusion. This
7 is our final public hearing to go through the
8 process.

9 And the purpose of tonight's hearing is,
10 you know, several-fold. One is to go through the
11 project again with you folks, to go over comments

12 that we received before and the changes we've made.
13 The second is to explain all of the social and
14 environmental impacts. Kerrie will take care of
15 that. Then Shane will come up and talk about the
16 right-of-way acquisition impacts as far as procedures
17 we have to follow, as such. And then if you have any
18 questions trafficwise, Mike and the rest of the staff
19 will be around to cover things for you.

20 This is the last step, I think, as I said,
21 before we get to what we call a ROD, a record of
22 decision. CDOT likes to use acronyms to shorten
23 things up because engineers can't spell.

24 Before we go forward with any of the final
25 design for any of the projects, we have to have this

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1 record of decision. And once we have that in place,
2 we can move forward with the funding and actually
3 take our 25, 30 percent plans that you see behind you
4 on the boards and take them to the point that we can
5 actually go and construct the projects.

6 we're actually at step two of the -- oh,
7 project location. we skipped a slide here. we're
8 actually at step two here of the environmental
9 process. As such, as I was explaining, we have to
10 complete this environmental process before we can go
11 on, begin design, and then finally getting into the
12 cone zone and construction of the project.

13 Next one. The project location for this
14 environmental statement basically runs from the

15 bottom of Farmington Hill all the way to Bayfield
16 approximately a mile east of the town's center, as
17 can be seen on this drawing. It's quite a stretch of
18 road. It goes through several different terrains.
19 We have the Grandview area, which is one of the
20 segments that we'll be talking about. We have the
21 Florida Mesa and the Florida River Valley which is
22 the second section we'll be talking about. We have
23 another area covering from Dry Creek through Gem
24 Village. And then we'll be talking about Bayfield.
25 Each of these segments has unique qualities and was

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1 evaluated based upon the terrain of the area.

2 Project status that we're at currently.
3 we're in the formal review process for the EIS. The
4 review comment period is open, as you can see here,
5 until June 26th of this year, so it is important for
6 folks to get their comments in both tonight. And if
7 you so choose, I believe you can get through the
8 Internet site there and make comments on that.

9 we hope that once we have this formal
10 review, there's another period for us to evaluate the
11 contents and incorporate them into what we call our
12 record of decision. We hope to have that later on
13 this summer. And then as Richard mentioned, the
14 final project funding is slightly up in the air,
15 depending upon how our accounting works. We do have
16 a couple of critical projects on line that we
17 hopefully can pull together and be constructed in

18 time.

19 Purpose and need. This is one of the key
20 issues of the corridor. Why are we actually doing
21 this project? And I think this slide basically
22 summarizes it in succinct detail, that we want to
23 increase traffic and safety with respect to the
24 capacity, making sure that you can get from wherever
25 you're going to points to the corridor as safe as you

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1 can and as quickly as you can with the least amount
2 of disruption and congestion.

3 This also involves access control. If you
4 can imagine, a lot of driveways down the road. It's
5 a little less enjoyable for you to drive as far as
6 people coming in off the roadway, versus this being
7 what we're considering a freeway facility, with
8 limited access, controlling the points where people
9 can enter and leave the highway so it actually
10 functions at a much higher level, and more folks can
11 use it in a day.

12 Travel efficiency. I believe all of you
13 know where this is on the slide. It's Grandview
14 going down towards C & J Gravel where we happen to
15 lose that fourth lane. Usually this functions very
16 well. Sometimes it gets to be a snail crawl. I
17 travel it every day. Particularly in adverse weather
18 when things slow down.

19 One of the aspects of our project here is
20 to be able to punch the fourth lane through the

21 environmentally sensitive area. The reason it's \$12
22 million is it's going to entail a lot of walls and a
23 pretty significant cut to make it fit. So we have to
24 clear the area environmentally to look at, in detail,
25 what we are going to do to make this section work,

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1 which is why it wasn't completed on the previous
2 project we just completed.

3 Safety aspect. I believe we're looking
4 east here at the top of Florida Mesa down the river
5 valley. County Road 222 and 223 are behind you in
6 the photograph. This is one of the high-accident
7 locations just because of the skew of the location of
8 these roads coming in. Poor sight distance
9 especially in the evening with the sunshine glare. A
10 lot of traffic uses it. And one of our proposed
11 solutions is to move this intersection down to the
12 valley floor just east of the Florida River where we
13 have excellent sight distance and can accommodate
14 much more traffic.

15 Access control. One of the elements of
16 doing this design and going to a freeway standard is
17 you try to consolidate the access points, create
18 frontage roads, look at the traffic patterns and
19 businesses and try to come up with a plan that gets
20 everybody the access they need.

21 This happens to be on the new Grandview
22 section about the area of the lumberyard and the ATV
23 dealer. And even in this work we did, we did

24 consolidate and move a few driveways on this project
25 to increase the safety and more people coming in and

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1 out. The next phase would turn this into a freeway
2 section involving more of the control of the access,
3 creation of frontage roads in other points to even
4 improve the safety of the situation.

5 The alternatives and major design features
6 that we're going to get into. Primarily we are going
7 to build a four-lane freeway facility from the bottom
8 of Farmington Hill all the way through Bayfield,
9 generally along the existing alignment. The one
10 exception is in the Gem Village area where we've
11 proposed to bypass the town to the south, upgrade
12 intersections, and including creating an interchange
13 at US 160 and 550.

14 There's also a second interchange plan for
15 Three Springs area and a third interchange plan for
16 Elmore's Corner, or the junction of 160 and State
17 Highway 172. And as I mentioned before, we divided
18 the review of this area into four sections due to the
19 very unique qualities of each element.

20 Now, if you look at what we went through
21 here, this is a drawing of the Florida Mesa and the
22 Grandview area. There are approximately 13
23 alignments on this drawing that were evaluated or
24 looked at as far as how to get from point A to point
25 B. It gives you some detail of the amount of work

1 that went into the process to get to where we are
2 today.

3 Let's talk about the Grandview section.
4 This is growing rapidly commercially. A new hospital
5 is showing up out there. Other development is in
6 place. Businesses are growing. This gives you a
7 good idea of the congestion that we had -- that we
8 have today, even had before we did the improvements.

9 Typical section for the Grandview area.
10 we're talking two 12-foot lanes each direction,
11 12-foot shoulders so that if you do have a problem,
12 you can get your tire changed and take care of
13 yourself, stay out of traffic, and a median that is a
14 sufficient width to accommodate the interchanges and
15 provide safety between the traveling lanes.

16 And then we come to the preferred
17 alternative of how do we tie 550 into 160. And you
18 look at this interchange, and you kind of wonder how
19 in the world did we come up with this idea. But it
20 actually works. The key factor here is the minimal
21 impact to the wetlands. It does function to year
22 2025 to get people from point A to point B. It does
23 offer an alternate access for the Grandview area to
24 the north as far as tying in on the back side, and it
25 has the features that we're protecting the

2 weather conditions won't be as bad as they currently
3 are coming down the hill.

4 One of the other alternatives we looked at
5 was actually joining 550 and coming in at the current
6 Three Springs signal with an interchange. This isn't
7 preferred because while it has the capacity to 2025,
8 it does not have the same capacity as the previous
9 intersection, plus it conflicts with all the traffic
10 going to and from the hospital and the other
11 development areas. It also has a greater impact of
12 takes on exist housing and businesses within the
13 area.

14 Now we come to the Florida Mesa to Grand
15 valley section. And here again, we're at the top of
16 the hill looking down through the mesa from the
17 county road intersection. This section widens out.
18 we go to a 46-foot median, again two 12-foot lanes,
19 10-foot shoulders, nice wide side slopes. It has
20 both the aesthetic value, and it has the appropriate
21 drainage.

22 The median width is so that where we do
23 create turn-around points at one-mile intervals,
24 that some of the tractor-trailers can actually pull a
25 U-turn and not block traffic and pull in a safe

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1 manner. This would also work for any of the farmers
2 and ranchers with some of their long loads that they
3 would have to safely make the U-turns to return to
4 wherever they're going from their direction of

5 travel.

6 The new intersection of County Road 222 and
7 223 at the bottom of the hill. As shown here, we're
8 just east of the Florida River in the flat area out
9 there where we can make a connection with County Road
10 510, and also the other connection with County Road
11 223.

12 This new intersection location was also
13 shown on the La Plata County master plan for this
14 area, and it provides a much safer access point,
15 better sight distance, and actually it appears that
16 it will function much better than the current
17 condition at the top of the hill.

18 The other alternative that we looked at was
19 taking the existing intersection and going to the
20 west approximately one half mile with respect to, you
21 know, the crossing. The problem with this, it
22 doesn't function as well. You still have the steep
23 grades with the side roads. There is still a slight
24 sight distance issue with respect to looking over the
25 hill. There's no sign "slow down," as such. As well

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1 as maintaining it in adverse conditions. It will
2 also have adverse takes on property. I believe
3 there's a couple of issues of residential takes with
4 respect to having to move residents.

5 Now we come to the Dry Creek and Gem
6 Village, Bayfield sections. Here again, if you look
7 at the drawing, it shows some of the alternatives

8 that were reviewed. Two of them were carried forward
9 both in the Gem Village area and the Bayfield area as
10 far as appropriate alignments for what we were trying
11 to do.

12 Let's talk about Gem Village. It's a
13 unique little center out in the middle there. The
14 road comes down the hill, drops down into a very
15 dense community with both businesses and residences
16 along both sides of the road, speed drop, curvature.
17 It's out there on its own. Nice, pretty little
18 place.

19 But being engineers, we figured a way that
20 we could put four lanes right through the center of
21 town, take a few walls, frontage road as such. The
22 only problem is this wipes out one-half of the entire
23 town, or approximately 50 percent of the commercial
24 district, so we don't think this is the way we want
25 to go.

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1 The alternative that we prefer is to swing
2 south of the town, just along the south side of the
3 Dry Creek area there -- actually, it looks like we're
4 on the north side -- with a connection at the eastern
5 end of town at the approximate location where the
6 frontage road ties together. This allows us to
7 maintain the freeway access and also keeps the
8 community intact and provides enough access to keep
9 it viable.

10 The nonpreferred section, again, as shown
Page 23

11 on a typical section, is to condense the road and
12 come right through town, essentially offset to the
13 south side. And as you can see, there is a lot of
14 impact to the existing residences and the commercial
15 district there.

16 Now we come to Bayfield. Here again, it
17 has its own unique problems and issues, access, as
18 such. One of the other pictures that we had at one
19 time that Kerrie took was of a deer standing in the
20 middle of this intersection. But we didn't want to
21 show that in case, you know -- as far as the
22 congestion relief or the hunters might show up.

23 Here again, the preferred section through
24 town would be two 12-foot lanes in each direction,
25 12-foot shoulders for safety, gentle side slopes as

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1 we can fit, and the appropriate guardrails where
2 safety railing is needed. Nice wide section of safe
3 travel.

4 The preferred alternative at this point is
5 to keep the at-grade intersection and signal. It
6 would also involve a roundabout onto the side to tie
7 in with the frontage roads. The nice thing about
8 this preferred alternative is it keeps Commerce Drive
9 open, at least to the point that at some point in the
10 future, if traffic numbers and accidents became an
11 issue, the traffic section would have to look at
12 closing down different turning movements. It would
13 be progressive. But we feel for the most part it

14 could be maintained in its current position.

15 The other alternative to is to put an
16 interchange at the same location. Unfortunately,
17 this chews up a lot more real estate and gets into
18 the wetlands. And because of the ramp configuration,
19 Commerce Drive has to be closed. And this is
20 undesirable at this point in time.

21 And now I can turn it over to Kerrie.

22 MS. NEET: Thanks, Keith. When Keith talks
23 about the alternatives, the purpose of the meeting --

24 (Interruption.)

25 MS. NEET: My name is Kerrie Neet, and I'm

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1 the environmental planning manager for CDOT here in
2 Durango. And Keith talked about the purpose and need
3 for the project, the alternatives and what we prefer
4 as our alternatives at this point. What I'm going to
5 do is talk about the impacts of our project both on
6 the natural environment, which is things like the
7 wetlands, the wildlife, and also the social
8 environment, which is people and communities.

9 And the bottom line is, this is the main
10 purpose for doing the EIS. It is called an
11 Environmental Impact Statement, and the reason we do
12 it is we need to make the best decision that looks at
13 the impacts for our project.

14 In this particular EIS, we looked at 18
15 different resources, everything from noise impacts,
16 visual impacts, historic properties, wetlands. You

17 name it. Eighteen is quite a wide range of
18 resources. And in this corridor, we had five areas
19 of main concern, which I thought was still up here on
20 the overhead. And I'm just going to briefly go
21 through these five and explain a little bit about how
22 they helped us in our decision making and how to
23 mitigate the impact to some of these resources.

24 If you're interested in more detail, you
25 can look at our posterboard afterwards, or hopefully

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1 you had a chance before the presentation, and also
2 you can look at our documents online. And if you got
3 a copy of the handout, it will tell you how to get
4 there.

5 Next slide. Wetlands. Now, this is one of
6 the resources that was a big issue on this project.
7 This particular picture here is at County Road 223,
8 the eastern intersection of 223. It's looking west.
9 You're essentially right before Gem Village.

10 And if you look on both sides of the road
11 here, you have high quality what I call meadow
12 wetlands on both sides of the road. And under the
13 Clean water Act, and as part of our EIS process,
14 we're required to avoid wetlands. And if we can't
15 avoid them, we're required to minimize their impact.
16 And if we've done all our avoiding and all our
17 minimizing, then we replace what we can't minimize or
18 avoid.

19 And this is a good example in our project

20 with doing that. We are actually proposing to move
21 the intersection over to a location where it avoids
22 most of the wetlands. So that's the first step. We
23 did what we could to avoid. To minimize our impacts,
24 we're putting in retaining walls. We're putting in a
25 guardrail. We saved two to three acres of wetlands

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1 doing that. And ultimately we need to mitigate. So,
2 you know, we're building a road, we're widening,
3 we're going to have impact, so whatever we impact, we
4 replace.

5 Next slide. Wildlife is another big issue
6 in this corridor. This is a picture pretty much
7 standing on the top of Florida Mesa looking east down
8 towards the Florida River. This is the Florida River
9 here where you have all the nice vegetation.

10 And the main impact to wildlife is the loss
11 of essentially the native vegetation and their
12 habitat and the restriction of wildlife movement. In
13 this corridor, the deer and the elk move north. They
14 go up the mountains, and they follow the corridors.
15 They go up north in the summer, and they come down in
16 the winter in the low ends.

17 So the elk and the deer are migrating north
18 and south. Well, guess what? Our corridor is east,
19 west. This creates a lot of conflicts with wildlife.
20 About 27 percent of our vehicle collisions in the
21 corridor, for the entire corridor, from Farmington
22 Hill east to Bayfield, are related to collision with

23 wild animals. In this particular section, which
24 is -- it's just to the east of 222, 223. From 222,
25 223 through Gem Village, over 50 percent of our

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1 accidents are from collision with wildlife. So as
2 you can imagine, this is a huge safety issue for us,
3 as well as an environmental issue.

4 what we are proposing to do is to construct
5 underpasses and structures. We've got 19 locations
6 proposed in the EIS. We have fencing to direct
7 animals. So between the fencing and the underpasses
8 or structures, the wildlife will be able to move
9 north and south, and we will have a much safer road.

10 Next slide. Threatened, endangered and
11 sensitive species. The picture up here is a little
12 bird. Doesn't look like much. But he's the
13 southwestern willow Flycatcher, and this area is one
14 of the only areas you can find them, this part of the
15 state, this part of the county, this part of the
16 world. He's a rare and endangered bird. And this
17 southwestern willow Flycatcher likes a little
18 habitat. There's a picture of a little habitat on
19 the right there. And that's near Bayfield. We have
20 about 21 little patches along the corridor.

21 So to mitigate or to address and protect
22 these birds, we do surveys before we go out and
23 construct. We make sure they're not there. If
24 they're there, we have to wait till the end of their
25 breeding season to do work. We replace the little

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1 habitat we take. So we do everything we can to make
2 sure we're not endangering the species more. We also
3 have to work very closely with the Fish and Wildlife
4 Service. We're required to do this under the
5 Endangered Species Act.

6 Bald eagles is another issue in this
7 corridor. Any nests, active or inactive, we have to
8 create a half-mile buffer around and not to work
9 around them during their breeding season.

10 Next slide. Visual impacts is an unusual
11 one. People don't usually think about visual impacts
12 in a corridor. But if you think about highways, when
13 you build a highway, you really are impacting the
14 viewshed. You're widening the road, you're adding
15 interchanges, you're building access roads, and it
16 becomes more dominant in your viewshed.

17 And so to address visual impacts, we
18 committed to blending the cut slopes into the
19 hillsides. We will revegetate disturbed areas as
20 soon as possible using native vegetation. Retaining
21 walls and bridges, we'll design them with
22 aesthetically pleasing faces.

23 I think a good example of that is if you go
24 south on 550 near the New Mexico state line, there's
25 some retaining walls from a project we did about five

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1 years ago, and those are really -- at least to me,
2 they're very aesthetically pleasing. They look like
3 surrounding rock formations. They blend well. And
4 that's some of the things you can do to address
5 visual impacts.

6 We also designed the median -- Keith was
7 talking about in the rural parts of our corridor, we
8 have a depressed grass median, and that is -- kind of
9 meets the rural parts of our corridor, and that's
10 another way we kind of mitigate for the visual
11 impacts.

12 Next slide. The previous resources I
13 talked about were mainly the natural environment. We
14 also are very concerned about the social environment.
15 This is very importance to us. Under the executive
16 order signed by President Clinton in 1994 and the
17 Civil Rights Act of 1964, we need to look at our
18 project and make sure we are not causing a
19 disproportionate economy and adverse effect on
20 minority or low-income communities.

21 For this corridor, we took a very broad
22 view. We tried to work with all communities, and we
23 took it very seriously. Keith already gave you an
24 example of Gem Village. We had some comments early
25 on in the process about not going through the

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1 community and how it would really impact the village
2 greatly. We took those seriously. That's why we're

3 doing the bypass to the south, proposing to do that.
4 That's our preferred alternative. And that may not
5 be the cheapest alternative for us, but it is the
6 right decision in the big picture.

7 Another example of looking at the social
8 impacts is the Narrow Gauge and Cropley mobile home
9 parks. Those are communities that are located to the
10 east of Florida River kind of as you go up the hill
11 there. And in our scoping meeting -- I think it was
12 actually in this room back in 2003. Marsha was
13 actually facilitating that meeting as well.

14 We had a number of residents from those
15 communities very concerned about what we were
16 proposing for access to those two communities. We
17 were proposing an access that would have required us
18 to take 14 of the homes in Narrow Gauge and four of
19 the homes in Cropley. Well, we had a lot of comments
20 on that.

21 And we ended up going out to those two
22 communities, sitting with the residents, changing the
23 access, and came back with a different access that
24 required no mobile homes to be taken. It essentially
25 saved 18 homes. We just changed the access, moved it

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1 over a little bit, worked with the community, and
2 they were very happy with it.

3 So those are just a few of the examples of
4 how we work really closely with the communities in
5 the corridors. We look at all the resources. The

6 bottom line at NEPA, National Environmental Policy
7 Act, is you make the best decision that takes into
8 account all the resources.

9 As far as the social impacts, you know, we
10 have worked with these communities, but we do have
11 impacts. And because we have impacts, we have to
12 acquire property. We have to take homes. We have to
13 move people. We can't avoid it. We can't avoid it
14 completely. It's just impossible. So there are
15 protections in place, and Shane will go into that
16 next. He'll talk about the right-of-way acquisition
17 process and how we treat people fairly when we
18 actually have to move them.

19 MR. HARRIS: Thanks, Kerrie. I'm Shane
20 Harris. I'm the right-of-way manager for Region 5
21 here in Durango. And we just want to give you an
22 overview of the right-of-way process. And I think
23 this first slide here, these are the items we'll be
24 talking about, and we'll be talking about them in a
25 little more detail.

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1 So go to the next slide. And this is the
2 right-of-way plans. You know, back here we do show
3 proposed right-of-way acquisitions, but it's real
4 general. I mean, it's a real small scale. You can't
5 really tell for sure exactly where the right-of-way
6 is going to be. So we studied that in-depth a little
7 bit more, and we came up with a set of right-of-way
8 plans.

9 This is an example here of some plans that
10 we did on another project, and it depicts the
11 existing road, the adjoining properties and the
12 property that the department needs to acquire.

13 And as we go along on these projects, as
14 was stated earlier, we really don't have funding to
15 build this entire corridor. We've got two projects
16 identifying now to build because we've got some money
17 coming in to do those. And as we get more funding,
18 we'll identify additional projects. And as we do
19 that, we'll get those projects designed. And with a
20 little more design, we really can find what we need
21 for right-of-way. So it's important that we get a
22 little more design before we get too far along in the
23 right-of-way process.

24 If you're interested, we do what's called a
25 route survey. It's not a boundary survey. If that

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1 makes any difference to you, I can tell you what that
2 is a little bit later. But it does survey what we
3 need. Basically, that's what a route survey is.

4 we have professional land surveyors. We
5 have consultants that are required to be licensed,
6 and so it's done at a professional level.

7 we actually describe in each parcel that we
8 need -- you can see there on the maps, on the purple
9 and kind of yellowish-colored parcels, we actually
10 have a property description, a legal description that
11 defines those parcels that we need to acquire from

12 each individual property owner.

13 Once we've got the property identified, we
14 know how big it is, where it's located and all that,
15 we start on the appraisal process. We have an
16 appraiser here in our region, but we mostly hire that
17 out by hiring consultants to prepare these reports
18 for us. And it's based on market value, so whatever
19 the market value is at the time of the appraisal,
20 that's what it's based on.

21 The appraisal is reviewed by a reviewer.
22 He's also an appraiser. And this appraisal then
23 kicks in when the property is valued over \$5,000. So
24 if it's a small acquisition, like a temporary
25 easement or a small permit easement, something like

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1 that, we don't follow this, but we do still try to
2 compensate the property owners based on market value.

3 And then once we have determined the value
4 of the property that we need to acquire, an
5 acquisition agent will be in contact with you. We
6 will provide you with a written offer of what the
7 department is offering for the property. And we try
8 to give you as much time as we can. Our rules say 30
9 days, but usually we know about these projects well
10 in advance, so it's not a surprise, the 30 days is no
11 surprise. If we can give you more time than that, we
12 will.

13 As you see in the picture here, we try to
14 make it as convenient as possible. We'll meet with

15 the individual property owners wherever they like.
16 If it's at the kitchen table, that's fine. If it's
17 in our office, that's fine as well. We try to
18 actually make personal contact with each property
19 owner.

20 And another benefit of the department
21 buying property is they cover the closing costs. So
22 we try to make it as painless as possible. It's not
23 always possible to do that, but that's one thing that
24 we can do, is pay the closing costs.

25 Then if there's property that needs to be

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1 acquired where people are living or they have a
2 business, then there's some additional benefits that
3 kick in, and these are relocation benefits. So we
4 have it both for tenants, property owners, business
5 owners, things like that.

6 In the business part of it, we can't
7 compensate everything. It's very difficult. We pay
8 for the property that we need to acquire, and then we
9 try to help people find additional places to set up
10 business again. So they will pay for moving costs,
11 and that's whatever it takes, and then we have some
12 reestablishment that's capped. And we're happy to
13 pay for those, if you qualify for those. Again, this
14 will be in written form so you know exactly what the
15 benefits are you will be receiving, and you can refer
16 back to that.

17 And for people that need to move, they get

18 90 days. They get a little bit of time there to go.
19 And, you know, for a business, 90 days really isn't
20 much. Again, we'll try to give you as much time --
21 lead time as we can so that you can -- we can work
22 with you and get you moved in a timely manner and in
23 an efficient way.

24 And then just so you know we're not making
25 all this up, we have a lot of rules and regulations

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1 that we follow. We just have an awful lot of them.
2 And most of our projects have federal funding. So at
3 the federal level they have their rules. State's got
4 their rules. And then we have our -- in the
5 Department of Transportation, we have our own rules
6 that we have to follow as well. And so these are
7 some of the ones we've outlined here.

8 And if you want to know more about that, we
9 have some quick, easy references. They're brochures,
10 the right-of-way and relocation brochures. They're
11 in the back, or the front where you came in. You can
12 look for those by the comment box. And if you have
13 any specific questions dealing with your property,
14 I'll be around afterwards. I'll be happy to answer
15 those or try to answer those. And in the future --
16 sometime in the future, you'll welcome to contact me,
17 and we can talk about it.

18 And that summarizes the right-of-way
19 process.

20 MS. PORTER-NORTON: Great. So the

21 procedures for submitting written statements for the
22 record are -- first of all, the deadline is
23 June 26th. I think we mentioned that at the
24 beginning. And there is -- there are comment forms
25 tonight that you can fill out that are back there.

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1 Right, Patty? So please get those if you wish to,
2 and the address is right there. You can go online.
3 And that's www.state.co.us/us160/eis. And do we have
4 that on a handout anywhere in the back? Okay.

5 Next slide. So during tonight, what we'd
6 like you to do, if you would like to give comment,
7 formal comment and testimony, is please come up here,
8 or, again, after we adjourn the more public part of
9 it, if you would like to give a comment directly to
10 the recorder, you can. And please state your name,
11 and so Susan can hear this, talk directly into the
12 microphone. And if you would, use this one.

13 MS. NEET: And we will not be answering
14 questions.

15 MS. PORTER-NORTON: Right. Right. All
16 right. Anybody have comments that they would like to
17 formally give?

18 All right. Dr. Rick Smith. Is he still
19 here?

20 UNIDENTIFIED SPEAKER: Is it possibly Derek
21 Smith?

22 MS. PORTER-NORTON: Uh-uh. Dr. Rick K.
23 Smith, 1067 North Cedar in Bayfield.

24 Another one is Clarence, either Gohn or
25 Gohn.

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1 MR. GOHN: Gohn.

2 MS. PORTER-NORTON: Okay.

3 MR. GOHN: The only thing I have to say
4 is --

5 THE COURT REPORTER: Excuse me. Excuse me.
6 I need your name, please.

7 MR. GOHN: Clarence Gohn, G-O-H-N, 28146
8 Highway 160. The only thing I have to say is, when
9 the highway went through before, they went through
10 and cut down the old dead trees. They're still
11 laying in front of my house along the right-of-way.
12 It's a very bad fire hazard. If that's the way it's
13 going to be, it's not going to work from here to
14 Bayfield. That's all.

15 MS. PORTER-NORTON: Thank you, sir.

16 UNIDENTIFIED SPEAKER: Marsha, that doesn't
17 sound like it's working at all.

18 MS. PORTER-NORTON: Does this work? Okay.
19 Let's see. Jim Ellis.

20 MR. ELLIS: I own Narrow Gauge Mobile Home
21 Park, and I do appreciate the fact that we got --
22 saved 14 homes and got our entrance resolved.

23 A comment I have about Narrow Gauge. I
24 know when the highway is widened, it's going to come
25 very close to the back of probably seven or eight of

1 the units that are in there coming up the hill going
2 east. And I noticed when they widened the road in
3 Grandview, I think it was around Lillybell Mobile
4 Home Park or the Mountain View Park or something in
5 there, that they did put a fence in to try to keep
6 some of the noise down, and I would like to see
7 something like that done in planning when this -- you
8 know, when this happens.

9 Another comment. We also own property west
10 of the mobile home park. There's a subdivision in
11 there. And then down below that we -- in fact, we
12 own the property that Long Hollow goes down through.
13 And the drawings that I've seen now for the extension
14 of County Road 222 off of 510 has changed since the
15 last time we looked at that. It looks like that
16 they've moved it further to the east, and that's
17 going to make it quite difficult for us dealing with
18 Long Hollow and whatever we're going to have to deal
19 with, too, as far as that's -- I don't know how much
20 of it's been considered wetlands, but hopefully not
21 all of it is wetlands. But I would like to talk to
22 somebody about that.

23 MS. PORTER-NORTON: And Kerrie, you all are
24 going to be available after the formal verbal
25 comment, right?

1 MS. NEET: Right.

2 MS. PORTER-NORTON: And the folks in the
3 back, if you all could -- if you're looking at maps,
4 just keep your side conversations to a minimum
5 because we're recording. So you'll have plenty of
6 time to chat afterwards. We want to make sure we get
7 everybody on record and listened to.

8 Is there anybody else that would like to
9 give a formal comment?

10 Yes. If you could use that microphone and
11 talk directly into it. Thank you.

12 MS. NELEIGH: My name is Jan Neleigh. I
13 live near US Highway 160. I live right where you
14 have the beautiful wetlands. The last picture we saw
15 tonight of the high-quality wetlands on 160 close to
16 Gem Village are on my property, and they were
17 described that way last time, and I did comment last
18 time the same thing that I have commented for 20
19 years before and I'm going to comment on again
20 tonight.

21 There is a very bad, dangerous intersection
22 where 223 enters 160, where I've watched so many
23 accidents in the years that I've lived there that I
24 would be hardput to tell you, but I think at this
25 point hundreds, not dozens. They aren't all bad, and

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1 I think part of that is because the intersection is
2 so lousy that those of us who live out there are very
3 careful.

4 Some 30 years ago I talked to the county
Page 40

5 about giving them land to straighten out 223 and
6 bring it into highway 160 at a T intersection between
7 where it is now and a driveway. I offered the land
8 for free because I was concerned enough with the
9 danger of that intersection.

10 In the years since then, I've talked to
11 numerous sets of people who work for the highway
12 department about my concern about the safety. At the
13 last meeting that I did comment on this, the road had
14 been moved from the configuration that I had offered
15 for years and years that would have been very safe
16 because they were concerned that it went through
17 wetlands. The wetlands are a direct part of the fact
18 that I irrigate there, and I'm irrigating on shale.
19 And water does drop down and travel also under the
20 road there.

21 with the way that the proposal now places
22 the intersection of 223 at 160, it would be cutting
23 across diagonally a piece of property that would make
24 a whole piece of it utterly useless. It would still
25 go through some wetlands. And it would leave me with

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1 a piece of land I would no longer have any excuse for
2 irrigating. It wouldn't be any good to me for
3 animals, certainly, and I can't think of anything
4 else I'd use it for. So the wetlands that they're
5 trying to save would probably all disappear because
6 I'm not going to irrigate it if it doesn't do me any
7 good.

8 I have suggested in the past, and I will
9 say again tonight on the record, as I already have
10 for the recording, that I am very willing to replace
11 those wetlands with others on my property. I know
12 where that is possible. I have offered to do it. I
13 am extremely disturbed by the fact that they have a
14 total disregard for not only my having commented on
15 this for years in the past at numerous meetings and
16 with various people on site -- I've walked it with
17 many people from the highway department for years.
18 It needs to be changed, but it can be changed without
19 being terribly damaging to me or the wetlands,
20 because I'm very willing to work with them on
21 replacement of wetlands. But the configuration right
22 now disturbs me because I feel as if I've been
23 talking to myself for the last 30 years.

24 Thank you very much.

25 MS. PORTER-NORTON: Does anybody else wish

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1 to comment? No?

2 MR. SMITH: I've already commented to her
3 there. Is that all right?

4 MS. PORTER-NORTON: If you want to say it
5 publicly, that's fine too, or -- because it's on the
6 record if you gave it to her earlier.

7 MR. SMITH: I'd like to say a couple of
8 things.

9 MS. PORTER-NORTON: Okay.

10 MR. SMITH: My name is Derek Smith. I'm at
Page 42

11 1330 Homestead Drive in Homestead Bay subdivision.
12 My concerns are the same kind. There will be an
13 interchange -- or not an interchange, but an
14 intersection directly off of 160 into the subdivision
15 where I'm currently living just east of Homestead
16 Bay. They're planning on developing a lot more
17 houses out there, and there will be more than just a
18 couple of access points to Homestead Bay, and our
19 house will be the closest one to the intersection.

20 My wife and I just want to make sure that
21 the traffic as it goes into the subdivision is calmed
22 and slowed to residential speeds, is the main concern
23 we have, and also just, you know, beautification of
24 the highway as it goes through, preservation of the
25 wetlands, and possibly putting up trees and privacy

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1 fences so that the, you know, property values of our
2 home and our neighbors' homes are able to stay up,
3 but mainly the safety concerns for intersections
4 coming into Homestead Bay, make sure that the traffic
5 slows way, way, way down. Thank you.

6 MS. PORTER-NORTON: Thank you, sir.
7 Anybody else?

8 All right. The meeting is not adjourning,
9 because what we can do -- I think we're available
10 till 8:00, we had said, if you'd like to stay. And
11 we're giving you a chance to look at the maps, or if
12 the PowerPoint presentation brought up some new
13 questions. You can also, as we said, use the web

14 site, write your comments in, talk to the CDOT folks
15 tonight, and also please get them formally on the
16 record, if you wish to, tonight with Susan.

17 So thank you very much for coming, and
18 again we're here till 8:00. All right. Thanks.

19 (Conclusion of the public hearing.)

20 (The following is a comment for the
21 record:)

22 MR. BROOKS: I'm Bob Brooks from Post
23 Office Box 1 in Bayfield, Colorado. I am a real
24 estate broker, and I represent one Harry Goff,
25 G-O-F-F, who owns a parcel of land at the extreme

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1 eastern end of your project on the north side of the
2 road.

3 That particular parcel has, as it's now
4 utilized, three accesses, permitted accesses. Mr.
5 Goff is a retired civil engineer and is acquainted
6 with highway needs and wants and understands that the
7 kind of access that's going to be provided to his
8 property is very important.

9 He has 75 acres, I think, and it's adjacent
10 contiguous to town, so that at some time in the
11 future, it will be put to some improved use. Right
12 now it's just agricultural ground.

13 Anyway, he would very much like to talk to
14 your people about the implications of those accesses,
15 and he also would like to talk about the fact that
16 there is some wetlands on this property adjacent to

17 the highway that will be -- have to be mitigated in
18 some kind of way, and so he'd like to address that
19 issue as well.

20 I know that he has made written comment to
21 earlier statements or whatever, and -- but anyway, he
22 was unable to come today, and I'm here in his stead,
23 and I just want to have people understand that that
24 is something that would be very helpful if they could
25 contact Mr. Goff and review those issues with him.

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1 (The record of the public hearing ended at
2 6:30 p.m.)

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1 STATE OF NEW MEXICO

2 COUNTY OF BERNALILLO

3

4

REPORTER'S CERTIFICATE

5

I, SUSAN L. FINDLEY, New Mexico Certified

6

Shorthand Reporter, DO HEREBY CERTIFY that I did

7

report in stenographic shorthand the proceedings set

8

forth herein, and the foregoing is a true and correct

9

transcription of the proceedings to the best of my

10

ability.

11

I FURTHER CERTIFY that I am neither

12

employed by nor related to any of the parties or

13

attorneys in this case, and that I have no interest

14

whatsoever in the final disposition of this case in

15

any court.

16

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19

Susan L. Findley
Certified Court Reporter #77
License expires: 12-31-06

20

21

22

23

24 (1236A) SLF
Date taken: June 7, 2006
25 Proofread by: RK

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1

RECEIPT

2 JOB NUMBER: 1236A SLF June 7, 2006

3 WITNESS NAME: Transcript of Public Hearing

4 CASE CAPTION: Colorado Department of Transportation

5 Final Environmental Impact Statement, Public Hearing

6 *****

7 ATTORNEY: Patty Dickinson, CDOT

8 DOCUMENT: Transcript / Exhibits / Disks / Other _____

9 DATE DELIVERED: _____ DEL'D BY: _____

10 REC'D BY: _____ TIME: _____

11 *****

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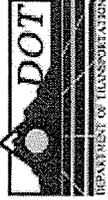
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Attachment C
Handout Materials

US 160 Durango to Bayfield Final Environmental Impact Statement
Colorado Project FC-NH (CX) 160-2 (048), 91050

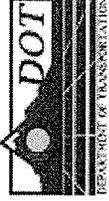


PUBLIC HEARING SIGN-IN SHEET:

June 7, 2006 4:30pm to 7:30 pm

<u>Name (Please Print)</u>	<u>Address and Phone</u>	<u>Representing</u>	<u>Verbal Statement/Comment for the Record?</u> (check one, if yes indicate method)	
			No	Yes (public comment period after presentation)
VICTOR LOUKE	606 PLUMBRO RD #12 81801 76972073	ASUT	X	
JOHN VIGOR	220 VALLEY VIEW CIRCLE 782-3294	SELF	X	
Becky Smith	1017 N Cedar Bayfield 8182	self		X
Dr Rick K. Smith	1067 W Cedar Bayfield 8182	Town of Bayfield		X
Sandy Sweeney	600 Main Ave 202 D60	self	X	
Kathleen McElroy	600 Main Ave 202 D60	Self	X	
Bob Brooks	Box, Bayfield Co	Honeydew	X	
JOHN MANKINS	POB 715 BAYFIELD CO	ME	X	
Kristi Smith	PO Box 145 Bayfield CO 81822	ME		
Physical address →	1330 Homestead Dr.	1		

US 160 Durango to Bayfield Final Environmental Impact Statement
Colorado Project FC-NH (CX) 160-2 (048), 91050

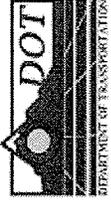


PUBLIC HEARING SIGN-IN SHEET:

June 7, 2006 4:30pm to 7:30 pm

<u>Name (Please Print)</u>	<u>Address and Phone</u>	<u>Representing</u>	<u>Verbal Statement/Comment for the Record?</u> (check one, if yes indicate method)	
			No	Yes (public comment period after presentation) Yes (individually with recorder)
DAVID GERHARDT	134 OSO GRANDE DR 2597460	MYSELF	X	
Scott Whit	91 Florida Ave Dr 257-5882	self	X	
LINDA GRAMERA	704 C.R. 220 247-2428	SELF	X	
Bob CRAMER	704 CR 220 247-2428	SELF	X	
Bob - Jamie Bank	123 Mesa Hts Dr 259-5336	self	X	
BLM - HIGBY	15 Burnett Court Dec 2857374	BLM	X	
DEAN C. SMITH	1330 HOMESTEAD BAY BLVD	Self		X
Jeff & Ute Eckstein	39267 Hwy 160 E. Bayfield, CO	Self		
JR FAUQUAN	368 OSO GRANDE	//		
GARY HILLMAN	3927 US Hwy 160 884-4701	SOUTHWEST DEV SELF	X	

US 160 Durango to Bayfield Final Environmental Impact Statement
Colorado Project FC-NH (CX) 160-2 (048), 91050

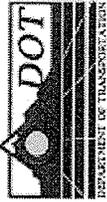


PUBLIC HEARING SIGN-IN SHEET:

June 7, 2006 4:30pm to 7:30 pm

<u>Name (Please Print)</u>	<u>Address and Phone</u>	<u>Representing</u>	<u>Verbal Statement/Comment for the Record?</u> (check one, if yes indicate method)	
			No	Yes (public comment period after presentation) Yes (individually with recorder)
Doreen McCoy	Box 1310 Bayfield 259-4008	Self		
Bob Wolfe	160 Rock Point Dr	3 Springs	X	
Looy Beaver	40355 Hwy 166	Bayfield	X	
Jean Theibert	37640 US Hwy 160	Bayfield	X	
Robert A. Davis	31115 Hwy 160	Durango	X	
Peg + Ron Obenshain	326 cr 232	Durango	X	
Chris + Kay Thurst	3079 Hwy 160	gs/s	X	
Les Layman	50 city Rd 234	Self	X	
Paul Lambert	555 Kurock Ln	-	-	
Valerie Munro	440 Mesa Heights Dr	Self	X	

US 160 Durango to Bayfield Final Environmental Impact Statement
Colorado Project FC-NH (CX) 160-2 (048), 91050



PUBLIC HEARING SIGN-IN SHEET:

June 7, 2006 4:30pm to 7:30 pm

<u>Name (Please Print)</u>	<u>Address and Phone</u>	<u>Representing</u>	<u>Verbal Statement/Comment for the Record?</u> (check one, if yes indicate method)	
			<u>No</u>	<u>Yes (public comment period after presentation)</u> <u>Yes (individually with recorder)</u>
Patricia Holley	48 Mesa Heights Dr. 259-6977			
Paula Berg	45149 RASIO / 155	Amosa Dr home address		
Clarence Bogan	28146 Hwy 160 / Dgo CO	Home address		X
Tina Zink	160 Rock Point Dr Dgo CO	Three Springs	X	
Barbara Ferry Fischer	2158 CR 510		X	
Sim Davis	1060 Main Ave	La Plam Co	X	
PAT VAUGLIN	1600 Roadpost Dr Dgo Co	Three Springs	X	
Pete Turner	3635 CR 300 D60			
Charles Fister	PO Box 300	15575 Hwy 1550		
Rich Bechtolt	3059 Main Ave	Bechtolt	X	



COLORADO DEPARTMENT OF TRANSPORTATION
US 160 Final Environmental Impact Statement
Colorado Project FC-NH (CX) 160-2 (048)
Project No. 91050

WELCOME!

To Our Public Hearing For the US 160 Durango to Bayfield Final Environmental Impact Statement

- ◆ Please PRINT your name on the Sign-In Sheet and indicate whether you want to provide verbal comments for the record.
- ◆ Read the public hearing announcement (attached) for project background.
- ◆ Visit our displays.
- ◆ If you have any questions, PLEASE ask one of our engineers or project managers.

The purpose of our Public Hearing is to gather input from the public and other agencies, which will be considered in the Record of Decision for the Final Environmental Impact Statement.

- ◆ **If you want your statement or comment to be part of the public record, you must complete the requested information on the Sign-In Sheet and:**
 1. Fill out the attached comment sheet and return before June 26th, 2006, or place in drop box tonight.
- OR**
2. Make your oral statement during the hearing (either to the general audience or individually with the recorder). Please limit your comments to 5 minutes.

Thank you very much for your participation!

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION



REGION TRANSPORTATION DIRECTOR REGION 5

3803 N. Main Avenue, Suite 306
Durango, CO 81301
(970) 385-1402
Fax (970) 385-1450

Notice of Open House and Public Hearing

**US 160 Durango to Bayfield, Final Environmental Impact Statement
Project No. FC NH(CX) 160-2(048), 91050**

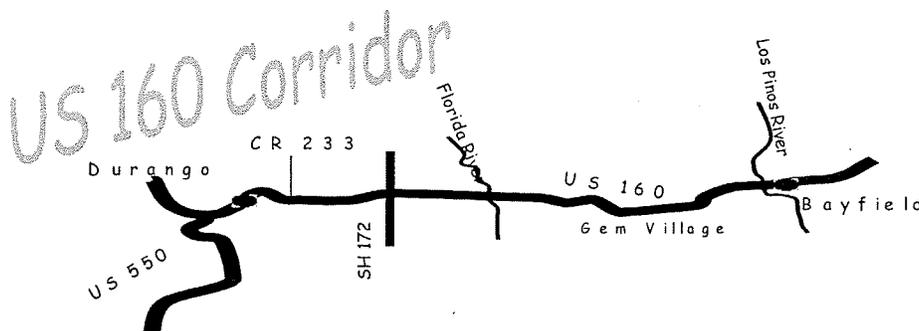
Wednesday, June 7, 2006, 4:30 PM to 8:00 PM

The Colorado Department of Transportation (CDOT) invites you to an Open House and Public Hearing for the *US 160 Durango to Bayfield, Final Environmental Impact Statement (EIS)*. The purpose of the meeting is to review the project purpose and need, alternatives considered, environmental issues, and the right-of-way acquisition process. The document is currently available for viewing at the Durango and Bayfield Public Libraries, USFS/BLM Public Lands Center in Durango, and CDOT North Main Office in Durango. A copy of the final EIS with additional project information is also available on our webpage at: <http://www.dot.state.co.us/US160/EIS/>.

The public comment period begins on May 26, 2006 and extends through June 26, 2006. You are invited to comment by attending the Open House/Hearing where CDOT project team members will be available to discuss the project. A court reporter will be present to record testimony and oral comments. Persons with disabilities may contact CDOT to arrange for special accommodations required to participate in this event. You may also provide comments online at the above listed website. If you have any questions regarding the public hearing you may contact CDOT at 385-1400.

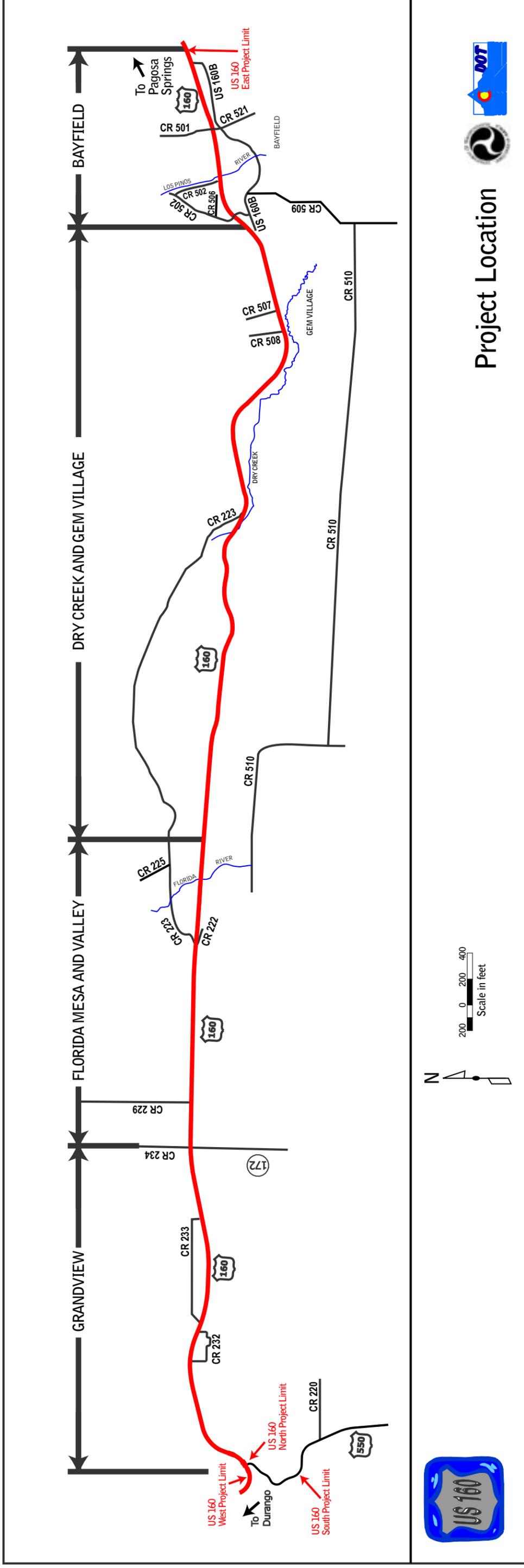
When & Where: Open House & Public Hearing
Wednesday, June 7, 2006
4:30 to 5:30 p.m. Open House,
5:30 to 8:00 p.m. Presentation, Questions/Comments
Escalante Middle School
141 Baker Lane, Durango, CO

You may send written comments postmarked by June 26, 2006 to: Kerrie E. Neet CDOT, 3803 North Main Avenue, Suite 300, Durango, CO 81301, or Fax (970) 385-1410.





US 160 Final Environmental Impact Statement Information



Project Location



US 160 FEIS

A Final Environmental Impact Statement (FEIS) has been prepared for the US 160 project, from Durango to Bayfield. An EIS is prepared when a significant impact to the environment may occur as a result of the proposed project. The US 160 FEIS analyzed a range of alternatives, from no action to constructing a six-lane highway, in order to determine which alternative would best meet the transportation demand in the corridor. In identifying a preferred alternative, the FEIS considered numerous social and environmental resources, such as business and residential relocations, cost, and impacts to wetlands and wildlife.

Preferred Alternatives by Section

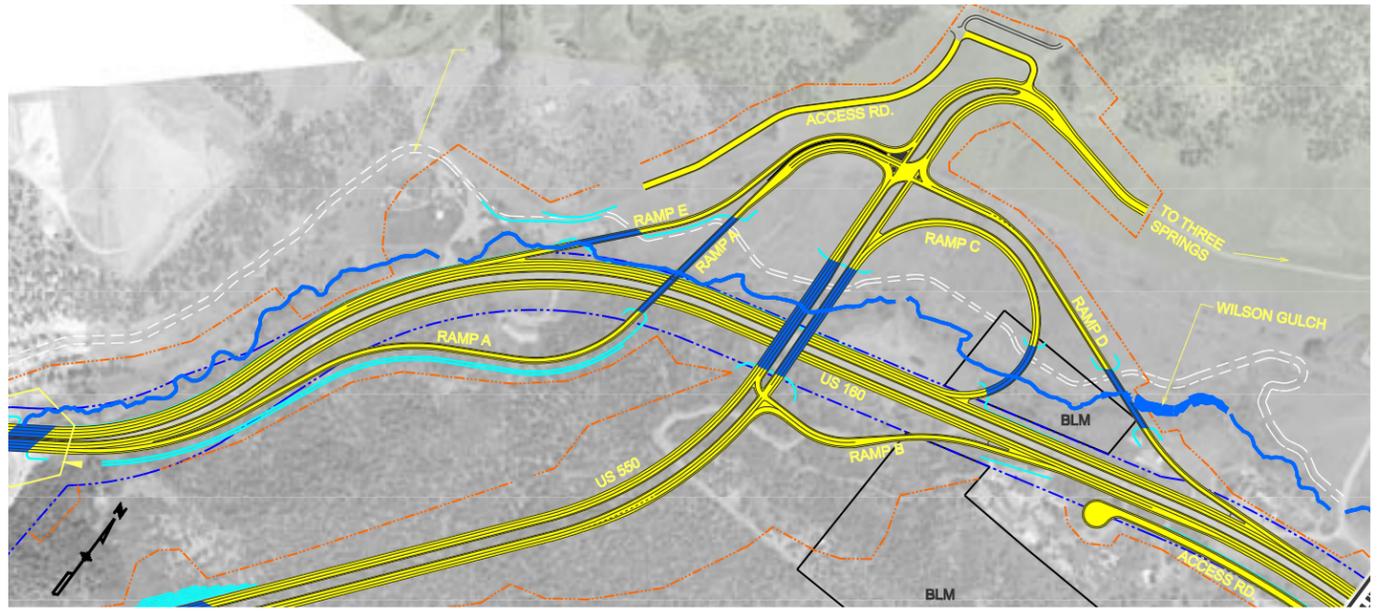
- Grandview Section* – Alternative G Modified
 - Florida Mesa and Valley Section* – Alternative C
 - Gem Village and Dry Creek Section* – Alternative H
 - Bayfield Section* – Alternative B
- More information on the Preferred Alternatives can be found on the CDOT website at <http://www.dot.state.co.us/US160/EIS/>

Next Steps

- FEIS Public Hearing* – June 7, 2006 at Escalante Middle School
- Public Comment Period* – May 26 through June 26, 2006
- Issue Record of Decision* – Late July 2006
- Construction* – First project starts in 2007 or 2008

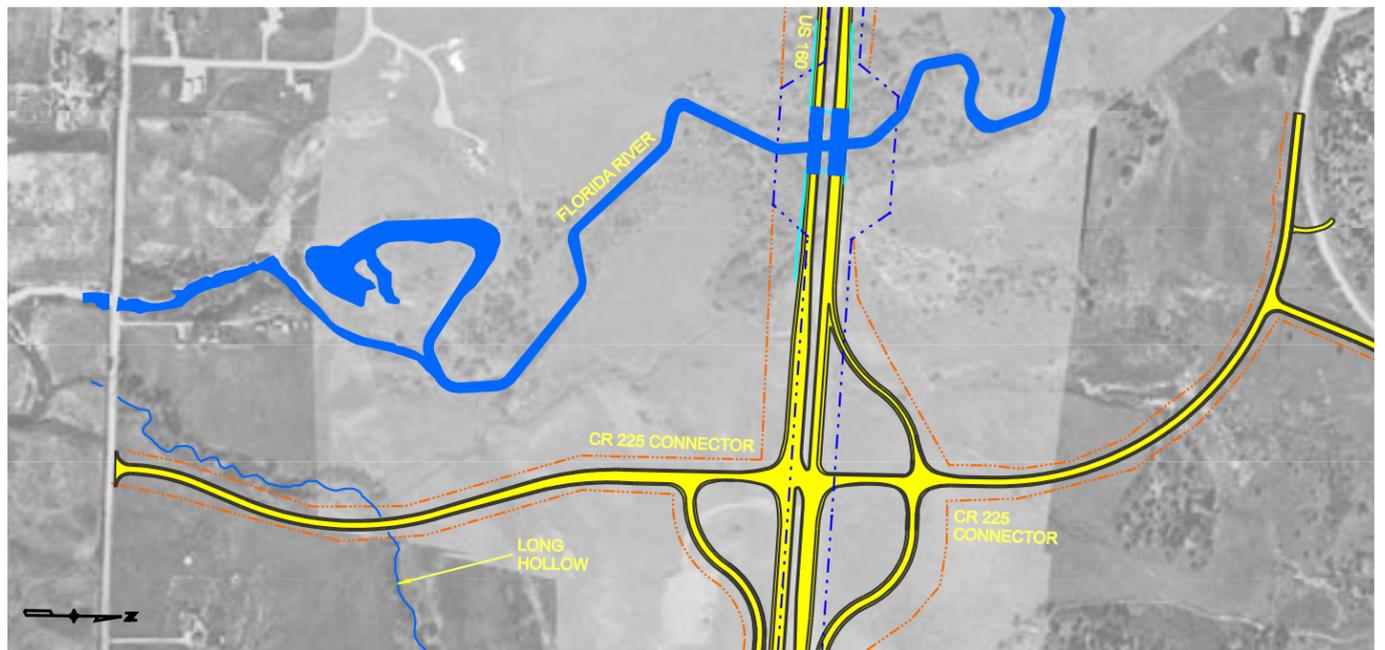
Grandview Section US 160/ US 550 Interchange

- Traffic capacity meets 2025 demand and would be free flowing.
- Provides an additional access point to Grandview.
- Reduces out-of-direction travel.
- Maintains traffic on existing US 550 during construction.
- Minimizes impacts to wetlands and irrigated farmland.



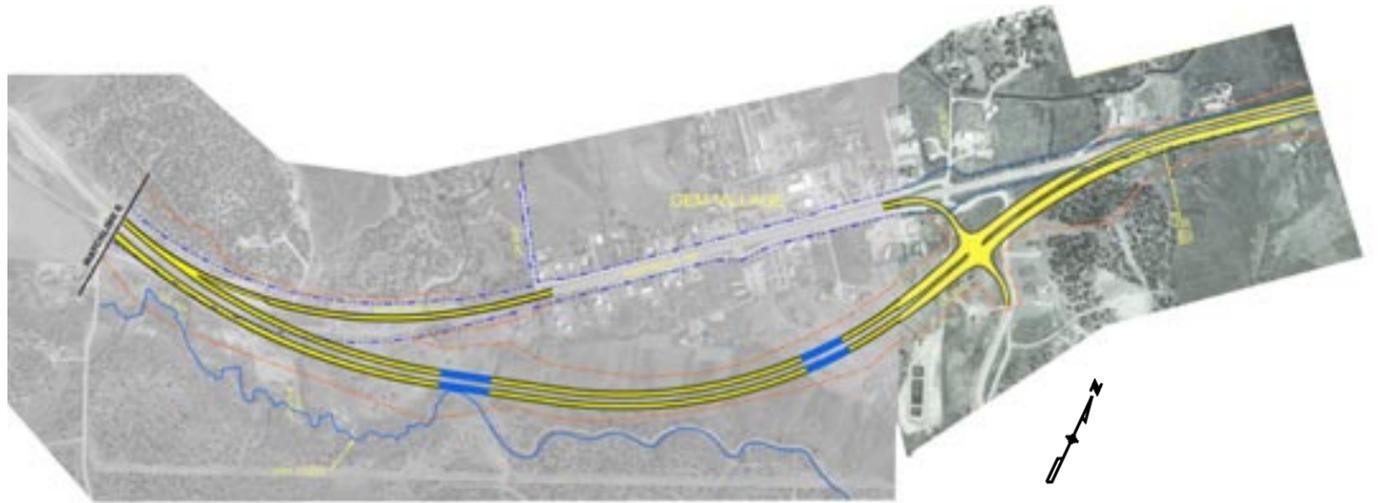
Florida Mesa and Valley Section CR 222/ CR 223 (West)

- Improves safety by providing adequate clear zones, sight distance, and grades.
- Reduces the number of accesses, but maintains access to major county roads.
- Has minimal disruption to through traffic.
- In La Plata County Comprehensive Plan.
- Less impacts to wetlands.



Dry Creek Section Gem Village

- Improves safety by providing adequate clear zones, sight distance, and grades.
- Maintains access to major county roads.
- Has minimal traffic disruption during construction.
- Preserves the community of Gem Village.



Bayfield Section US 160 / CR 501 Intersection

- Less expensive.
- Fewer impacts to wetlands, irrigated farmland, and wildlife habitat.
- Preferred by the public and the Town of Bayfield.
- Maintains access to Commerce Drive.
- Roundabout prevents traffic stacking onto US 160, US 160B, and CR 521.



Appendix B
Section 404 Permit Materials

Attachment A
Section 404 Permit Public Notice



US Army Corps
of Engineers

Sacramento District
1325 J Street
Sacramento, CA 95814-2922

Public Notice

Number: 200275568

Date: May 19, 2006

Comments Due: June 19, 2006

SUBJECT: The U.S. Army Corps of Engineers, Sacramento District, (Corps) is evaluating a permit application to widen and improve US Highway 160 from Durango To Bayfield which would result in impacts to approximately 16.20 acres of wetland and 3,861 linear feet of other waters of the United States. This notice is to inform interested parties of the proposed activity and to solicit comments. This notice may also be viewed at the Corps web site at <http://www.spk.usace.army.mil/regulatory.html>.

AUTHORITY: This application is being evaluated under Section 404 of the Clean Water Act for the discharge of dredged or fill material in waters of the United States.

APPLICANT: Colorado Department of Transportation
Region 5
Attn: Paul Jankowski
3803 North main Avenue
Durango, Colorado 81301

LOCATION: The project site is located in La Plata County, Colorado on US Highway 160 (US 160) and US Highway 550 (US 550) (see Figure 1). The project length on US 160 would be 16.2 miles extending from milepost (MP) 88.0, located east of Durango, to MP 104.2, located east of Bayfield. The project length on US 550 would be 1.2 miles, extending from MP 16.6, located at the US 160/US 550 (south) intersection, to MP 15.4, located south of the US 550/County Road (CR) 220 intersection.

The project site can be found on Loma Linda, Gem Village, and Bayfield Colorado 7/5 minute US Geological Survey quadrangles and is located in Sections 1, 2, 5U, 9, 10, 11 and 12 of Township 34 North, Range 9 West; Sections 7, 8, 9, 10, 11 and 12 of Township 34 North, Range 8 West; Sections 1, 7, 8, 10, 11, 12, 15, 16 and 17 of Township 34 North, Range 7 West; and Section 6 of Township 34 North, Range 6 West.

PROJECT DESCRIPTION: The proposed project would extend the existing four-lane highway of US 160 from Grandview east to Bayfield where it would transition to a two-lane highway. The proposed project would include reconstruction of the US 160/US 550 (south) intersection as an interchange. It would also include reconstruction of the US 160 intersections with CR 233 (west) and SH 172/CR234 as interchanges. The US 160 intersections with CR 233 (east), CR 232 (west), and CR 232 (east) would be eliminated, with CR 233 passing beneath US 160. The realigned CR 222/CR 223 (west) intersection with US 160 would be signalized. Improvements would be made to the existing US 160/CR 501 intersection. Numerous direct access point to US 160 for businesses, neighborhoods, and facilities would be consolidated or improved to provide access control. The project will be constructed over an indefinite period of time as funding allows.

Final design for these improvements is not yet complete and specifics for activities are not yet known, however, the general nature of activity for all roadway sections would include excavation and fills, construction of retaining walls, bridges, pavement, curbs and gutters. There would be a combination of

storm sewer and drainage structures (either pipes or box structures) installed where necessary. Permanent erosion protection in the form of riprap (or in a few instances, a concrete structure at the outlet) would probably be installed at the inlet and outlet of the drainage structures. Under bridges, the banks of waterways would be armored with riprap to help protect the abutments. Details will be supplied to the Corps office for approval with each individual project plan, as final design is complete.

Based on the available information, the overall project purpose is to improve the conditions of the traveling public along US 160 in the project corridor. Specifically, the purpose of the project is to increase travel efficiency/capacity to meet current and future needs, improve safety for the traveling public by reducing the number and severity of accidents and, control access. The need for this project is based on the projected travel demands on highway capacity and efficiency, and the existing substandard design that contributes to accidents associated with roadway deficiencies.

US 160 is a national highway system route and is the only principal east-west highway traversing the entire state of Colorado that serves the Four Corners Region. This vital link to the transportation system provides for the transport of people, goods, and services through the state and serves as a local and regional highway for the city of Durango and town of Bayfield. The growth in population and associated commercial and office-related facilities are the major reasons for expected traffic volume increases along the US 160 project corridor and need for highway improvements. Tourism traffic is anticipated to remain high during the summer months, and would likely increase as the number of resort and recreational facilities increases in the region.

US 160 has a higher than average number and severity of accidents in the state. Contributing to this rating is uncontrolled access; lack of shoulders, turning lanes, and wildlife crossings; and steep grades with insufficient lanes for passing. These problems are compounded by the increasingly high traffic demands that are being placed on this section of highway. Design improvements are needed for US 160 to reduce both the accident rates and the severity of the accidents, as well as mitigate wildlife collisions through the use of wildlife crossings. The attached drawings provide additional project details.

ADDITIONAL INFORMATION:

Environmental Setting.

There are approximately 21 acres of wetlands that will be impacted within the project area. The wetlands were delineated in 1999 and 2000. Due to the size of the project area and the long-term nature of the propose project, wetland boundaries and jurisdictional status were not formally verified by the Corps. The applicant feels that approximately 16 of the 21 acres are jurisdictional wetlands. The Corps will complete a determination during the planning and design phase of the specific construction project.

The applicant has classified several types of wetland found within the project corridor. They are as follows

- a) Wet Valley - wet valley wetland, which occur on slightly sloping terrain. These are areas with high groundwater, not located along stream or irrigation ditches. This is the most abundant wetland type in the project corridor, representing approximately 67 percent of the total wetland area. These wetlands are classified as palustrine emergent (wet meadow and march vegetation)(Cowardin 1979).
- b) Wet Floodplain - wet floodplain wetlands occupy narrow floodplains, typically 5 to 100 feet wide. Although a perennial or intermittent stream is present, the main source of wetland hydrology appears to alluvial groundwater rather than overbank flooding. These wetlands are the are the second most abundant type, representing approximately 14 percent of the total wetland area.
- c) Hillside Seep - Hillside seep wetlands are areas of groundwater discharge on moderate to steep slopes and have a mixture of wet meadow and marsh palustrine emergent vegetation, with palustrine scrub-shrub dominated by sandbar willow. They represent less than 3 percent of the wetland area within the project site.
- d) Stream Fringe - Stream fringe wetlands are mostly within the ordinary highwater mark of the stream

and receive water mainly from surface flow. They represent approximately 2 percent of the wetlands on the project corridor.

e) Old River Channel - Old river channel wetlands occur in depressions on the floodplain. They represent approximately 0.5 percent of total wetland in the project corridor.

f) Irrigation Ditch - Irrigation ditch wetlands occur within or along irrigation ditches and compose 5 percent of the total wetland within the project corridor. Most irrigation ditch wetlands are non-jurisdictional.

g) Ditch Seep - Ditch seep wetlands occur down slope from irrigation ditches, and seepage or surface water flow from irrigation ditch are the main source of water. They represent approximately 3 percent of the total wetland in the project corridor. Wetland whose sole source of hydrology is irrigation water are non-jurisdictional. However, the Corps will make this determination at the design and planning phase of the project.

h) Roadside Ditch - Roadside ditch wetland occur in excavated depressions along the road and highways. These wetlands represent less than 3 percent of the total wetland in the project corridor and may or may not be jurisdictional.

i) Pond Fringe - Pond fringe wetlands occur on the edged of artificial ponds in uplands or in natural drainage. These wetland represent less than 2 pursuant of the total wetland in the project corridor and may or may not be jurisdictional.

Wetlands have many functions and values that vary depending on wetland size, type, location, surrounding land use, outlets, vegetation, and other factors. The wetlands within the project corridor have been rated from low to high based on the following functions:

- 1) Threatened and Endangered Species Habitat
- 2) General Wildlife Habitat
- 3) General Fish Habitat
- 4) Sediment and Nutrient Retention
- 5) Production Export/Food Chain Support
- 6) Groundwater Discharge/Recharge
- 7) Uniqueness
- 8) Recreation/Education Potential
- 9) Dynamic Water Storage

Other aquatic features that are regulated as waters of the US, include intermittent and perennial streams. Five perennial or large intermittent streams occur in the project corridor. They include Wilson Gulch, Florida River, Dry Creek, Los Pinos River, and Little Los Pinos River.

The project is located within Animas and Los Pinos River watershed.

Landuse

Most of the land within the project corridor is classified as agricultural or rural residential. Concentrations of higher density, mixed development exist in the general locations, Grandview, Gem Village, and Bayfield.

Alternatives. The applicant has provided information concerning project alternatives. Additional information concerning project alternatives may be available from the applicant or their agent. Other alternatives may develop during the review process for this permit application. All reasonable project alternatives, in particular those which may be less damaging to the aquatic environment, will be considered.

Avoidance and Minimization

Design options were developed during the final stages of the alternative analysis process to avoid and minimize environmental (including aquatic resource) impacts. These design options generally include the use of retaining walls, reduced median widths, increased bridge lengths, and adjustment of intersecting roadways. Several more specific avoidance and minimization measures include the following:

- 1) CDOT will develop practicable measures to avoid and minimize indirect impacts to high quality

wetlands by establishing upland buffers in areas where highway construction encroaches on or is adjacent to wetlands. This may include minor alignment shifts away from wetland areas to allow sufficient area for establishment of upland buffers. If establishment of an upland buffer is not practicable, permanent best management practices (BMPs) would be implemented as a replacement of upland buffer functions, 2) High quality wetlands in Wilson Gulch and Dry Creek will be avoided and impacts minimized through the use of bridges instead of box culverts, locating intersections to minimize impacts to the larger wetland complexes, use of guardrail and retaining walls to minimize the roadway footprint, narrowing the highway to the maximum extent possible without compromising safety, and through the purchase of access control lines to limit future development impacts.

3) CDOT will implement appropriate best management practices (BMP) to address temporary soil erosion and sediment controls during construction and permanent stormwater runoff. The purpose of the BMPs are to promote water quality and minimize indirect and cumulative impacts to waters of the US.

Mitigation. The Corps requires that applicants consider and use all reasonable and practical measures to avoid and minimize impacts to aquatic resources. Unavoidable permanent wetland impacts will be mitigated through on-site and/or off-site wetland creation or restoration in accordance with CDOT policy, Federal highway Administration (FHWA) wetland mitigation policy, and current USACE mitigation policies. Although the Clean Water Act only requires compensatory mitigation for those wetland and other waters considered jurisdictional, it is CDOT's policy to mitigate all wetland impacts at a minimum 1:1 ratio.

Current FHWA wetland mitigation policy states that using a wetland mitigation bank for compensatory mitigation is preferable (whenever practicable). However there are currently no active wetland mitigation banks within the project area watersheds.

CDOT will set up a project specifically for wetland mitigation with funding in 2007 or 2008, and will seek local input from conservation organizations or agencies to find the best mitigation sites. CDOT has established a conceptual mitigation plan that identifies on-site areas that appear to be suitable and practicable for wetland mitigation in lieu of mitigation banking. These areas will be further investigated during the final design and permitting process of each individual project in all highway sections.

Compensatory mitigation sites for replacement of jurisdictional wetlands will be outside CDOT right-of-way (ROW) to allow for designation of Conservation easements or Deed Restricted properties. Acres within CDOT ROW that are suitable for development as wetland will be considered as mitigation for non-jurisdictional impacts only. CDOT will pursue the purchase of properties on a willing seller basis to provide favorable locations for wetland impact compensation. Mitigation sites may also be developed on remnant parcels that are not required for transportation purposes but are still part of CDOT ROW. These sites will be protected in accordance with Sacramento District's Mitigation and Monitoring Proposal Guidelines.

OTHER GOVERNMENTAL AUTHORIZATIONS: Water quality certification or a waiver, as required under Section 401 of the Clean Water Act from the State of Colorado, is required for this project. The applicant has indicated they have applied for certification.

HISTORIC PROPERTIES: An inventory of historic resources was conducted. Ten sites that have been officially determined eligible for the National Register of Historic Places (NRHP) would be impacted by the project, including the Denver and Rio Grande Railroad, eight irrigation ditches and one canal. A formal concurrent of No Adverse Effect for all the NRHP-eligible sites was provided by the State Historic Preservation Office.

ENDANGERED SPECIES: All portions of the project area were assessed for federally protected species habitat. A Biological Assessment (BA) has been submitted to the US Fish and Wildlife Service in conjunctions with the US 160/US 550 EIS to comply with Section 7 Endangered Species Act requirements. The determination in the BA states that the proposed US 160 highway improvement project may affect, but is not likely to adversely affect bald eagle, yellow-billed cuckoo, and Knowlton

cactus. Southwestern willow flycatcher, Colorado pikeminnow, and razorback sucker are likely to be adversely affected by the proposed expansion and realignment of US 160 due to direct, indirect, and cumulative effects as a result of the construction are also included in the BA. A Biological Opinion (BO) concurring with this determination was received on February 3, 2006.

EVALUATION FACTORS: The decision whether to issue a permit will be based on an evaluation of the probable impacts, including cumulative impacts, of the described activity on the public interest. That decision will reflect the national concern for both protection and utilization of important resources. The benefit, which reasonably may be expected to accrue from the described activity, must be balanced against its reasonably foreseeable detriments. All factors which may be relevant to the described activity will be considered, including the cumulative effects thereof; among those are conservation, economics, aesthetics, general environmental concerns, wetlands, historic properties, fish and wildlife values, flood hazards, floodplain values, land use, navigation, shoreline erosion and accretion, recreation, water supply and conservation, water quality, energy needs, safety, food and fiber production, mineral needs, consideration of property ownership and, in general, the needs and welfare of the people. The activity's impact on the public interest will include application of the Section 404(b)(1) guidelines promulgated by the Administrator, Environmental Protection Agency (40 CFR Part 230).

The Corps is soliciting comments from the public, Federal, State, and local agencies and officials, Indian tribes, and other interested parties in order to consider and evaluate the impacts of this proposed activity. Any comments received will be considered by the Corps to determine whether to issue, modify, condition, or deny a permit for this proposal. To make this decision, comments are used to assess impacts on endangered species, historic properties, water quality, general environmental effects, and other public interest factors listed above. Comments are used in the preparation of an Environmental Assessment and/or an Environmental Impact Statement pursuant to the National Environmental Policy Act. Comments are also used to determine the need for a public hearing and to determine the overall public interest of the proposed activity.

SUBMITTING COMMENTS: Written comments, referencing Public Notice 200275568, must be submitted to the office listed below on or before June 19, 2006:

Kara Hellige, Project Manager
US Army Corps of Engineers, Sacramento District
Durango Regulatory Office
278 Sawyer Drive, Suite #1
Durango, Colorado 81303
Email: kara.a.hellige@usace.army.mil

The Corps is particularly interested in receiving comments related to the proposal's probable impacts on the affected aquatic environment and the secondary and cumulative effects. Anyone may request, in writing, that a public hearing be held to consider this application. Requests shall specifically state, with particularity, the reason(s) for holding a public hearing. If the Corps determines that the information received in response to this notice is inadequate for thorough evaluation, a public hearing may be warranted. If a public hearing is warranted, interested parties will be notified of the time, date, and location. Please note that all comment letters received are subject to release to the public through the Freedom of Information Act. If you have questions or need additional information please contact the applicant or the Corps' project manager Kara Hellige, 970-375-9452, kara.a.hellige@usace.army.mil.

Attachments: 11 drawings

Attachment B
Correspondence

From: McWhirter, Lesley A SPK [mailto:Lesley.A.McWhirter@usace.army.mil]
Sent: Monday, May 12, 2003 10:25 AM
To: Jankowski, Paul
Subject: US160 P&N Statement

Paul:

After reviewing the US160 EIS Purpose & Need Statement which you forwarded by email on May 2, 2003, we concur that the P&N statement allows for the evaluation of a reasonable range of alternatives for purposes of the 404(b)(1) analysis.

Please let me know if you have any questions or comments.

*Lesley McWhirter
Durango Regulatory Office
U.S. Army Corps of Engineers, Sacramento District
278 Sawyer Drive, #1
Durango, Colorado 81303
Phone: (970) 375-9452
Fax: (970) 375-9531
Website: www.spk.usace.army.mil/regulatory*



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

April 22, 2005

RECEIVED BY:

APR 23 2005

PROGRAM ENG.

Paul
Chris
Tara
Keith

Regulatory Branch (200275568)

Kerrie E. Neet
Colorado Department of Transportation
Region 5 Planning/Environmental Manager
3803 North Main Avenue
Durango, Colorado 81301

Dear Ms. Neet:

The Corps of Engineers, Durango Regulatory Office, has reviewed Chapter 2 of the draft Environmental Impact Statement for Highway 160 from Junction US 160/US 550 Durango to East of Bayfield. Chapter 2 contains the first and second level screening process for alternatives.

According to the National Environmental Policy Act/Clean Water Act Section 404 (NEPA/404) merger process and agreement for transportation projects in Colorado, the Corps of Engineers has the responsibility to review and provide input on the draft EIS. Furthermore, the Corps has the responsibility to confirm that the project will comply with the Clean Water Act Requirements, including Section 404 b(1) guidelines. The purpose of this letter is to provide written comments on the second-level alternative screening criteria and to concur that the alternatives selected for detailed evaluation comply with the guidelines.

After reviewing the second-level alternative screening criteria as listed in Table 2.1.2 in Chapter 2 of the EIS, this office provides the following comments:

- 1) The category entitled Purpose and Need 2 (PN2) states that an alternative must improve existing design and safety deficiencies to current standards. This office has concerns that current standards at the time of construction will be different than current standards during the completion of the EIS. Any "standard" change could drastically change the footprint and scope of the project, thereby rendering the EIS unusable.
- 2) Purpose and Need 3 states that "to advance, an alternative must meet the minimum CDOT and AASHTO spacing and operational requirements for public roadway and limit access to highway" This office is concerned that access limitation may cause additional impacts to the aquatic environment through future access points. These future access points have not been reviewed in screening 2 alternative analysis and should be addressed

within the EIS. In addition, this office has similar concerns regarding AASHTO requirements as expressed in our first comment, above.

3) Existing Technology 1 (ET1) states that "to advance, proposed transportation technologies must be tested and proven". This office feels that this criteria may limit CDOT from implementing new technologies that would not cause a safety hazard or degrade the roadway, such as types of best management practices for permanent and temporary stormwater control. In addition, new technology may be tested and proven after the approval of the EIS but before the construction of the highway. Any new technology that improves the integrity of the aquatic resources should be incorporated into the project. Therefore the project analysis should contain some flexibility to account for new technology that may not be tested and proven at the time of the completion of the EIS but rather at the time of the project design and implementation phase.

4) Environmental consequence 1 states that "to advance, the impacts of an alternative must not result in a Jeopardy or Advance Modification Biological Opinion, issued after completion of consultation under Section 7(a) of the Endangered Species Act". This office recommends including State endangered or sensitive species to this criteria.

5) Environmental consequence 2 states that "to advance, the impacts of an alternative must avoid and minimize direct, indirect, and cumulative impacts to the aquatic ecosystem. Selection of the Preferred Alternative will be based on the practicable alternative that meets the Purpose and Need, with the least adverse impacts to the aquatic ecosystem". Since more than the preferred alternative satisfies the second-level alternative and the Corps has not made a concurrence that the preferred alternative is the LEDPA (Least Environmentally Damaging Practicable Alternative), this office recommends that the second sentence be removed.

6) Overall, this office has concerns that the verbiage used in the table is open to interpretation. Examples include, but are not limited to, the use of the terms reasonable and unreasonable, significant, and social and technical feasibility. This office recommends reviewing the language in the table in an attempt to reduce the interpretation issues.

After reviewing all of your alternatives, this office concurs that the LEDPA has not been removed during the second level alternative screening process. Since the implementation of this project may not occur in the near future, the EIS should contain flexibility to changing conditions, including, but not limited to, the natural environment, safety requirements,

technology, and sociology.

This office also has additional comments that were discussed during our April 18, meeting. This comments include:

- 1) The Corps has not determined jurisdictional status or concurred with the wetland boundaries within the project site. Therefore, all wetland areas should be considered jurisdictional and this office should concur with the wetland boundary prior to the construction design phase.
- 2) Due to the high probability of future changes, the EIS should contain language on design flexibility, including median size and access control. This language should be located within the executive summary and anywhere else it is appropriate within the EIS.
- 3) To address wildlife impacts, this office feels that you should independently solicit comments in writing from the Colorado Department of Wildlife.

At this time, the Corps of Engineers does not concur that the preferred alternative is the LEDPA, and that the proposed compensatory mitigation adequately offsets impacts to aquatic resources.

If you have any questions, please contact me at our Durango Regulatory Office, 278 Sawyer Drive, Suite #1, Durango, Colorado 81303, email kara.a.hellige@usace.army.mil, or telephone 970-375-9452.

Sincerely,



Kara A. Hellige
Chief, Durango Regulatory Office
Sacramento District

Copy furnished:

Ms. Sarah Fowler, US Environmental Protection Agency, 8EPR-EP,
999 18th Street, Suite 300, Denver, Colorado 80202-2466
Mr. Al Pfister, U.S. Fish and Wildlife Service, 764 Horizon
Drive, Building B, Grand Junction, Colorado 81506-3946
Ms. Monica Pavlik, Federal Highway Administration, 12300 W.
Dakota Avenue, Suite 180, Lakewood, Colorado 80228
Mr. Charles Higby, Bureau of Land Management, 14 Burnett Court,
Durango, Colorado 81301



REPLY TO
ATTENTION OF

DEPARTMENT OF THE ARMY
U.S. ARMY ENGINEER DISTRICT, SACRAMENTO
CORPS OF ENGINEERS
1325 J STREET
SACRAMENTO, CALIFORNIA 95814-2922

May 10, 2006

Regulatory Branch (200275568)

Kerrie E. Neet
Colorado Department of Transportation
Region 5 Planning/Environmental Manager
3803 North Main Avenue
Durango, Colorado 81301

Dear Ms. Neet:

We are responding to your request for concurrence that the preferred alternative, as shown within your Draft Environmental Impact Statement dated February 2006, for the US 160 Durango to Bayfield Improvement Project, is the Least Environmentally Damaging Practicable Alternative (LEDPA). According to the information submitted, the preferred alternative appears to be the LEDPA. This determination is contingent on the following:

1. CDOT will attempt to further avoid and minimize impacts to waters of the US, including wetlands during the design phase of specific construction projects.
2. Compensatory mitigation would replace the wetland function that is permanently impacted. To insure that the functions are successfully replaced, CDOT will attempt to mitigate high quality wetlands prior to impact.
3. CDOT will implement appropriate best management practices to avoid indirect impacts to waters of the US, including wetlands.

This office can not determine that the preferred alternative is the LEDPA until we receive public input and complete the Section 404(b)(1) Guideline review.

If you have any questions, please contact me at the Durango Regulatory Office, 278 Sawyer Drive, # 1, Durango, Colorado 81301, telephone 970-375-9452, or e-mail kara.a.hellige@usace.army.mil.

Sincerely,



Kara A. Hellige
Chief, Durango Regulatory Office
Sacramento District

Copies Furnished:

Ms. Sarah Fowler, US Environmental Protection Agency, 8EPR-EP, 999 18th Street, Suite 300, Denver, Colorado 80202-2466

Ms. Monica Pavlik, Federal Highway Administration, 12300 W. Dakota Avenue, Suite 180, Lakewood, Colorado 80228

Mr. Charles Higby, Bureau of Land Management, 14 Burnett Court, Durango, Colorado 81301

Attachment C
Section 404 Permit
Comments and Responses

**Table 1
Comment Index**

Comment Number	Commenter	Agency or Organization	Category	Comment
State Agency				
1	John C. Hranac	Colorado Department of Public Health and Environment	Water Quality	Section 401 Water Quality Certification
Individuals – Written Comments				
2	Richard and Carol Cohen	N/A	Engineering, wildlife	Impacts to underground utilities and well on property; impacts to wildlife
3	Charles Orin Foster	N/A	Wildlife	Impacts to pond and wildlife
Federal Agency				
4	Sarah Fowler	US Environmental Protection Agency	Wetlands, Section 404 Permit	Continued Avoidance and Minimization of Impacts; Public Notices Section 404(b)(1) compliance

N/A = not applicable

State Agency Comments

Comment 1 (John C. Hranac)

The Colorado Department of Public Health and Environment (CDPHE) has received the application for the above referenced project and is placing it in our public notice as required by state regulation. The CDPHE is required to review each project requiring a Clean Water Act (CWA) Section 401 water quality certification with respect to the antidegradation provisions. For the project, the CDPHE has preliminarily determined that:

- This project will cause only temporary changes in water quality.

This letter is not a CWA Section 401 water quality certification.

Response 1

Comment noted.

Individual Comments (Written)

Comment 2 (Richard and Carol Cohen)

Your current highway proposal would inflict a grievous and irreversible injury upon us (as well as to wildlife indigenous to our property).

Almost one-half the strip of our meadow running South to North contains the leech field for our septic system, and to the North and Center of this is our fourth and ONLY viable water well we ever found on our property.

Moreover, the strip of woods running parallel and to the East of our meadow (adjacent to the current highway 550) is, and always has been, a major Magpie sanctuary containing countless numbers of the species!

In addition, this is all not to mention the destruction of existing power lines, as well as our maze of underground electronics, phone lines, and plumbing.

PLEASE visit us for a walking tour, and see for yourself!

Can't you shift the highway diminutively onto the vacant just East of us, and demonstrate of gesture of mercy? Thank you.

Response 2

The Colorado Department of Transportation (CDOT) is required to maintain the existing water supply and quantity to all properties during and after construction. If this is not possible, property owners will be compensated accordingly. CDOT will coordinate with you during final design if there is a potential for loss or interruption of the water supply. In addition, all existing utilities within the proposed right of way (ROW) will be relocated prior to construction, at no expense to the property owner.

Impacts to wildlife were considered in the US 160 Final Environmental Impact Statement (FEIS). While black-billed magpies do not receive federal Endangered Species Act protection, nests with eggs and young are protected under the Migratory Bird Treaty Act. As part of the mitigation stated in the FEIS, migratory bird nests will not be removed during the nesting season. Therefore, no harm to adult birds, juveniles, or eggs is expected.

As this location is near the southern limit of the project, the proposed alignment needs to match the existing US 550 alignment. Shifting the roadway to the east would result in a sharp curve to match the existing roadway, and would not meet the horizontal design criteria for this project.

Comment 3 (Charles Orin Foster)

The portion of this project located near my property at 15575 Highway 550 will block the passage of water to my pond. Many species of wildlife, including Red Tail Hawk, Deer, Fox, Rabbit, Raccoon, Bald Eagle and Ducks, rely on this pond for their habitat on a year round basis.

Please consider realigning the path of travel of this project approximately 250' to the East in order to minimize the obstruction of water to my pond.

Response 3

The ponds located on Mr. Foster's property appear to be south and west of the project boundary. The US 160 corridor project, therefore, does not appear to have any direct impacts to the pond mentioned in Mr. Foster's letter. It is CDOT's policy to maintain historic drainage patterns. Therefore, pre-existing drainage patterns that currently support Mr. Foster's ponds will be maintained or restored if affected by the project.

Federal Agency Comments

Comment 4 (Sarah Fowler, US Environmental Protection Agency)

We have reviewed the referenced Public Notice regarding the placement of fill material in waters of the U.S., including wetlands, in conjunction with a highway-widening project in La Plata County, Colorado. The proposed project entails a “rural” highway design with extensive median widths, new intersection and interchange construction, and limited access frontage roads. The Public Notice identifies between approximately 16.2 and 20 acres of potential wetland losses resulting from the project.

We have also reviewed pertinent sections of the FEIS regarding responses to the Environmental Protection Agency’s (EPA’s) concerns on the Draft Environmental Impact Statement (EIS). The EPA has the following concerns and recommendations for your consideration of compliance with the Section 404(b)(1) Guidelines and the National Environmental Policy Act (NEPA).

1. The federal and state 404/NEPA merger process used on this project assured that the LEDPA was not eliminated during the EIS process. However, because this is early in the design of the project, there may or may not be significant new information. The Public Notice does not identify how project impacts will be disclosed in the future to the resource agencies or the public once final engineering design is completed. It appears that in order for the least damaging practicable alternative to be adequately evaluated for compliance with the Section 404(b)(1) Guidelines, another Public Notice will need to be sent out for public comment and review. Final engineering may be needed to more accurately assess less damaging practicable alternatives considering such things as retaining wall designs v. slope designs, median widths with potential improved technologies, changing landscape considerations, etc.
2. With final engineering designs, more specific details on direct impacts may be disclosed but more details may be evaluated concerning indirect and future cumulative impacts. Phasing the Section 404 permit over an extended time period presents opportunities for County PUD approvals and other RFD considerations under NEPA. We believe these indirect and cumulative adverse impacts should be evaluated and disclosed with future phasing and design of the highway project.
3. Further, we believe that a permit should not be issued until mitigation plans are reviewed by EPA and the resource agencies and should required to be implemented prior to construction. Without information regarding the location, types, and size of the wetland complex, we believe that the making a determination of compliance at this time is not warranted.

We understand that future phases of this project may take many years to design, fund and construct. However, we would request that the Corps consider future phases and adverse impacts to aquatic resources as opportunities for a more critical review of alternatives related to design work and landscape changes (i.e., development). We are willing to assist in the review of these future phases especially in the more controversial sites, including the Dry Creek area.

The Corps has taken a very active role in reviewing this EIS with continued effort towards avoiding and minimizing adverse effects to aquatic resources. We applaud your active participation in dealing with difficult design and land-use issues. If you have any questions or concerns regarding these comments, please feel free to contact me at 303-312-6192.

Response 4

We appreciate your continued involvement in the US 160 project and Section 404 permit. Federal Highway Administration (FHWA) and CDOT will continue to coordinate with US Army Corps of Engineers (USACE) and EPA on final design and development of detailed mitigation plans in future phases of construction as described in the Section 404 permit.

- 1) The FEIS and Section 404 permit application disclose all anticipated impacts to wetlands and other waters of the US based on the current design. Future design is intended to reduce impacts through avoidance and minimization measures. If additional impacts are discovered, the USACE would consider what public involvement activities are appropriate for the situation, ranging from a letter of permission (LOP) to a Public Notice. If the USACE determines that changes in impacts are significant, a public notice will be issued. In addition, a supplemental EIS would be required if significant changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS. This would result in additional public involvement, including an additional public notice.*

During the EIS process, the preliminary alternatives were subjected to a screening process that considered factors necessary in selecting the LEDPA for Section 404 permitting. Consistent with these requirements, alternatives were eliminated if they did not meet the purpose and need and therefore were not practicable. Alternatives were also eliminated and not considered to be practicable based on logistics or cost, or if they had greater environmental consequences to the aquatic ecosystem and natural environment. Based on this screening, which was consistent with requirements of Section 404 of the CWA, two alternatives were advanced for detailed analysis in the US 160 EIS. A preferred alternative was identified for each section, based on social and environmental criteria, again including logistics, cost, and environmental consequences. In three of the four sections, the preferred alternative has less impact to wetlands than the other advanced alternative and therefore is considered to be the LEDPA because of having the least amount of impacts to the aquatic environment. In the Dry Creek and Gem Village Section, Alternative H (Preferred Alternative) has more impacts to wetlands than Alternative C. However, Alternative C would have 15 residential relocations and nine business relocations, as compared to eight residential relocations and no business relocations for Alternative H. With these relocations, Alternative C would remove approximately 50 percent of the Gem Village downtown district. This would result in adverse impacts to community cohesion in Gem Village. For these reasons, Alternative C was determined to be not practicable based on logistics and Alternative H (Preferred Alternative) is considered the LEDPA.

In a letter dated May 10, 2006, the USACE concurred that the Preferred Alternative appears to be the LEDPA contingent upon several conditions. These conditions include further avoidance and minimization of impacts to waters of the US, including wetlands, during the design phase of specific construction projects. These avoidance and minimization measures are design options to further reduce impacts, not an alternatives analysis that would require re-evaluation of the LEDPA.

Retaining walls, median width reductions, and changing landscape conditions have already been considered in the alternatives described in the FEIS. In Wilson Gulch and Dry Creek, retaining walls have been incorporated into the design to minimize impacts to

wetlands; in Dry Creek the median width has been reduced from 46 feet to 36 feet, also specifically to reduce impacts to wetlands. Changing landscape conditions, including reasonably foreseeable developments in the corridor, were disclosed in the FEIS. A mitigation commitment is made in the FEIS and ROD to obtain access control lines along the entire corridor and, where feasible, restrict access through wetlands and waterways while providing for reasonable access.

- 2) *Indirect and cumulative impacts were evaluated in the FEIS. A supplemental EIS would be required if it is determined that (1) changes to the proposed action would result in significant environmental impacts that were not evaluated in the EIS, or (2) new information or circumstances relevant to environmental concerns and bearings on the proposed action or its impacts would result in significant environmental impacts not evaluated in the EIS (23 CFR 771.130). Prior to each construction phase, the USACE will evaluate whether a major modification to the Section 404 permit is required. At that time, FHWA, in conjunction with CDOT, will also evaluate whether a supplemental FEIS is required. Indirect and cumulative impacts would be re-evaluated and reassessed for any supplemental EIS or major modification to the Section 404 permit.*
- 3) *A conceptual mitigation plan, including proposed mitigation areas, was included in the FEIS and Section 404 permit application. The conceptual mitigation plan shows areas of mitigation based on site selection in areas that are suitable and contiguous with other wetland areas while providing the greatest benefit to the ecosystem on a watershed basis. Prior to each phase of construction, a detailed mitigation plan will be submitted by CDOT to USACE for review and approval. The USACE will then distribute the detailed mitigation plan to other agencies, such as EPA, for review, as appropriate. This will ensure appropriate and functional replacement of wetland impacts. The proposed mitigation will be implemented prior to or in conjunction with construction.*

Attachment D
Section 404(b)(1) Analysis

**Department of the Army Permit Evaluation
and Decision Document**

Applicant: Colorado Department of Transportation

Application No: 200275568

This document constitutes my Statement of Findings, and review and compliance determination according to the Section 404(b)(1) guidelines for the proposed work (applicant's preferred alternative) described in the public notice issued by the Sacramento District.

I. Proposed Project: Colorado Department of Transportation is requesting a Department of the Army permit to improve US Highway 160 (US 160) between Durango and Bayfield. The proposed project would extend the existing US 160 four-lane highway from Grandview eastward to Bayfield where it would transition to a two-lane highway. For the purpose of this document, the proposed project is the Preferred Alternative as described in CDOT's US Highway 160 From Durango to Bayfield Environmental Impact Statement. The project would include reconstruction of the US 160/US 550 (south) intersection as an interchange. It would also include reconstruction of the US 160 intersections with CR 233 (west) and SH 172/CR 234 as interchanges. The US 160 intersections with CR 233 (east), CR 232 (west), and CR 232 (east) would be eliminated, with CR 233 passing beneath US 160. The realigned CR 222/CR 223 (west) intersection with US 160 would be signalized. Improvements would be made to the existing US 160/CR 501 intersection. Numerous direct access point to US 160 for businesses, neighborhoods, and facilities would be consolidated or improved to provide access control. The project will be constructed over an indefinite period of time as funding allows.

Final design for these improvements is not yet complete and specifics for activities are not yet known, however, the general nature of activity for all roadway sections would include excavation and fills, construction of retaining walls, bridges, pavement, curbs and gutters. There would be a combination of storm sewer and drainage structures (either pipes or box structures) installed where necessary. Permanent erosion protection in the form of riprap (or in a few instances, a concrete structure at the outlet) would probably be installed at the inlet and outlet of the drainage structures. Under bridges, the banks of waterways would be armored with riprap to help protect the abutments. As final design plans for each individual project are completed, detailed plans will be submitted to the Corps for review and concurrence prior to the initiation of work.

There are approximately 21 acres of wetlands that would be impacted within the project area. The wetlands were delineated in 1999 and 2000. Due to the size of the project area and the long-term construction schedule, wetland boundaries and jurisdictional status were not formally verified by the Corps. The applicant feels that approximately 16 acres of the 21 acres within the project boundary are jurisdictional wetlands. The Corps will complete a determination during the planning and design phase of the specific construction project.

The applicant has classified several types of wetland found within the project corridor. They are as follows

a) Wet Valley - Wet valley wetlands occur on slightly sloping terrain. These are areas with high groundwater, not located along stream or irrigation ditches. This is the most abundant wetland type in the project corridor, representing approximately 67 percent of the total wetland area. These wetlands are classified as palustrine emergent (wet meadow and marsh vegetation)(Cowardin 1979).

b) Wet Floodplain - Wet floodplain wetlands occupy narrow floodplains, typically 5 to 100 feet wide. Although a perennial or intermittent stream is present, the main source of wetland hydrology appears to alluvial groundwater rather than overbank flooding. These wetlands are the second most abundant type, representing approximately 14 percent of the total wetland area.

c) Hillside Seep - Hillside seep wetlands are areas of groundwater discharge on moderate to steep slopes and have a mixture of wet meadow and marsh palustrine emergent vegetation, with palustrine scrub-shrub dominated by sandbar willow. They represent less than 3 percent of the wetland area within the project site.

d) Stream Fringe - Stream fringe wetlands are mostly within the ordinary highwater mark of the stream and receive water mainly from surface flow. They represent approximately 2 percent of the wetlands on the project corridor.

e) Old River Channel - Old river channel wetlands occur in depressions on the floodplain. They represent approximately 0.5 percent of the total wetland within the project corridor.

f) Irrigation Ditch - Irrigation ditch wetlands occur within or along irrigation ditches and compose 5 percent of the total wetland within the project corridor. Most irrigation ditch wetlands are non-jurisdictional.

g) Ditch Seep - Ditch seep wetlands occur down slope from irrigation ditches, and seepage or surface water flow from irrigation ditch are the main source of water. They represent approximately 3 percent of the total wetland within the project corridor. Wetlands whose sole source of hydrology is irrigation water are non-jurisdictional. However, the Corps will make this determination at the design and planning phase of the project.

h) Roadside Ditch - Roadside ditch wetlands occur in excavated depressions along the road and highways. These wetlands represent less than 3 percent of the total wetland in the project corridor and may or may not be jurisdictional.

i) Pond Fringe - Pond fringe wetlands occur on the edged of artificial ponds in uplands or in natural drainages. These wetland represent less than 2 percent of the total wetlands within the project corridor and may or may not be jurisdictional.

Other aquatic features that are regulated as waters of the US, include intermittent and perennial streams. Five perennial or large intermittent streams occur in the project corridor. They include Wilson Gulch, Florida River, Dry Creek, Los Pinos River, and Little Los Pinos River.

The project is located within the Animas and Los Pinos River watersheds.

A. Purpose and need: The purpose of the project is to improve the conditions for the traveling public along US 160 in the project corridor. Specifically, the purpose of the project is to increase travel efficiency/capacity to meet current and future needs, improve safety for the traveling public by reducing the number and severity of accidents, and control access. The need for this project is based on the projected increase in travel demands on highway capacity and efficiency, and the existing substandard design that contributes to accidents associated with roadway deficiencies.

US 160 is a national highway system route and is the only principal east-west highway traversing the entire state of Colorado that serves the Four Corners Region. This vital link to the transportation system provides for the transport of people, goods, and services throughout the state and serves as a local and regional highway for the city of Durango and town of Bayfield. The growth in population and development of associated commercial and office-related facilities are the major reasons for expected traffic volume increases along the US 160 project corridor and need for highway improvements. Tourism traffic is anticipated to remain high during the summer months and would likely increase as the number of resort and recreational facilities increases within the region.

US 160 has a higher than average number and severity of accidents within the state of Colorado. Conditions contributing to this rating include uncontrolled access; lack of shoulders, turning lanes, and wildlife crossings; and steep grades with insufficient lanes for passing. These problems are compounded by the increasingly high traffic demands that are being placed on this section of highway. Design improvements are needed for US 160 to reduce both the accident rates and the severity of the accidents, as well as mitigate wildlife collisions through the use of wildlife crossings.

B. Changes to the proposed project since circulation of the public notice: There have not been any proposed changes since the circulation of the public notice.

C. Specific activity that requires a Department of the Army permit: The project requires the unavoidable discharge of dredged or fill material into waters of the US, including wetlands. Due to the size of the project area and the long-term construction schedule of the project, wetland boundaries and jurisdictional status were not formally verified by the Corps. The applicant feels that approximately 16 of the 21 acres are jurisdictional wetlands. The Corps will complete a determination during the planning and design phase of the specific construction project. The following waterways are located within the project area Wilson Gulch, Florida River, Dry Creek, Los Pinos River, and Little Los Pinos River. Wilson Gulch and the Florida River are tributaries to the Animas River, an interstate waterway. Dry Creek and Little Los Pinos River are tributaries to the Los Pinos River, also an interstate waterway.

II. Environmental and Public Interest Factors Considered:

A. Alternatives [33 CFR 320.4(b)(4), 40 CFR 230.10]: Alternatives are discussed in depth within Chapter 2 of the Final Environmental Impact Statement.

B. Physical/chemical characteristics and anticipated changes: These characteristics and anticipated changes are discussed in detailed in Chapter 4 of the EIS.

C. Biological characteristics and anticipated changes: These characteristics and anticipated changes are discussed in detailed in Chapter 4 of the EIS.

D. Human use characteristics and impacts (check applicable blocks and provide concise description of impacts for the proposed project, other evaluated practicable alternatives, and the no action): These characteristics and anticipated changes are discussed in detailed in Chapter 4 of the EIS.

E. Summary of secondary, indirect, and cumulative effects:

Secondary effects that could occur as a result to this permit decision include:

- increased development within the Durango and Bayfield area. Development may increase with the traffic efficiency. If traffic problems are resolved early, traffic will not play a role in the La Plata County planning process or in CDOT's access permit. Increase development within a watershed will adversely affect the watershed through increase storm water runoff.

- the issuance of this permit could set a precedence for similar highway improvements within the State of Colorado, which could result in additional wetland loss.

Indirect effects could include:

- alteration of surface and subsurface hydrology. Hydrology alterations could result in adverse impacts to existing wetland areas and/or creation of additional wetland areas.

- increased potential for introduction of noxious weed species.

- adverse effects to water quality by increasing the quantity of storm water pollutants.

- adverse effects to water quality by increasing the potential for erosion and sedimentation within waters of the US during construction activities.

Cumulative effects could include the disturbance of 20 plus acres of wetlands within the watershed. This disturbance may result in a temporary net loss of wetland function within the watershed. Wetlands provide numerous functions including water quality, wildlife habitat, and flood control.

G. Summary of proposed mitigation measures:

Proposed mitigation measures include:

- Use and maintenance of best management practices (BMPs) to control sedimentation and erosion during all phases of construction. These practices will include, but are not limited to, use of silt fence, erosion logs, straw bales, and new technologies available during construction.

- Unavoidable permanent impacts will be mitigated through on-site and/or off-site wetland creation or restoration, in accordance with CDOT policy, current FHWA wetland mitigation policy (23 CFR 777), current Corps mitigation policies, and the conditions of the

Section 404 permit. Mitigation sites for replacement of jurisdictional wetland impacts will generally be developed outside the existing CDOT Right-of-Way (ROW), whenever possible. Properties purchased for mitigation will be acquired as permanent conservation easements and recorded in the local County Clerk and Recorder's Office. Mitigation will be developed considering the functions lost or adversely affected as a result of impacts to aquatic resources, including indirect and temporal impacts, if applicable. Mitigation plans will be developed in coordination with the Corps and other appropriate permitting agencies during the final design and the Section 404 permitting process for the individual highway segments. It is CDOT's goal to replace all wetland losses within the corridor in advance or concurrently with the impacts. At a minimum, CDOT will establish mitigation areas concurrent with each phase of construction. Wetland losses will be replaced within the same watershed. CDOT will be responsible for maintenance and monitoring of the wetland mitigation areas during the wetland development, and would be responsible for meeting approved performance standards. CDOT would also be responsible for providing for long-term maintenance and protection of the mitigation areas through conservation easements or other means.

- Further efforts to avoid permanent impacts to riparian vegetation will be made during final design.

- All disturbed areas within riparian areas not occupied by permanent facilities will be revegetated with appropriate native species. Riparian areas disturbed during construction will be stabilized as soon as possible.

- Restoration of riparian woodland and shrub land will be included in the design of wetland mitigation areas to provide vegetated buffers and increased habitat diversity and value.

- Noxious weeds observed in and near the construction area at the start of construction will be treated with herbicides or physically removed to prevent seeds from migrating into disturbed areas during construction.

- Periodic surveys will take place during the construction period to identify and treat noxious weeds that have developed.

- Topsoil and mulch used for reclamation will be certified weed free.

- Noxious weeds being treated near wetlands and riparian areas will require the use of aquatic-use only herbicides to prevent the potential leaching of chemicals into the groundwater table, as well as the potential impact to fish and other wildlife.

- Permanent best management practices will be implemented on-site to minimize impacts to water quality as a result of stormwater runoff. Where corridor stormwater runoff will directly enter sensitive habitat and wetlands, the treatment of the runoff will be at the highest level of water quality treatment.

H. Special Conditions added to the permit:

- 1) **Corps Review and Approval for Phased Design:** Prior to the commencement of work on each phase that will impact waters of the US, you shall submit detailed design plans to the Corps for review and approval. Phases that occur within the Grandview Section and the Dry Creek Section should also be submitted to the US Environmental Protection Agency (USEPA) for their review and comment during the design phase. Work within waters of the

US of each approved phase may not commence until you receive final approval for that phase from this office. This process will ensure that future phases abide by the terms and conditions of this permit, along with the information submitted as part of your permit application.

The submitted plans shall include at a minimum the following information:

- a. Overview plan
- b. A profile view for any crossings within waters of the U.S.
- c. A grading plan showing the existing and proposed grades.
- d. Drainage
- e. Soil erosion and sediment control techniques
- f. Temporary and permanent impacts to waters of the U.S., including wetlands
- g. Restoration plan for any and all temporary impacts within or adjacent to waters of the US.
- h. Permanent stormwater management and water quality enhancement techniques.
- g. A description of the methods taken to further avoid and minimize impacts to waters of the US taking into consideration cost, existing technology, and logistics in light of the overall project purposes.

All plans shall clearly identify all waters of the U.S. In addition, you shall submit a detailed narrative describing your proposed work for that phase.

2) **Jurisdiction Determination:** To determine limits of waters of the US, you shall submit a jurisdictional determination request with a current wetland delineation for review prior to the submittal of a design plan for that region. Within 30 days from the receipt of your request, a Corps representative will then schedule an on-site meeting with your wetland biologist to review the delineation and determine the limits of jurisdictional waters. On-site meetings will only occur during the growing season. Any request received outside the growing season will be delayed until conditions are favorable for wetland determinations. Design plans shall not be submitted to the Corps Durango Office for review until a written approved jurisdictional determination is completed. Approved jurisdictional determinations are valid for 5 years but may be updated and reverified if site conditions have not changed. In addition, if new information becomes available, reverification can occur sooner than 5 years.

3) **Indirect Impacts:** To minimize potential indirect impacts to waters of the US to the greatest extent possible, the final design of the highway should incorporate vegetated buffers. In addition, to insure that there is a no-net loss of high-quality wetlands, you shall monitor the wetland complexes within the Dry Creek and Wilson Gulch areas for a period of three years following construction. If it is determined that an unexpected indirect adverse impact has occurred to high-quality wetland areas within the Dry Creek and Wilson Gulch phases, compensatory mitigation will be required. Monitoring reports shall be submitted to the Corps Durango Office by December 1 of each year following construction. Indirect adverse

impacts will be determined by comparing the most recent wetland delineation report to the annual monitoring report.

4) **Stormwater Management and Watershed Protection:** You shall implement stormwater facilities that will adequately treat stormwater runoff (quantity and quality), to protect the integrity of the aquatic ecosystem, along with the overall watershed. Existing or created wetland areas for mitigation purposes shall not be used for primary treatment of stormwater. You shall develop a long-term management plan to maintain the long-term integrity of these systems. The management plan should identify the expected cost of maintenance and the individual position or department responsible for the maintenance work.

5) **Compensatory Mitigation:** Prior to the initiation of construction activities, you shall develop a final comprehensive mitigation and monitoring plan, which must be approved by the Army Corps of Engineers and reviewed by the USEPA prior to initiation of construction activities. The plan shall include mitigation location and design drawings, vegetation plans, including target species to be planted, and final success criteria, presented in the format of the Sacramento District's Habitat Mitigation and Monitoring Proposal Guidelines, dated December 30, 2004. The Corps and USEPA will provide comments and/or an approval of the mitigation plan within 30 from the receipt of the information. The purpose of this requirement is to insure replacement of functions and values of the aquatic environment that would be lost through project implementation. The Corps and USEPA will provide comments and/or an approval of the plan within 30 days from the receipt of the mitigation package.

Compensatory mitigation shall commence at least concurrently with, or in advance to the direct permanent impacts to wetlands. In addition, your mitigation proposal shall take into account temporal loss of wetland functions within the watershed. If mitigation is completed and successful prior to impacts, wetland mitigation ratios will not be required to reflect temporal loss.

Monitoring reports for both the off-site and on-site mitigation shall be submitted by December 1 of each year following the construction of the mitigation work. The annual monitoring reports will follow the format described in the attached RGL 06-03, dated August 3, 2006, or the current Corps guidance, and will be required until the approved success criteria are met. Your responsibility to complete the compensatory mitigation required by this permit for each phase of the US 160 project will not be considered fulfilled until you have demonstrated mitigation success and have received written verification from the Corps of Engineers.

6) **Soil Erosion and Sediment Control:** You shall implement and maintain appropriate soil erosion and sediment controls. These controls shall be inspected regularly.

III. Findings:

A. Other authorizations or compliance determinations:

1. Water quality certification:

Date: October 3, 2006

Issued: _____

Denied: _____

Waived: _____

Special Conditions Yes No _____ (If yes see attached)

2. Compliance with Section 106 of the National Historic Preservation Act: Coordination regarding impacts to historic properties as a result of constructing the Preferred Alternative or other action alternatives has been conducted by CDOT with the appropriate agencies, including the State Historic Preservation Office (SHPO), Bureau of Land Management (BLM), and Southern Ute Indian Tribe (SUIT). The SHPO concurred with CDOT's determination of effect on significant cultural resources on December 2001. Based on consultations with these agencies, CDOT will employ numerous mitigation measures to minimize impacts to cultural resources. These mitigation measures are defined in Chapter 4 of the EIS. Federal Highway Administration will be the lead-Federal agency for this project and is responsible for complying with Section 106 requirements.

3. Compliance with the Endangered Species Act: A Biological Assessment (BA) was submitted to USFWS in conjunction with the US 160/US 550 EIS to comply with Section 7 of the Endangered Species Act requirements regarding impacts to federally threatened, endangered, or candidate species in the project corridor. A Biological Opinion (BO) was received from the USFWS on February 3, 2006. The BA and BO are included in Appendix H, Biological Assessment, Biological Evaluation, and Biological Opinion within the EIS. Federal Highway Administration is the lead-Federal agency for this project and is responsible for complying with Section 7 requirements.

4. State and/or local authorizations (if issued): State and local authorizations are not required for the construction of this project.

B. We received a complete application on May 11, 2006. We issued a public notice describing the project on May 19, 2006, and sent the notice to all interested parties (mailing list) including appropriate state and Federal agencies. All comments received on this action have been reviewed and are summarized below.

1. Summary of comments received.

a. Federal agencies: The U.S. Environmental Protection Agency (EPA): In a letter dated June 19, 2006, the USEPA expressed the following concerns:

- Final engineering may be needed to more accurately assess less damaging practicable alternatives considering such things as retaining wall designs v. slope designs, median widths with potential improved technologies, changing landscape considerations, etc.

- Indirect and cumulative adverse impacts associated with future County PUD approvals and other RFD considerations should be evaluated and disclosed with future phasing and design of the highway project.

- A permit should not be issued until mitigation plans are reviewed by the USEPA and the resource agencies. Mitigation should be implemented prior to construction.

b. State and local agencies: In a letter dated June 12, 2006 the State of Colorado has determined that the project will cause only temporary changes in water quality.

c. Organizations and Individuals:

In a letter dated June 18, 2006, Richard and Carol Cohen commented that the current proposal would inflict a grievous and irreversible injury upon them as well as to wildlife indigenous to their property. The project may impact their leech field for their septic system, and their only viable water source. Mr. and Mrs. Cohen also expressed concern regarding the potential impacts the project could cause to the magpie sanctuary on their property.

In a letter dated June 19, 2006, Charles Orin Foster expressed concerns that the project would block the passage of water to his pond. In addition, the project would also impact wildlife that use the pond for their habitat on a year round basis.

d. Requests for public hearings: There were no requests for public hearings.

2. Evaluation: I have reviewed and evaluated, in light of the overall public interest, the documents and factors concerning this permit application as well as the stated views of other interested agencies and the concerned public. In doing so, I have considered the possible consequences of this proposed work in accordance with regulations published in 33 CFR Parts 320 to 330 and 40 CFR Part 230. The following paragraphs include my evaluation of comments received and how the project complies with the above cited regulations.

Per 33 CFR Part 320 - General Regulatory Policies: The Corps has regulatory authority over (33 USC 1344) the proposed project. Due to the impacts to waters of the US, along with the public interest, this project is being reviewed as an Individual Permit rather than a General Permit. The Corps will ensure that related laws and general evaluating policies are fulfilled under this review process.

Per 33 CFR Part 321 - Permits for Dams and Dikes in Navigable Waters of the United States: The propose project site is not within navigable waters.

Per 33 CFR Part 322 - Permits for Structures or Work in or Affecting Navigable Waters of the US: The proposed project site is not within navigable waters of the US.

Per 33 CFR Part 323 - Permits for Discharges of Dredged or Fill Material into Waters of the United States: CDOT has submitted a permit application. The permit application has been reviewed by the Corps in accordance to Part 323.

Per 33 CFR Part 324 - Permits for Ocean Dumping of Dredged Material: The proposed project is not located within or near any ocean.

Per 33 CFR Part 325 - Processing of Department of the Army Permits: The application has been processed according to the standard procedures as described under Part 325.2. Special conditions will be included in the authorization if necessary to satisfy legal requirement or to otherwise satisfy the public interest requirement. The Department of the Army permit is valid for a period of 5 years. CDOT will be provided the opportunity to extend the permit at the discretion of the district engineer.

Per 33 CFR Part 326 - Enforcement: No work within waters of the US has occurred; there is no violation associated with the is application.

Per 33 CFR Part 327 - Public Hearings: A public hearing will be held in connection with the consideration of a DA permit application or a Federal project whenever a public hearing is needed for making a decision on such permit application or Federal project. The Corps has determined that a public hearing is not necessary.

Per 33 CFR Part 328 - Definition of waters of the United States: The proposed project site encompasses lengths of the Animas and Los Pinos River. Due to the size of the project area and the long-term nature of the propose project, wetland boundaries and jurisdictional status were not formally verified by the Corps. The applicant feels that approximately 16 of the 21 acres are jurisdictional waters of the U.S. The Corps will complete a determination during the planning and design phase of the specific construction project.

The following waterways are located within the project area Wilson Gulch, Florida River, Dry Creek, Los Pinos River, and Little Los Pinos River. Wilson Gulch and the Florida River are tributaries to the Animas River, an interstate waterway. Dry Creek and Little Los Pinos River are tributaries to the Los Pinos River, an interstate waterway. The project site contains water of the US under Part 328.3(2). The project site also contains wetlands that are also considered waters of the US under Part 328.3(7).

Per 33 CFR Part 329 - Definition of navigable waters of the United States: The project area does not contain navigable waters as defined under Part 329.

a. Consideration of comments:

In response to the USEPA's comments. A special condition will be added to CDOT's permit that will require CDOT to submit final design plans to insure that the project abides by the terms and conditions of their permit, along with their commitment of avoidance, minimization, and mitigation for unavoidable impacts. The permit application is only valid

for five years with the ability to extend its timeframe. If this office determines that significant indirect cumulative impacts have occurred as a result of project construction, this office is required to amend the Section 404(B)(1) guidelines to reflect the change and may or may not extend the permit. In addition, as a condition of the permit, all mitigation plans must be reviewed by the USEPA along with detailed design plans within high-quality wetlands, specifically Dry Creek and Wilson Gulch.

In response to Richard and Carol Cohen's concerns, CDOT will be required to maintain the existing water supply and quantity to all properties during and after construction. If this is not possible, property owners will be compensated accordingly. Harm is not expected to occur to adult magpies birds, juveniles, or eggs. Under the Migratory Bird Treaty Act, migratory bird nests will not be removed during the nesting season. Movement of the road at this location is not an alternative. Shifting the roadway to the west would result in a sharp curve to match the existing roadway and would not meet the required horizontal design criteria for this project.

In response to Charles Orin Foster's concern, CDOT has committed to installing a culvert and preserving the hydrology of the pond. Shifting the roadway 250 feet would result in a roadway that would not meet the required horizontal design criteria for this project.

b. Evaluation of Compliance with Section 404 (b)(1) guidelines (restrictions on discharge, 40 CFR 230.10). (A check in a block denoted by an asterisk indicates that the project does not comply with the guidelines.):

1) Alternatives test:

Yes*__ No x i) Based on the discussion in II B, are there available, practicable alternatives having less adverse impact on the aquatic ecosystem and without other significant adverse environmental consequences that do not involve discharges into "waters of the United States" or at other locations within these waters? The project will be constructed within the pre-existing corridor, except for the Gem Village and US 550 sections. The highway will be routed around Gem Village for socioeconomic reasons. The preferred alternative, for all sections, contains the least impacts to waters of the US. The Dry Creek and Gem Village Section is the exception. An additional 0.86 acres of impacts to waters of the US will occur as a result of the rerouting of the highway. The majority of the wetland communities within Gem Village area are designated low quality. Wetland impacts have been avoided or minimized during the conceptual design and selection of alternatives through the use of alignment shifts, minimization of medians, access control lines, and retaining walls. During the design phases of specific construction projects, further avoidance and minimization elements will be included. Unavoidable permanent impacts will be mitigated through on-site and/or off-site wetland creation or restoration, in accordance with CDOT policy, current FHWA regulation (23 CFR 777), current mitigation policies, and the conditions of the Section 404 permit. Compensatory mitigation would replace the wetland function that is permanently impacted. It is CDOT's policy to replace all permanently impacted wetlands,

regardless of their jurisdictional status under the Clean Water Act (CWA). Areas disturbed temporarily by construction will be restored to their original contours.

Yes No ii) Based on II B, if the project is in a special aquatic site and is not water dependent, has the applicant clearly demonstrated that there are no practicable alternative sites available? The purpose of the proposed project is to increase travel efficiency/capacity to meet current and future needs, improve safety for the traveling public by reducing the number and severity of accidents, and control access. The need for this project is based on the projected increase in travel demands on highway capacity and efficiency, and the existing substandard design that contributes to accidents associated with roadway deficiencies. The applicant has demonstrated that there is no alternative that will meet the purpose and need of the project without impacting waters of the US.

Special restrictions. Will the discharge:

Yes No i) Violate state water quality standards? The State of Colorado has issued a 401 Water Certification for the project on October 3, 2006.

Yes No ii) Violate toxic effluent standards (under Section 307 of the Act)? CDOT assessed toxic effluent standards as a result of the trace metals within the deicers used in US 160. The assessments show that where detection limits for analyses are sufficiently low, trace metal concentrations are below drinking water Maximum Contaminant Levels (MCLs) and aquatic toxicity.

Yes No iii) Jeopardize endangered or threatened species or their critical habitat? A Biological Assessment (BA) was submitted to USFWS in conjunction with the US 160/US 550 EIS to comply with Section 7 of the Endangered Species Act requirements regarding impacts to federally threatened, endangered, or candidate species in the project corridor. A Biological Opinion (BO) was received from the USFWS on February 3, 2006. According to the BO, the project will not jeopardize endangered or threatened species or their critical habitat.

Yes No iv) Violate standards set by the Department of Commerce to protect marine sanctuaries? The project location is not within a marine sanctuary.

Yes No v) Evaluation of the information in II C and D above indicates that the proposed discharge material meets testing exclusion criteria for the following reason(s):

- () based on the above information, the material is not a carrier of contaminants.
- () the levels of contaminants are substantially similar at the extraction and disposal sites and the discharge is not likely to result in degradation of the disposal site and pollutants will not be transported to less contaminated areas.
- (x) acceptable constraints are available and will be implemented to reduce contamination to

acceptable levels within the disposal site and prevent contaminants from being transported beyond the boundaries of the disposal site. Proper controls will be installed and maintained to insure that any toxins used within the project area will not be discharged into a waters of the US.

2) Other restrictions. Will the discharge contribute to significant degradation of "waters of the United States" through adverse impacts to:

Yes* No i) Human health or welfare, through pollution of municipal water supplies, fish, shellfish, wildlife, and special aquatic sites? Proper controls will be in place to insure that the project will not pollute any municipal water supplies, fish, shellfish, wildlife, and special aquatic sites. If pollution does occur due to inadequate controls or human error, mitigation or restoration will be required. We do not anticipate that the project would result in significant degradation.

Yes* No ii) Life states of aquatic life and other wildlife? CDOT has implemented numerous crossings for aquatic life and other wildlife. The highway improvement project will not impede the passage of fish or other aquatic organism for any of the six existing crossings and nine proposed crossings.

Yes* No iii) Diversity, productivity and stability of the aquatic ecosystem, such as loss of fish or wildlife habitat, or loss of the capacity of wetlands to assimilate nutrients, purify water or reduce wave energy? Unavoidable permanent impacts will be mitigated through on-site and/or off-site wetland creation or restoration, in accordance with CDOT policy, current FHWA regulation (23 CFR 777), current USACE mitigation policies, and the conditions of the Section 404 permit. Compensatory mitigation would replace the wetland function that is permanently impacted. It is CDOT's policy to replace all permanently impacted wetlands, regardless of their jurisdictional status under the CWA. Areas disturbed temporarily by construction will be restored to their original contours.

Yes* No iv) Recreational, aesthetic and economic values? The proposed project will benefit the local economy by improving traffic between Bayfield and Durango, Colorado. We do not anticipate that recreational and aesthetics would be adversely altered.

3) Actions to minimize potential adverse impacts (mitigation).

Yes No* Will all appropriate and practicable steps (40 CFR 230.70-77) be taken to minimize the potential adverse impacts of the discharge on the aquatic ecosystem? Refer to permit special conditions listed above.

c. General Evaluation [33 CFR 320.4 (a)]:

1) The relative extent of the public and private need for the proposed work has been considered: The need for the project is to improve US 160 from Durango to Bayfield based on the projected increase in travel demands on highway capacity and efficiency. Currently

the substandard design of the existing highway system contributes to accidents associated with roadway deficiencies.

2) The practicability of using reasonable alternative locations and methods to accomplish the objective of the proposed structure or work has been evaluated: The proposed project would utilize the existing corridor. The highway diversion around Gem Village and the US 550 realignment are the two exceptions. It has been determined that the proposed alternative in respect to location is the least environmentally damaging practicable alternative. During both the design and construction phase, CDOT has committed to implement best management practices and further minimize impacts to waters of the US after taking into consideration cost, existing technology, and logistics in light of the overall project purposes. Final design plans for the proposed project have not been developed.

3) The extent and permanence of the beneficial and/or detrimental effects the proposed structures or work may have on the public and private uses to which the area is suited has been reviewed: During construction activities, public entities using the highway will experience traffic delays. In addition, after the completion of the highway, CDOT will limit access points, therefore private individuals may have difficulties obtaining easements from US 160 to their private property. The benefit of the project includes a safer and more efficient highway system once the project has been constructed.

d. Significant National Issues: US 160 is a national highway system route and is the only principal east-west highway traversing the entire state of Colorado that serves the Four Corners Region. This vital link to the transportation system provides for the transport of people, goods, and services through the state and serves as a local and regional highway for the city of Durango and town of Bayfield.

4. Determinations:

a. Federal Highway Administration has determined that the project may have a significant impact to environment. Therefore, CDOT has developed an Environmental Impact Statement to address environmental consequences as a result of the proposed alternative. The EIS has been developed in cooperation with the US Army Corps of Engineers and the US Department of Interior, Bureau of Land Management.

b. Section 404(b)(1) Compliance/Non-compliance Review (40 CFR 230.12):

() The discharge complies with the guidelines.

(x) The discharge complies with the guidelines, with the inclusion of the appropriate and practicable conditions listed above (in II.H) to minimize pollution or adverse effects to the affected ecosystem.

() The discharge fails to comply with the requirements of these guidelines because:

() There is a practicable alternative to the proposed discharge that would have less adverse effect on the aquatic ecosystem and that alternative does not have other significant adverse environmental consequences.

() The proposed discharge will result in significant degradation of the aquatic ecosystem under 40 CFR 230.10(b) or (c).

() The discharge does not include all appropriate and practicable measures to minimize potential harm to the aquatic ecosystem, namely....

() There is not sufficient information to make a reasonable judgement as to whether the proposed discharge will comply with the guidelines.

c. Section 176(c) of the Clean Air Act: I have analyzed the preferred alternative for conformity applicability and determined that the proposed activities in this permit action will not exceed de minimis levels of direct emissions of a criteria pollutant or its precursors, and are exempt by 40 CFR 93.152. Any later indirect emissions generally cannot be practicably controlled by the Corps of Engineers and, for these reasons, the permit decision does not require a conformity determination.

d. Public interest determination: I find that issuance of a Department of the Army permit with special conditions, as prescribed by regulations published in 33 CFR Parts 320 to 331, and 40 CFR Part 230 is not contrary to the public interest.

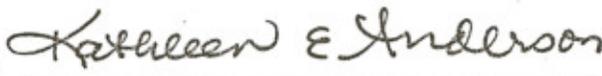
PREPARED BY:



Kara Hellige
Project Manager
Durango Regulatory Office

DATE: 30 Oct 2006

REVIEWED BY:

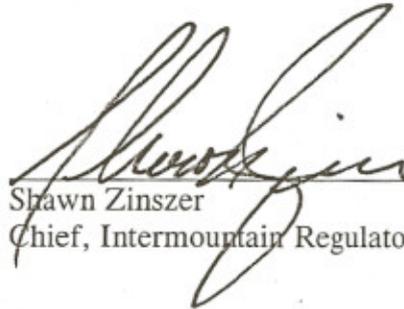


Kathleen Anderson
Regulatory Assistant, Intermountain Section
Sacramento District

DATE: 31 Oct 2006

FOR THE DISTRICT ENGINEER:

APPROVED BY:



Shawn Zinszer
Chief, Intermountain Regulatory Section

DATE:

11/1/06

The US 160 Durango to Bayfield Final Environmental Impact Statement currently reads as follows in the last paragraph of Section 2.5.4, Bayfield Section (on pages 2-37 and 2-38):

The essential difference between Alternative A and Alternative B is the US 160/CR 501 intersection. In Alternative A this intersection would remain a signalized intersection. In Alternative B this intersection would be a diamond interchange. Both alternatives would meet the projected traffic demand. As shown in Table 2.4.2, Summary of Preliminary Alternative Screening, Alternative B has fewer impacts to wetlands, irrigated farmland, and wildlife habitat. Alternative B is also less expensive and was supported by the public and the Town of Bayfield. For these reasons, Alternative B was selected as the preferred alternative and appears to be the LEDPA.

The US 160 Durango to Bayfield Final Environmental Impact Statement SHOULD read as follows in the last paragraph of Section 2.5.4, Bayfield Section (on pages 2-37 and 2-38) (change shown in italics):

The essential difference between Alternative A and Alternative B is the US 160/CR 501 intersection. *In Alternative A this intersection would be a diamond interchange. In Alternative B this intersection would remain a signalized intersection.* Both alternatives would meet the projected traffic demand. As shown in Table 2.4.2, Summary of Preliminary Alternative Screening, Alternative B has fewer impacts to wetlands, irrigated farmland, and wildlife habitat. Alternative B is also less expensive and was supported by the public and the Town of Bayfield. For these reasons, Alternative B was selected as the preferred alternative and appears to be the LEDPA.

