

US 550

FINDING OF NO SIGNIFICANT IMPACT

DECEMBER 2005



Prepared for:
CDOT Region 5
3803 North Main, Suite 300
Durango, CO 81301



CDOT Project Number NH 5501-011
Project Control Number 12979

Highway US 550 - State Line North to County Road 220
La Plata County, CO

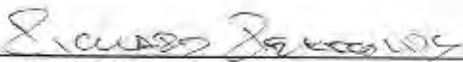
FINDING OF NO SIGNIFICANT IMPACT

Submitted Pursuant to:
42 USC 4332 (2)(c)

By the
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION

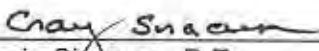
and the
COLORADO DEPARTMENT OF TRANSPORTATION

Submitted by:


Richard Reynolds
Region 5 Transportation Director
Colorado Department of Transportation

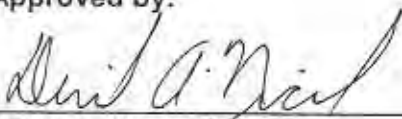
12-12-05
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Information Availability

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EA Availability

The Environmental Assessment is attached to this document in electronic format on a compact disc. If you cannot open or use this disc and desire a hard copy, please contact Jon Holst, CDOT, at jon.holst@dot.state.co.us or 970-385-1433.

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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ACRONYMS

AADT	Average annual daily traffic
AASHTO	American Association of State Highway and Transportation Officials
ACHP	Advisory Council on Historic Preservation
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
CLOMR	Conditional Letter of Map Revision
Corps	US Army Corps of Engineers
CR	County Road
CWA	Clean Water Act
dBA	A-weighted decibels
EA	Environmental Assessment
EIS	Environmental Impact Statement
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FONSI	Finding of No Significant Impact
I	Interstate
LOMR	Letter of Map Revision
LOS	Level of Service
MBTA	Migratory Bird Treaty Act
MOA	Memorandum of Agreement
MP	Milepost
mph	Miles per hour
MS4	Municipal Separate Storm Sewer System
MSAT	Mobile Source Air Toxics
NAC	Noise Abatement Criteria
NEPA	National Environmental Policy Act of 1969
NPDES	National Pollutant Discharge Elimination System
NRHP	National Register of Historic Places
ROW	Right-of-way
SAFETEA – LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SB 40	Senate Bill 40
SHPO	State Historic Preservation Officer
SUIT	Southern Ute Indian Tribe
SWMP	Stormwater Management Plan
TPR	Transportation Planning Region
TSS	Total suspended solids
US	US Highway
USC	US Code
USDOT	US Department of Transportation
USEPA	US Environmental Protection Agency
USFWS	US Fish and Wildlife Service
VMT	Vehicle miles traveled
WQCC	Water Quality Control Commission
WQCV	Water Quality Capture Volume

The Colorado Department of Transportation (CDOT), in cooperation with the Federal Highway Administration (FHWA), proposes to improve US Highway (US) 550 between the New Mexico/Colorado State Line and County Road (CR) 220 south of Durango in order to increase safety and meet projected demand for highway capacity between Durango, Colorado, and the New Mexico state line. The improvements will be located entirely in La Plata County, Colorado.

The US 550 corridor south of Durango, Colorado, provides an interstate travel route between Colorado and New Mexico that enables the transport of goods and services across the western portion of Colorado. US 550 extends south to Interstate (I) 25 in Bernalillo, New Mexico, and north to US 50 in Montrose, Colorado. US 550 is the only contiguous north/south route in western Colorado, and is a designated truck route, with truck traffic amounting to approximately 13 percent of overall traffic.

CDOT prepared an Environmental Assessment (EA) pursuant to the National Environmental Policy Act of 1969 (NEPA), 40 Code of Federal Regulations (CFR) Parts 1500-1508, and 23 CFR Part 771 to assess the impact of the proposed improvements. Four alternatives were evaluated in the EA and Alternative 2 was identified as the Preferred Alternative. FHWA approved the EA on July 27, 2005.

1.1 PROJECT PURPOSE AND NEED

The purpose of the project is to improve safety, address future highway capacity needs, improve access conditions, and address roadway deficiencies. The proposed improvements are intended to address both local and regional transportation needs that include safe and efficient travel to and from the urban centers of Durango and Aztec, as well as the transport of goods and services across the western portion of Colorado.

The history of accidents within the project area, the population growth in La Plata County, and the projected year 2025 traffic volumes demonstrate the need for the project. Based on the accident history and safety hazards on US 550, the proposed improvements must satisfy the following safety and access needs:

- Reduce fixed-object hazards adjacent to the highway and improve errant vehicle recovery opportunity;
- Reduce animal-vehicle collisions;
- Reduce conflicts between through and turning vehicles;
- Improve sight distance;
- Improve access management; and
- Separate turning movements and local access from through traffic.

The existing two-lane US 550 will accommodate average annual daily traffic (AADT) volumes of 7,800 to 9,800 vehicles per day (VPD) for an acceptable rural operating Level of Service (LOS) C (American Association of State Highway and Transportation Officials [AASHTO] 2001). The LOS of a highway is designated by letter codes ranging from A for excellent conditions to F for extremely poor conditions. LOS A signifies a free-flow condition with no slowing or interference to traffic, while LOS F represents a complete breakdown in traffic flow and in the worst case, traffic jams. US 550 is considered a rural highway. A LOS of C is

generally accepted as the lowest preferred operating level during peak traffic periods for a rural highway (AASHTO 2001). Based on projected year 2025 traffic volumes on US 550, the AADT is projected to exceed 9,800 VPD by 2015. As a result of the traffic volume projections, if left unimproved as a two-lane highway, US 550 would begin to operate at LOS D or lower in 2015 and motorists would experience increased congestion. Therefore, the proposed action must satisfy the following capacity needs:

- Accommodate year 2025 traffic volumes; and
- Limit the frequency that through vehicles are required to reduce travel speed.

To increase safety and improve access conditions, implementing certain critical elements is required, including: realigning and reducing steep grades, improving shoulder conditions, reducing animal-vehicle collisions, and realigning county and local road accesses throughout the corridor. In addition, reducing conflicts between through and turning vehicles and increasing capacity along the corridor to handle projected future highway capacity needs can be accomplished by adding lanes.

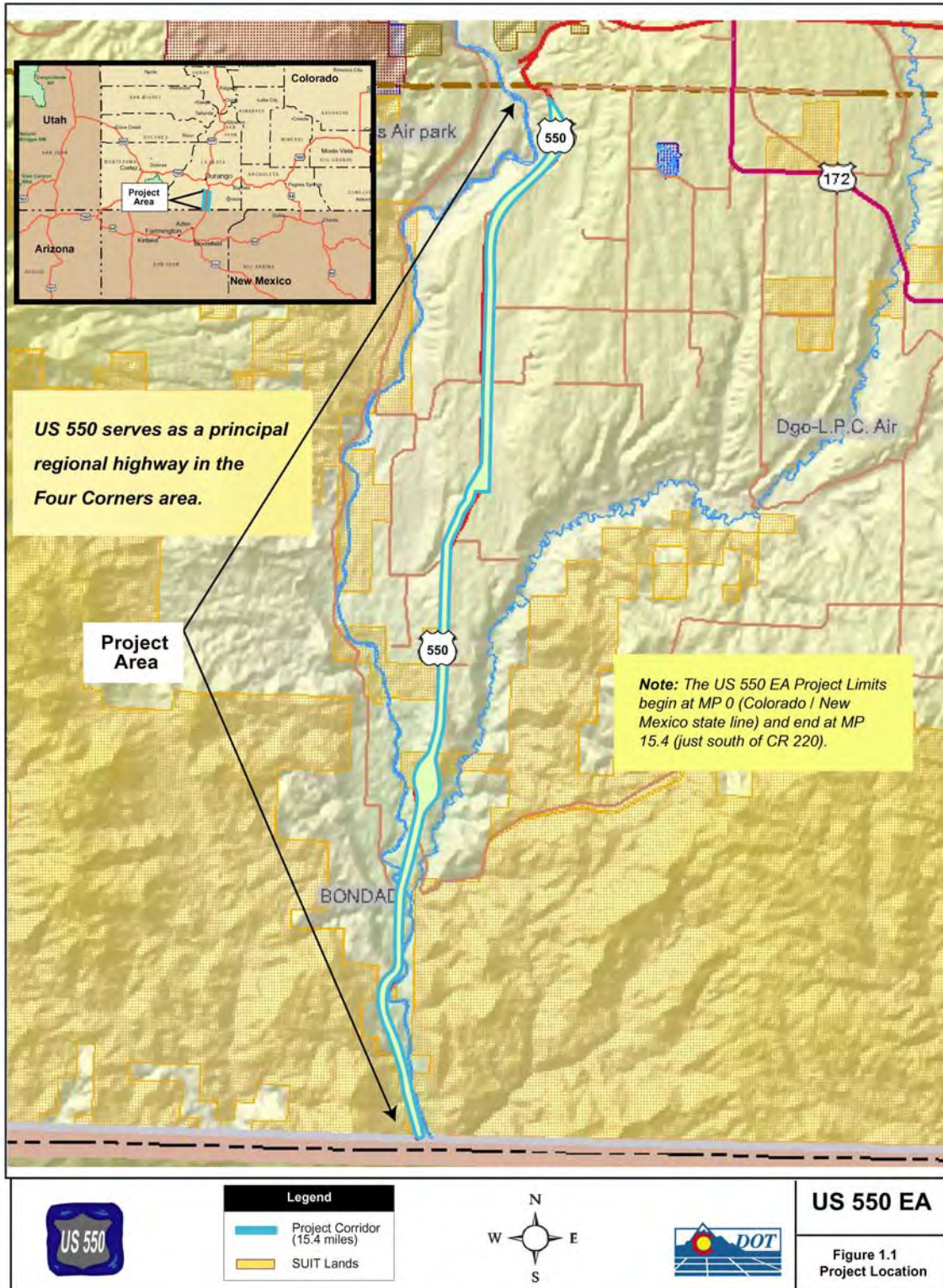
1.2 DESCRIPTION OF THE PREFERRED ALTERNATIVE

CDOT proposes to extend the existing four-lane widening on US 550 from approximately milepost (MP) 1.0 to MP 15.4 (Figure 1-1). No additional widening would be required between MP 0.0 and approximately MP 1.0 where the existing four-lane section ends. The roadway will generally follow the existing highway alignment, with alignment shifts east and west as needed to improve the highway geometry and reduce impacts to the environment and existing development. Between MP 1.0 and MP 15.4, the US 550 roadway for each travel direction would be a paved section comprised of two 12-foot travel lanes, a four-foot minimum inside shoulder, and a 10-foot outside shoulder.

The design of the Preferred Alternative would result in increasing the width of the roadway section (travel lanes, median, and shoulders) between MP 1.0 and MP 15.4 from its current configuration (approximately 28 feet to 68 feet) to approximately 138 feet. Additional Right-of-Way (ROW) outside the existing roadway would be required where excavation or embankment is necessary because of topography and to accommodate roadside drainage ditches.

In order to control stormwater discharges and reduce water quality impacts, the Preferred Alternative would include permanent best management practices (BMPs) to prevent an increase in pollutant discharge. Permanent BMPs must be constructed in order to comply with the CDOT Municipal Separate Storm Sewer System (also known as MS4) issued by the Colorado Department of Public Health and Environment (CDPHE) in accordance with Section 402 of the Clean Water Act (CWA). As part of the design for this project, CDOT would install permanent BMPs adequate to remove at least 80 percent of the annual Total Suspended Solids (TSS) loading, and 100 percent of the required Water Quality Capture Volume (WQCV).

In order to reduce animal-vehicle collisions, all action alternatives would include four large wildlife crossing structures that are designed for use by multiple species, which would pass under the highway from adjacent wildlife habitats. The structures are bottomless concrete box culverts with a minimum width of 24 feet and height of 8 feet. The culverts would have a natural substrate bottom, such as soil, sand, or pea gravel. Additionally, fencing would be erected along the corridor (MP 0.0 to MP 15.4) and deer guards would be installed at intersections and access points to prevent deer from entering the highway ROW.



The following outlines the proposed improvements by segment:

- **MP 1.0 to 3.1.** This segment is comprised of a two-lane highway that would be increased to four lanes under the Preferred Alternative. The proposed widened alignment generally follows the existing median centerline. New ROW would be required in the vicinity of the Southern Ute Tribal lands and where new driveway connections are necessary. The design speed for this segment is 70 miles per hour (mph) with a 46-foot vegetated median to separate opposing travel lanes and provide a recovery area for errant vehicles.
- **MP 3.1 to 6.6.** CDOT proposes to realign the CR 213 and CR 318 intersections to improve the county road approach angles with minor variations. The improvements also generally follow the existing highway alignment and increase the highway width to four travel lanes between MP 3.1 and MP 6.6, but shift the alignment to the east to flatten the horizontal curve at Bondad Hill. This alignment reduces the grade on Bondad Hill from 6.5 percent to 5 percent between MP 4.3 and MP 5.3. The highway design transitions from a 70 mph design speed with a 46-foot vegetated median north and south of Bondad Hill to a 60 mph design speed with a 14-foot median and a median barrier separating opposing travel lanes. Due to the existing roadway traversing Bondad Hill in a cliff area, this alternative would require two retaining walls on Bondad Hill, one 60-foot, stepped wall on the uphill (east) side, and one 40-foot high wall on the downhill (west) side of the highway. A multi-species wildlife crossing would be installed at approximately MP 4.85, just north of a private access road. This crossing would link piñon-juniper habitat on both sides of the highway, as well as habitats in the Animas River Valley to the Florida River Valley to the east. There would be a $\frac{3}{4}$ movement intersection at approximate MP 5.35 to allow southbound access to existing residences on Southern Ute Tribal lands.
- **MP 6.6 to 10.5.** The improvements would generally follow the existing two-lane highway alignment, increasing the highway width to four travel lanes, with alignment shifts to the east and west to reduce impacts to existing development and to flatten horizontal curves. This segment includes CRs 215, 218, and 217. CDOT proposes to realign the CR 215 intersection to improve geometrics and provide one-half mile spacing from the CR 218 intersection, and construct a full movement intersection at CR 217. The design speed for this segment is 70 mph with a 46-foot vegetated median to separate opposing travel lanes and provide a recovery area for errant vehicles. A multi-species wildlife crossing would be installed at approximately MP 6.75 near an irrigation ditch that crosses US 550.

A noise wall is recommended at the Old Homestead Mobile Home Park (MP 8.5) to mitigate noise that would result from construction of the preferred alternative. The proposed wall is 8 feet high and 1,800 feet long. Per federal requirements, an assessment of cost per impacted receiver per decibel was calculated to determine the reasonableness of constructing a noise wall at this location. The location of the wall would require that the current driveway opening be relocated to the roadway south of the site. Analysis of projected noise levels determined that noise levels with the construction of the noise wall would reduce noise levels by an average of 8 A-weighted decibels (dBA) to the first row of homes in the park, resulting in overall average noise levels of 55 dBA within the park.

A pedestrian bridge or underpass would be built as part of the design to provide safe access to Sunnyside Elementary School from the Old Homestead Mobile Home Park. Additionally, there would be an emergency vehicle access only provided for the Old Homestead Mobile Home Park fire station at the existing US 550/CR 215 intersection.

- **MP 10.5 to MP 15.4.** The proposed improvements would generally follow the existing two-lane highway alignment and increase the highway width to four travel lanes, with an easterly shift to preserve the existing west ROW boundary. This segment includes intersections at CRs 214, 219 and 302. CRs 214, 302, and the south approach of CR 219 would be reconstructed as full movement intersections. CR 219 South would also be realigned to improve its approach angle to US 550. The design speed for this segment is 70 mph with a 46-foot vegetated median to separate opposing travel lanes and provide a recovery area for errant vehicles.

Due to the high number of deer-vehicle collisions in this segment, two wildlife crossings would be installed at approximate MPs 13.90 and 15.05. The wildlife crossing at MP 13.90 would link habitat along the CO-OP Ditch to the east of US 550 with piñon-juniper woodland habitat to the west. At MP 15.05, the wildlife crossing would link piñon-juniper habitat on both sides of the highway.

An at-grade or below-grade farm-only access would be constructed at approximate MP 12.50.

1.3 FUNDING STATUS

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, \$4,800,000 was earmarked for this project in the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (SAFETEA-LU) that was signed into law by the President on August 10, 2005.

1.4 CLARIFICATIONS TO THE EA

The following clarifications to the EA are provided.

2.3.2.1 Design Features Common to All Action Alternatives

The following design features have been added to the project:

- **MP 3.1 to 6.6.** There would be a $\frac{3}{4}$ movement intersection provided at approximate MP 5.35 to allow southbound access from US 550 to existing residences on Southern Ute Tribal lands east of the highway.
- **MP 6.6 to 10.5.** There would be an emergency vehicle access only provided for the Old Homestead Mobile Home Park fire station at the existing US 550/CR 215 intersection (approximate MP 8.5).
- **MP 10.5 to MP 15.4.** An at-grade or below-grade farm-only access would be constructed at approximate MP 12.50.

3.4.3 Mitigation Measures

Southwestern Willow Flycatcher

The mitigation for Southwestern willow flycatcher was misstated in the EA. Existing mitigation measures for Southwestern willow flycatcher should be replaced with the following:

- Pre-construction surveys will be required to determine presence or absence of Southwestern willow flycatchers if suitable willow habitat (30 feet in width and length, and 6 feet in height) will be directly affected by construction activities, or when construction activities will occur within 0.25 mile of suitable willow habitat. Since the duration of construction is estimated at or beyond 10 years, surveys will be required annually to determine the presence or absence of Southwestern willow flycatchers prior to construction of each particular segment of roadway. Surveys will be conducted during the Southwestern willow flycatcher breeding season (May 1 to August 15) following the protocol outlined in Sogge (2000).
- Seasonal construction buffers (May 1 to August 15) will be required within 0.25 mile of active nest areas and within 0.25 mile of occupied habitat. During and after construction, CDOT will delineate sensitive habitats to avoid direct impacts from maintenance activities.
- Construction activities that begin prior to May 1 in documented unoccupied habitat will not adversely affect Southwestern willow flycatcher nesting location choice. To minimize potential impacts to breeding birds, removal of documented unoccupied suitable nesting habitat located within proposed disturbance areas will occur outside of the breeding season (before May 1 and after August 15). 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 revegetation has been deemed successful by the U.S. Fish and Wildlife Service (USFWS). To be successful, the following criteria must be met:
 - A. 70 percent foliar cover
 - B. 80 percent of plantings are established and growing without signs of stress
 - C. noxious weeds are less than 5 percent of foliar cover.
- Potential Southwestern willow flycatcher habitat in and adjacent to the project area will be avoided to the extent practicable and will be clearly marked on project maps and flagged in the field by CDOT prior to construction. CDOT will fully inform all contractors and subcontractors of the locations of these areas prior to construction activity.

Colorado Pikeminnow and Razorback Sucker

No mitigation was included in the EA for Colorado pikeminnow and razorback sucker due to the USFWS Biological Opinion dated May 21, 1999, which concludes that depletions of 100 acre-feet or less would not be likely to limit flows in the San Juan River Basin necessary for recovery, jeopardize the Colorado pikeminnow or razorback sucker, or result in the adverse modification of critical habitat for these species.

Per the USFWS Concurrence Letter for this project dated October 20, 2005, FHWA will reinitiate consultation with USFWS for any un-constructed phases of the US 550 State Line North to County Road 220 project in the event that the Recovery Program (for the San Juan River Basin) is unable to implement the flows identified for recovery in a timely manner.

3.9.2 Air Toxics

The following information regarding Air Toxics is provided:

The analysis of air toxics is an emerging field. The science and modeling of project-specific Mobile Source Air Toxics (MSAT) impacts have not developed to the point where there is certainty or scientific community acceptance in methodology. Accordingly, information on MSAT impacts on any of the alternatives in this EA is not available, and the means to obtain this information have not been fully developed. The US Department of Transportation (USDOT) and the US Environmental Protection Agency (USEPA) are currently working to develop and evaluate the technical tools necessary to perform air toxics analysis, including improvements to emissions models and air quality dispersion models. Limitations with the existing modeling tools preclude performing the same level of analysis that is typically performed for other pollutants, such as carbon monoxide.

Even though reliable quantitative methods do not exist to accurately distinguish between the health impacts of MSATs of each project alternative, it is possible to qualitatively assess future MSAT emissions under the project alternatives. Based on this approach, it is likely that future emissions under both the Action and No Action scenarios will be lower than present day emissions.

For each alternative in this EA, the amount of MSATs emitted would be proportional to the vehicle miles traveled (VMT) and congestion, assuming that other variables such as fleet mix are the same. Although some differences exist among alternatives, and restrictions on access may require some out of direction travel, increased impacts to regional air quality related to MSATs are not expected from any of the Action Alternatives because the congestion estimated for the No Action Alternative is higher than for any of the Action Alternatives. In addition, because the estimated VMT under each of the Action Alternatives is nearly the same, it is expected there would be no appreciable difference in overall MSAT emissions among the various alternatives.

Regardless of the alternatives chosen, emissions will likely be lower than present levels in the design year as a result of USEPA's national control programs that are projected to reduce MSAT emissions by 67 to 90 percent. Local conditions may differ from national projections in terms of fleet mix and turnover, VMT growth rates, and local control measures. However, the magnitude of the USEPA projected reductions is so great (even after accounting for VMT growth) that MSAT emissions in the study area are likely to be lower in the future as well.

Because of the specific characteristics of the project under each alternative (i.e. alignment shifts, access roads) there may be localized areas where VMT would increase, and other areas where VMT would decrease. Therefore it is possible that localized increases and decreases in MSAT emissions may occur. However, as discussed above, the magnitude and the duration of these potential increases cannot be accurately quantified because research is still being conducted on health effects and modeling techniques. Further, even if these increases do occur, they too will be substantially reduced in the future due to implementation of USEPA's vehicle and fuel regulations.

In summary, under the No Action and all Action Alternatives, it is expected there would be reduced MSAT emissions in the study area, due to USEPA's MSAT reduction programs. There could be slightly elevated but unquantifiable increases in MSATs to residents and others in a few localized areas where VMT increase, which may be important particularly to any members of

sensitive populations. However, there will likely be decreases in MSAT emissions in locations where traffic congestion is reduced. In general, MSAT levels are likely to decrease over time due to nationally-mandated cleaner vehicles and fuels.

Section 4.3.1.3 Overall Cumulative Effects

Approximately 73,000 acres of the total 77,460 acres of estimated impacts to wildlife habitat are a direct result of the Missionary Ridge fire. The habitat impacts from the fire will recover over time and will actually improve habitat for certain wildlife species. Increased oil and gas development, increased recreational and residential development, and the road building associated with these types of developments will decrease the amount of available wildlife habitat and further fragment habitats that remain intact.

Table 2-1 provides the impact categories (resources), a description of the impacts to each resource, and mitigation measures for the impacts. Additionally, commitments made by CDOT in the project design to avoid impacts to resources are also included. Table 2-2 provides a summary of additional design commitments made to address concerns raised during the comment period. Permits required for this project are provided in Table 2-3.

**Table 2-1
Summary of Project Mitigation Measures, BMPs, and Design Commitments**

Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
<p>Terrestrial Wildlife</p>	<p>Mortality to small- and medium-sized terrestrial wildlife from vehicle collisions is expected along with long-term habitat fragmentation and population losses from highway widening.</p>	<p>CDOT will install smaller wildlife crossings utilizing the following guidelines for small- and medium-sized wildlife species:</p> <ul style="list-style-type: none"> • Small culverts will be installed every 500 to 1,000 feet to increase habitat connectivity and access across US 550 for small- and medium-sized mammals, such as rodents, lagomorphs, coyotes, weasels, and foxes. These crossings will be constructed of small concrete box or pipe culverts (ranging from 3.3 to 4.95 feet in diameter) and will be placed in areas with vegetative cover, including uplands with herbaceous cover and drainages. These culverts will be partially buried to accommodate a natural substrate floor. Exact locations of these smaller culverts will be determined in consultation with Colorado Division of Wildlife (CDOW) as part of final design. • Approximately one foot of vegetative debris such as old stumps, logs, and brush will be placed inside (along one edge of the bottom) of the four large crossing structures as cover for small mammals and amphibians. • Deer and elk migration patterns and associated locations of high crossing frequency may change in response to future growth and development within the US 550 corridor. Therefore, specific locations for the large mammal wildlife crossings will be reanalyzed and specific locations for crossing structures decided prior to final highway design. The continued recording of animal-vehicle collision locations along US 550 will provide increasingly accurate data on where deer and elk are crossing the highway. • The large mammal wildlife crossing structures will be monitored for three years post-construction to determine effectiveness. Monitoring will include continued collection of animal-vehicle collision data along US 550, as well as track surveys or motion-activated cameras within the structures. 	<p>Four large wildlife crossings and deer fencing will be installed at approximately MPs 4.85, 6.75, 13.90, and 15.05. The large crossing structures will have minimum dimensions of 8 feet high by 24 feet wide.</p>

SECTION TWO

Mitigation Measures

Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
Birds	<p>Vegetation clearing, earth-moving, and other construction activities have the potential to alter breeding behavior and destroy nests of bird species protected under the Migratory Bird Treaty Act (MBTA), including raptors. Destruction or disturbance of nests that results in loss of eggs or young is a violation of the MBTA.</p>	<ul style="list-style-type: none"> • 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 to have vegetation removed between April 1 and August 15 shall be surveyed for nests and cleared by a qualified biologist prior to the initiation of work, and a migratory bird nest depredation permit under the MBTA shall be obtained (if necessary), or appropriate inactive nest removal and hazing/exclusion measures shall be incorporated into the work to avoid the need to disturb active migratory bird nests. • Raptor nest surveys will be completed prior to start of construction in order to identify active nests and potential areas where seasonal restrictions on construction may be required. 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 removed in the ROW will be replaced at a 2:1 ratio, or as specified by state and federal wildlife agencies, to ensure raptor perch trees are replaced. Perch poles will be placed at a 1:1 ratio for raptor perch trees to mitigate for the loss of perching opportunities until replacement perch trees mature. • Any demolition or structural work on existing bridge structures (such as the Animas Bridge) may potentially destroy or disturb swallows nesting on the underside of the bridge. 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>To facilitate compliance with the MBTA, vegetation removal and demolition or structural work on existing bridges will be timed to the extent possible to avoid the migratory bird breeding season (April 1 through August 15). Areas that must be scheduled to have vegetation removed or work completed on existing bridges between April 1 and August 15 shall be surveyed for nests and cleared by a qualified biologist prior to the initiation of work, and a migratory bird nest depredation permit under the MBTA shall be obtained (if necessary), or appropriate inactive nest removal and hazing/exclusion measures shall be incorporated into the work to avoid the need for a depredation permit.</p>

SECTION TWO

Mitigation Measures

Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
Wetlands	Loss of 2.67 acres of wetlands and 0.28 acre of other waters, including 1.14 acres of jurisdictional wetlands.	<ul style="list-style-type: none"> • 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 US Army Corps of Engineers (Corps) mitigation policies, and the conditions of the Corps Section 404 Permit. Although the CWA only requires compensatory mitigation for those wetlands and other waters considered jurisdictional by the Corps, it is CDOT policy to mitigate all wetlands impacts (jurisdictional and nonjurisdictional) at a 1:1 ratio. Based on a functional assessment methodology, the Corps will determine the appropriate level of mitigation based upon the functions lost or adversely affected as a result of impacts to aquatic resources. • The overall goals of compensatory mitigation will be to replace the acreage of wetlands that will be permanently impacted by the project, to replace the wetland functions that will be lost. In addition, mitigation will follow an ecosystem approach and include a mix of habitats, and will be within the same watershed as the impacted wetlands. Mitigation for non-wetland waters of the United States and for riparian habitat will be included. • Five new, potential, on-site wetland mitigation areas have been identified. One of them (Animas River Terrace) is relatively large and can be used to mitigate all of the project impacts, if necessary, and also provides a location for riparian habitat mitigation. The other four sites are smaller and address specific impacts. All of the potential mitigation areas are in upland or primarily upland areas, and wetland mitigation will primarily consist of wetland creation. Final selection of sites and construction methods will depend on various factors such as the areas required, land availability, hydrology, engineering feasibility, wetland functions that can be achieved, and the surrounding habitats and relative importance in the ecological landscape. CDOT will obtain easements or other legal 	Wetland and riparian areas shall be protected from construction equipment and unpermitted fills by installing temporary orange construction fencing as directed by the Engineer. Construction fencing shall be removed upon project completion. No unpermitted temporary or permanent fills within wetland areas are allowed under the Contract. Existing trees, shrubs, bushes, grass, or wetland areas outside the designated work area but inside the project limits, that are damaged due to the Contractor's operations, shall be replaced in kind at the Contractor's expense.

SECTION TWO

Mitigation Measures

Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
		protection of the selected mitigation areas.	
Bald Eagle	<p>The project is expected to have limited adverse effects on bald eagles wintering or nesting within 0.5-mile of the study area due to construction activities causing increased stress during wintering and nesting periods. Removal of mature riparian trees for roadway widening and construction of the Animas River Bridge would reduce the number of roosting opportunities for bald eagles along the Animas River and the loss of 0.087 acre of Gunnison's prairie dog habitat would reduce foraging opportunities within the study area. Additionally, destruction or disturbance of bald or golden eagle nests or eggs is a violation of the Bald and Golden Eagle Protection Act of 1940 (As amended) 16 USCA 668</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 bald eagle nest is identified, a 0.5-mile buffer will be required around the nest, and seasonal restrictions (November 15 to July 31) of no human encroachment will occur within the 0.5-mile radius of the nest. • Surveys for nocturnal bald eagle roosts will be conducted prior to starting construction. If a roost is identified, restrict construction activity within 0.25 mile of active nocturnal roost sites between November 15 and March 15. • Cottonwood (<i>Populus</i> sp.) and other riparian woodland trees removed by construction activities will be replaced at a 2:1 ratio with an appropriate tree species, such as cottonwood (<i>Populus</i> sp.). 	

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Mitigation Measures

Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
Burrowing Owl	Should burrowing owls be present in the construction area, there is a potential for loss of nests and mortality of eggs and young.	<ul style="list-style-type: none"> • Surveys for nesting burrowing owls will be conducted annually and prior to construction between May 1 and July 31 to determine presence or absence in the study area. If burrowing owls are determined to be present in the study area, implement seasonal restrictions will be implemented on construction activities from April 15 through July 15 to avoid impacts to nesting birds. A 225-foot buffer will be required around active nest areas. 	
Southwestern Willow Flycatcher	The potential exists for disturbance of breeding Southwestern willow flycatchers and loss of their eggs or young if willow patches are removed during the breeding season. Removal of willow patches suitable for nesting would reduce nesting opportunities.	<ul style="list-style-type: none"> • Pre-construction surveys will be required to determine presence or absence of Southwestern willow flycatchers if suitable willow habitat (30 feet in width and length, and 6 feet in height) will be directly affected by construction activities, or when construction activities will occur within 0.25 mile of suitable willow habitat. Since the duration of construction is estimated at or beyond 10 years, surveys will be required annually to determine the presence or absence of Southwestern willow flycatchers prior to construction of each particular segment of roadway. Surveys will be conducted during the Southwestern willow flycatcher breeding season (May 1 to August 15) following the protocol outlined in Sogge (2000). • Seasonal construction buffers (May 1 to August 15) will be required within 0.25 mile of active nest areas and within 0.25 mile of occupied habitat (Powell 2003). During and after construction, CDOT will delineate sensitive habitats to avoid direct impacts from maintenance activities. • Construction activities that begin prior to May 1 in documented unoccupied habitat will not adversely affect Southwestern willow flycatcher nesting location choice. To minimize potential impacts to breeding birds, removal of documented unoccupied suitable nesting habitat located within proposed disturbance areas will occur outside of the breeding season (before May 1 and after August 15). 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 	

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Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
		<p>revegetation has been deemed successful by the U.S. Fish and Wildlife Service (USFWS). To be successful, the following criteria must be met:</p> <ul style="list-style-type: none"> A. 70 percent foliar cover B. 80 percent of plantings are established and growing without signs of stress C. noxious weeds are less than 5 percent of foliar cover. <ul style="list-style-type: none"> • Potential Southwestern willow flycatcher habitat in and adjacent to the project area will be avoided to the extent practicable and will be clearly marked on project maps and flagged in the field by CDOT prior to construction. CDOT will fully inform contractors and subcontractors of the locations of these areas prior to construction activity. 	
Knowlton Cactus	<p>Although no Knowlton cacti are known to currently exist within the ROW, suitable habitat exists and there is the potential for Knowlton cactus to be destroyed by the project because construction may not proceed for several growing seasons.</p>	<ul style="list-style-type: none"> • Preconstruction presence/absence surveys will be conducted in piñon-juniper and sagebrush habitats between late April and early May. If Knowlton cactus is found within areas scheduled to be impacted, CDOT will consult with USFWS to develop measures to avoid, take, and/or transplant any Knowlton cactus individuals identified. 	
Gray Vireo	<p>During construction the potential for losses of active gray vireo nests exists.</p>	<ul style="list-style-type: none"> • Piñon -juniper vegetation in the ROW will be cleared prior to April 1 to prevent gray vireo (and other birds) from nesting within the ROW and avoid take of or disturbance to active nests during breeding season. 	<p>To facilitate compliance with the MBTA, vegetation removal and demolition or will be timed to the extent possible to avoid the gray vireo breeding season (April 1 through August 15). Areas that must be scheduled to have vegetation removed between April 1 and August 15 shall be surveyed for nests and cleared by a qualified biologist prior to the initiation of work, and a migratory bird nest depredation permit under the MBTA shall be obtained (if</p>

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Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
			necessary), or appropriate inactive nest removal and hazing/exclusion measures shall be incorporated into the work to avoid the need for a depredation permit.
Roundtail Chub	During construction of the Animas River Bridge roundtail chubs would be disturbed and adversely impacted by a decrease in water quality caused by an increased sediment load downstream from the construction area.	<ul style="list-style-type: none"> Construction activities in the Animas River will take place only during low flows (July to October). If flowing water is present, it will be diverted around active construction areas. 	
Sensitive Plant Species	Clearing, grading, and other earth-moving activities have the potential to destroy sensitive plant species located within the construction zone. These species include: Abajo penstemon, Missouri milkvetch, Pagosa phlox, San Rafael milkvetch, Philadelphia fleabance, and wood lily.	<ul style="list-style-type: none"> Prior to construction, presence/absence field surveys will be conducted during the flowering season in habitats potentially containing sensitive plants that will be impacted by ROW construction. Soil seed beds of populations that cannot be avoided by construction activities will be transplanted to areas of appropriate soils and vegetation. 	
Soils and Geology	Construction activities would cause increased wind and runoff-related soil erosion due to the loss of vegetation cover in construction areas.	<ul style="list-style-type: none"> In addition to the temporary stormwater BMPs that will be installed during construction as part of CDOT's mandatory stormwater permit, permanent engineering controls to limit soil erosion will be installed as early in the project as possible and remain after project completion. Permanent engineering controls will include using soil berms (check dams), water bars on soil slopes steeper than 3:1, and sediment basins. Additionally, reclamation activities (mulching and reseeding disturbed areas) will take place within 20 days of completion of 	

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Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
		construction activities.	
	Construction activities would cause soil compaction that impairs soil function.	<ul style="list-style-type: none"> • Topsoil will be stripped and stored separately during construction activities. Topsoil will be placed on areas to be reclaimed just prior to mulching and reseeded to minimize compaction from construction equipment. 	
	Blasting for roadway widening in the Bondad Hill area would decrease the stability of rock outcrops.	<ul style="list-style-type: none"> • Rock fall mesh, rock bolts, and other engineering controls will be incorporated in the final rock cut design to increase slope stability. 	
Vegetation	Loss of riparian vegetation and potential long-term loss of habitat values, due to roadway construction.	<ul style="list-style-type: none"> • The construction ROW will be fenced 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. • In riparian areas, trees removed during construction will be replaced at a 1:1 ratio based on a stem count of all trees with a diameter at breast height of 2 inches or greater. Riparian shrubs will be replaced based on their preconstruction aerial coverage. All replacement trees and shrubs will be native species. 	
	Potential long-term loss of other native vegetation communities.	<ul style="list-style-type: none"> • Abandoned and reclaimed road and ROW will be revegetated with native vegetation. Revegetation will include planting or seeding of piñons and junipers where bordered by piñon-juniper woodland, and sagebrush where bordered by sagebrush shrubland. 	
Noxious Weeds	Mobilizing construction vehicles, excavating and moving borrow materials and topsoil, land clearing, and reclamation may bring noxious weeds or introduce	<ul style="list-style-type: none"> • Monthly noxious weed surveys will take place during the growing season to identify and treat noxious weeds. • Contractors' vehicles will be washed before being brought onto the project site to ensure that they are free of soil and debris capable of transporting noxious weed seeds or roots from other 	

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Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
	new noxious weeds into the project area.	<p>areas.</p> <ul style="list-style-type: none"> Disturbed areas will be reclaimed. Certified weed-free mulch will be used for reclamation, and weed-free straw bales will be used for sediment barriers during construction. Topsoil sources used in reclamation will be examined for noxious weeds prior to being brought on site. 	
	New weed infestations may occur after the project is completed. Noxious weeds that establish in construction areas and along the road ROW may spread into adjacent lands, resulting in degradation of habitat quality in riparian areas and other natural habitats.	<ul style="list-style-type: none"> Post-construction monitoring will be used to identify new weed infestations and to evaluate the effectiveness of weed control methods. Monitoring and weed controls will be implemented for 3 years after construction. 	
Water Resources	Increased impervious surface and concentrated runoff as a result of the widened roadway.	<ul style="list-style-type: none"> Due to the temporary BMPs that will be installed during construction, and the permanent BMPs that will be installed as part of the Preferred Alternative project design to remove 80% of the average annual TSS loading from the average storm, no additional mitigation is required. 	The project work shall be performed using practices that minimize water pollution during construction as detailed in Section 107.25 and 208 of CDOT's Standard Specifications for Road and Bridge Construction. The measures shall include, but not be limited to, erosion control measures during the life of the project to prevent or minimize erosion, sedimentation, and pollution of state waters. Bridge rail work, bridge deck work, and concrete washing and treatment work shall be conducted in a manner that prevents washwater and other potential pollutants, including concrete and sandblasting debris, from entering state waters. Potential pollutants shall be contained and disposed of in accordance with

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Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
			<p>applicable state and federal waste disposal requirements.</p> <p>Stormwater: In addition to installing permanent BMPs as part of the project design, Section 402 of the CWA requires that CDOT install construction BMPs for the purposes of:</p> <ol style="list-style-type: none"> 1. Controlling and minimizing erosion and sedimentation during the construction phase of a project; and 2. Reducing pollutants in stormwater runoff and receiving waters during construction. <p>CDOT will comply with this requirement and will prepare a plan for design and implementation of construction BMPs to be used on the project. This plan is referred to as a Stormwater Management Plan (SWMP). The plan will be prepared prior to the start of construction. As required by the SWMP, CDOT will monitor the construction BMPs before, during, and after construction of the project to measure their effectiveness. A more comprehensive description of construction BMPs for stormwater and erosion control is contained in the CDOT manual, <i>Erosion Control and Stormwater Quality Guide</i>.</p>
Air Quality	Increased particulate emissions during construction activities may	<ul style="list-style-type: none"> • Watering or other fugitive dust control methods will be employed to reduce fugitive dust. Additionally, construction staging areas will be located at least 200 meters from the nearest 	

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Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
	cause temporary localized visibility impacts.	residence or business.	
Paleontology	Paleontological resources may be impacted by excavation activities although none were found during field visits.	<ul style="list-style-type: none"> If paleontological resources are uncovered during the construction of the Preferred Alternative, construction operations in the area of the discovery shall cease and the CDOT staff paleontologist will be notified to assess their scientific importance. If the paleontological resources are found to be scientifically important, avoidance and collection procedures will be established prior to reinitiating construction activities in the area. 	
Land Use	Under the Preferred Alternative, 3 small businesses and 12 residential units would require relocation.	<ul style="list-style-type: none"> The Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (Public Law 91-646), as amended by the Surface Transportation and Uniform Relocation Assistance Act of 1987 (Public Law 100-17) (Uniform Act) requires that a property owner be notified of CDOT's interest in acquiring his or her property before a real property appraisal is completed. If an appraisal is conducted, each property owner shall be given the opportunity to accompany the appraiser during the inspection of his or her property. CDOT must then establish just compensation based on a current appraisal. The owner of real property acquired for ROW will be compensated at market value, in accordance with the Uniform Act, state statutes, and CDOT policies and procedures. No owner shall be required to surrender possession of the real property until paid the agreed purchase price or the amount deemed to be just compensation has been deposited with the court for the benefit of the owner. If the impacts described in this EA cannot be avoided during final design, acquisition and relocation will be conducted in accordance with will the Uniform Act. CDOT and FHWA will provide relocation assistance and payment for residential, businesses, farms, and nonprofit organizations displaced persons without discrimination. When applicable, all qualified relocatees shall receive monetary payments, which may include 	

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Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
		<p>payments for moving expenses, business in lieu of payment, rent supplements, down payments, and increased interest payments.</p>	
Farmland	<p>The Preferred Alternative would impact approximately 29.3 total acres of Prime Farmland.</p>	<ul style="list-style-type: none"> To limit impacts to Prime Farmland, the amount of land acquired for highway improvements will be limited to only the portions of parcels actually needed for the ROW instead of the entire parcel. 	
	<p>Two agricultural properties irrigated with a center-pivot irrigation system would be impacted by all the action alternatives, including the Preferred Alternative.</p>	<ul style="list-style-type: none"> CDOT will coordinate with affected landowners and relocate irrigation systems to the extent practical to promote ongoing agricultural uses of Prime Farmland and Statewide Important Farmland within the project area. If the current system cannot be modified, CDOT will work with the property owner to replace the irrigation system with another type of system. 	
EJ	<p>Increased barrier effect of roadway as a result of the increased width of the roadway and increase in the number of vehicles on the roadway.</p>	<ul style="list-style-type: none"> Due to the pedestrian bridge or underpass that will be provided between Old Homestead Mobile Home Park and Sunnyside Elementary School, and the noise wall that will be constructed as part of the design for the Preferred Alternative, no additional mitigation is required. 	<p>A pedestrian bridge or underpass will be built as part of the design to provide safe access to Sunnyside Elementary School from the Old Homestead Mobile Home Park. Additionally, there would be an emergency vehicle access only provided for the Old Homestead Mobile Home Park fire station at the existing US 550/CR 215 intersection.</p> <p>A noise wall will be constructed at the Old Homestead Mobile Home Park (MP 8.5) to prevent noise levels within the homes from exceeding federal noise limits (see noise mitigation).</p>
Noise	<p>Five isolated homes and 13 homes within the mobile home park would experience operational noise levels exceeding Noise Abatement Criteria (NAC)</p>	<ul style="list-style-type: none"> A wall length of 1,800 feet long and 8 feet high is considered reasonable for noise mitigation at the Mobile Home Park and noise mitigation is incorporated into the project design. The affected owners will be contacted to confirm their desire for noise mitigation during the design phase of this project. 	

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Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
	B noise threshold limits.		
	<p>Construction noise would cause a temporary disturbance to local residents. Construction would generate noise from diesel-powered earth-moving equipment such as dump trucks and bulldozers, back-up alarms on certain equipment, compressors, and pile drivers. Construction noise at off-site receptor locations will usually be dependent on the loudest one or two pieces of equipment operating at the moment. Noise levels from diesel-powered equipment ranges from 80 to 95 dBA at a distance of 50 feet. Impact equipment, such as rock drills and pile drivers can generate higher noise levels.</p>	<ul style="list-style-type: none"> Construction noise impacts, while temporary, will be mitigated where reasonable, by limiting work to daylight hours, requiring the contractor to use well-maintained equipment (especially with respect to mufflers), and through the use of additional measures such as temporary noise barriers where applicable. 	
Visual	<p>Additional excavation and cuts and fills required for construction of the Preferred Alternative in the Bondad Hill area would create a visual impact by increasing the topographic and color contrast between the highway and the surrounding landscape.</p>	<ul style="list-style-type: none"> The required cut line will be blended into the existing terrain to reduce the topographic contrast between cut slopes and the surrounding landscape. To reduce the color contrast between fill slopes and the surrounding landscape, excess waste material excavated during construction will not be downcast on the downhill slope. Retaining walls for cut and fill slopes will be consistent with the general design of the retaining walls used in areas along US 550 just north of the New Mexico state line. The color of the retaining wall will be selected to reduce color contrasts with the surrounding vegetation. 	<p>Colors, architectural treatments, and finishes used for overpasses and underpasses, retaining walls, sound walls, highway guardrails, lighting and signage will be consistent throughout the project corridor so that the visual impact of the roadway and surrounding landscape is minimized.</p>

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Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
	<p>The removal of roadside vegetation increases the visual impact of the roadway by increasing the contrast between construction areas and the surrounding landscape.</p>	<ul style="list-style-type: none"> Removal of adjacent roadside vegetation will be minimized, where possible. In areas that will lose vegetation that currently provides an important visual screen, revegetation during reclamation will include taller plant species (trees and shrubs) that can serve the same function. 	
<p>Historic and Archaeological Preservation</p>	<p>CDOT has determined that the Preferred Alternative would have an adverse effect on site 5LP6665. Both the State Historic Preservation Officer (SHPO) and Southern Ute Indian Tribe (SUIT) have concurred with this assessment.</p>	<ul style="list-style-type: none"> Mitigation of adverse effects to 5LP6665 can be most effectively accomplished through large-scale controlled archaeological excavations, as the importance of this site lies chiefly in what can be learned by data recovery. The parameters of these mitigation efforts are outlined in a Memorandum of Agreement (MOA) prepared by CDOT, and executed by FHWA, CDOT and SUIT, in consultation with Advisory Council on Historic Preservation (ACHP). See Appendix E. 	<p>When the Contractor's operations, including materials pits and quarries, encounter plant or animal fossils, remains of prehistoric or historic artifacts (bottle dumps, charcoal from subsurface hearths, old pottery potsherds, stone tools, arrowheads, etc.), the Contractor's affected operations shall immediately cease. The Contractor shall immediately notify the Engineer, or other appropriate agency for contractor source pits or quarries, of the discovery of these materials. The contractor's operations may continue only after the appropriate agencies are notified and the contractor is allowed to proceed.</p>
	<p>Impacts to non-National Register of Historic Places (NRHP) eligible sites 5LP2616 and 5LP6456 on SUIT lands.</p>	<ul style="list-style-type: none"> Monitoring by a qualified archaeologist and/or a SUIT tribal member will be required during construction to ascertain the extent of impacts, if any, to 5LP2616 and 5LP6456. If such monitoring determines that these sites contain significant archaeological deposits that will be affected, mitigation of adverse effects will also be accomplished through data recovery excavations, as outlined in the MOA referenced above. 	
<p>Hazardous Materials</p>	<p>Construction activities for the Preferred Alternative could cause a release of hazardous materials into the</p>	<ul style="list-style-type: none"> Sampling and further investigation will be completed prior to construction. Further investigation shall be conducted to determine if impacts to the soil and/or groundwater have occurred at the following locations: Old Sod Farm, Bodean's 	

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Environmental Component	Impact	Mitigation Measure	Summary of BMPs and Design Commitments
	environment from 10 sites located along the US 550 corridor.	Custom Restoration and Collision, Fire & Water Plumbing & Heating, Welding shop, Mesa Propane Incorporated, CR 219 residential property, fuel spill on Bondad Hill, oil and gas facilities associated gathering and transmission pipeline infrastructure, water wells, and pole-mounted and ground box transformers. If impacts to the soil and/or groundwater have occurred at any of the above locations, CDOT will report the contamination to the appropriate regulatory authority and implement avoidance and/or containment procedures prior to construction to ensure worker safety and avoid a potential release to the environment. Where appropriate, CDOT may further characterize the contamination at a site and remediate it per regulatory requirements.	
Construction	Access to business and residential areas would be impacted during construction.	<ul style="list-style-type: none"> • Temporary signage to business entrances will be provided during construction to draw attention to highway access points. 	
	Highway users would be impacted by temporary road closures or detours.	<ul style="list-style-type: none"> • Major traffic disruption will be limited to the off-peak hours as much as possible to alleviate congestion, reduce capacity impacts, and lessen economic impacts. • Public notices will be provided through newspapers and local signs to warn motorists of future detours and road closures. • The shortest, most direct detours will be used, with adequate signing to limit additional travel to the extent possible. • Flaggers will be placed immediately adjacent to work areas to optimize traffic flow during periods of construction activities and to reduce delays. • Emergency service providers will be contacted and provided an access plan during construction to minimize delays and response times for emergency services. 	

**Table 2-2
Additional Project Commitments Made to Address Public Comments**

Issue	Design Feature
Lack of southbound access to Southern Ute Tribal lands east of US 550 near the top of Bondad Hill.	<ul style="list-style-type: none"> • There will be a ¾ movement intersection provided at approximate MP 5.35 to allow southbound access to existing residences on Southern Ute Tribal lands east of US 550.
Access to US 550 (especially northbound) for the Old Homestead Mobile Home Park fire station after the existing US 550/CR 215 intersection is moved approximately 0.4 mile south.	<ul style="list-style-type: none"> • There will be an emergency vehicle access only provided for the Old Homestead Mobile Home Park fire station at the existing US 550/CR 215 intersection (approximate MP 8.5).
Farm access for agriculture businesses that actively work property on both sides of US 550.	<ul style="list-style-type: none"> • An at-grade or below-grade farm only access will be constructed at approximate MP 12.50.

**Table 2-3
List of Required Permits/Approvals**

Resource	Agency	Permit / Approval	Description	Permit Responsibility
Air	Colorado Department of Public Health & Environment (CDPHE) – Air Pollution Control Division	Construction Permit (Land Development activities) for control of fugitive dust	Required if more than 25 acres of land is disturbed or activity lasts longer than 6 months.	CDOT
Water Resources	CDPHE – Water Quality Control Commission (WQCC)	National Pollutant Discharge Elimination System (NPDES) (MS4 and construction-related stormwater discharge permit)	MS4 required for all new and reconstructed highway developments; Construction discharge permit required for ground disturbing construction activities disturbing more than 1 acre.	CDOT
		Section 401 Water Quality Certification	Required for activities authorized under Section 404 to ensure that state water quality standards are met.	CDOT
		Dewatering Permit	Required for the discharge of water from construction dewatering operations to either surface water or ground water.	Construction Contractor
Wildlife and Fisheries	Colorado Division of Wildlife (CDOW)	Senate Bill (SB) 40 Wildlife Certification	Required for state agency projects that affect streams or stream banks.	CDOT
	U.S. Fish and Wildlife Service (USFWS)	Section 7 – Consultation	Required for any federal agency action that may affect a threatened or endangered species.	CDOT
		Migratory Bird Treaty Act (MBTA) Depredation (Nest) Permit	Required for the removal of any Migratory Bird nests.	CDOT
Historic and Archaeological Resources	State Historical Preservation Officer (SHPO)	Section 106 Determination of Historic objects, sites, buildings, structures eligible for preservation under National Historic Preservation Act	Requires determination of effect on any structure, object, and site eligible for inclusion on National Register. Advisory Council on Historic Preservation review and approval.	CDOT
Wetlands and Floodplains	U.S. Army Corps of Engineers (Corps)	Dredge or Fill (Section 404)	Requires permits for discharge of dredged or fill material into waters of the U.S., including wetlands.	CDOT

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Resource	Agency	Permit / Approval	Description	Permit Responsibility
	La Plata County	Floodplain Permit	Required for any work to be performed in the 100-year floodplain.	CDOT
	Federal Emergency Management Agency (FEMA)	Conditional Letter of Map Revision (CLOMR)/Letter of Map Revision (LOMR)	Required if published FEMA floodplain areas and elevations will be changed due to waterway restrictions (bridge abutment or embankment construction).	CDOT

This section provides comments received during the public comment period and a response to each comment. Section 3.1 provides one agency comment letter from the Environmental Protection Agency and a response. Section 3.2 provides the written comments and responses to each. Section 3.3 provides the oral questions, comments, and responses from the public hearings held August 17, 2005 and August 18, 2005. Section 3.4 provides comments and responses from coordination with the Southern Ute Tribe during a special session of Tribal Council on July 13, 2005.

The proposed action has been coordinated with appropriate federal, state, and local agencies in order to comply with NEPA and CDOT Procedures for Public Involvement and Participation in the Project Development and Environmental Analysis Process. The notice of availability of the EA was published in the Durango Herald on August 5, 12, and 14, 2005, the Pine River Times on August 5 and 12, 2005, and the Southern Ute Drum on August 5, 2005.

An Open House/Public Hearing was held on August 17, 2005 at the Sunnyside Elementary School at 75 CR 218 in Durango, Colorado. Six people signed the attendance sheet for the hearing. A presentation was given and six attendees asked questions. A second Open House/Public Hearing was held on August 18, 2005 at the Sun Ute Community Center at 356 Ouray Drive in Ignacio, Colorado. Two people signed the attendance sheet for the hearing. No presentation was given and CDOT staff discussed the project one-on-one with the attendees. A summary of the presentation and comments given during both public hearings/open houses are included in Appendix A. No written comments were received at the public hearing and one agency and three public comments were received during the 30-day public comment period. The comment forms and letters are included in Appendix C Agency Correspondence and Appendix D Public Comments Received During Review Period.

The majority of verbal questions received at the Open House/Public Hearing were related to access and safety, project timing, and funding sources. The attendees expressed general support for the project.

3.1 AGENCY COMMENT AND RESPONSE



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
999 18TH STREET - SUITE 300
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SEP 14 2005

Ref: 8EPR-N

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

Richard Reynolds
Region 5 Transportation Director
Colorado Department of Transportation
3803 N. Main Avenue Suite 306
Durango, Colorado 81301

Re: EPA comments on the Environmental
Assessment (EA) for US 550, Colorado State Line
north to County Road 220

Dear Mr. Nicol and Mr. Reynolds:

The Environmental Protection Agency, Region 8 office (EPA) is providing comments on the Environmental Assessment (EA) for the transportation improvements to US 550 south of Durango, Colorado. These comments are provided according to our authorities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

As in our letter of August 11, 2005, in which we gave notice that EPA would have comments on this EA, we would like to acknowledge that this EA was very well done. Our comments are:

Air Toxics: Section 3.9.2 concludes that 1) localized concentrations of Mobile Source Air Toxics (MSATs) in the vicinity of the US 550/CR 220 intersection and along US 550 would be similar to those experienced by individuals, residences, businesses, and other facilities located at similar distances from similar corridors; and 2) regardless of the alternatives selected, MSAT emissions in the project area should decrease over time as a result of US EPA's national MSATs control programs. EPA agrees that nationally there will be a decrease of MSATs over time, however in specific cases increased traffic could negate the decrease in emissions rates from the vehicle fleet. The EIS should provide the basis for these two statements, particularly in light of the lack of modeled estimates and monitoring in the area.

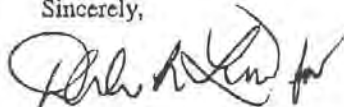
The document also indicates that there are no acceptable analytical methods to determine localized concentrations and ambient concentrations of MSATs. EPA disagrees with this statement. While this project should not require a full air toxics assessment, methods do exist to perform such an analysis.

Cumulative Impacts: Habitat loss is estimated at 77,460 acres or greater in La Plata County. In addition, the cumulative impacts to threatened, endangered and sensitive species in the study area is expected to be "long-term and moderate." Much of this may be due to the Missionary Ridge Fire, but that is not clear in the document. The overall cumulative impact to wildlife habitat loss may merit some additional attention by the local governments in addition to mitigation by CDOT. Planning to avoid additional critical wildlife habitat, particularly with the projected oil and gas development in the county, should be looked into. We recognize that this habitat loss is due mostly to projects other than this transportation project, but that is one of the values of an EIS – to point out where there are significant impacts to resources. In this case, it might be advisable for CDOT to convene a group of local stakeholders, in addition to appropriate state and federal government agencies, to address this issue.

Tribal: The document does not contain responses from the Southern Ute Indian Tribe that they are satisfied with the level of involvement and the project. In addition, documentation of consultation to other tribes to ensure that their cultural resources, if any, in the area, are not being impacted, is also not included in the document. We understand that the Southern Ute Indian Tribe is satisfied with this document and the level of consultation afforded them, but would like to see this in writing.

If you have questions regarding this matter, please contact me at 303 312-6004 or Deborah Lebow of my staff at 303 312-6223.

Sincerely,



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

cc: Monica Pavlik, FHWA Colorado Division
Kerry Neat, CDOT Region 5

Response:

Air Toxics - The contribution of the proposed US 550 improvements to Mobile Source Air Toxics (MSATs) concentrations and related impacts at the US 550/CR 220 intersection and along US 550 were misstated. See Section 1.4 Clarifications to the EA: Section 3.9.2 Air Toxics.

Cumulative Impacts – See Section 1.4 Clarifications to the EA: *Section 4.3.1.3 Overall Cumulative Impacts* regarding the role that the Missionary Ridge Fire played in the cumulative impact analysis for wildlife habitat. CDOT recognizes that this amount and rate of wildlife habitat loss, regardless of the cause, may merit additional attention by local governments, land management agencies, and wildlife management agencies. CDOT and FHWA are currently working with the Southern Rockies Ecosystem Project, Colorado State University, the Colorado Division of Wildlife, and others to evaluate and implement methods to reduce the barrier effect of roadways to wildlife, thereby increasing the availability of existing habitats and reducing

overall habitat loss within the region. CDOT would welcome the participation of local governments to help address this issue.

Tribal – See correspondence letter from the Southern Ute Indian tribe dated August 19, 2005 (below). Regarding consultation with other tribes, CDOT and FHWA decided during scoping that it would be inappropriate to contact other tribes due to the fact that the entire project exists within the exterior boundary of the Southern Ute Reservation.

08-26-2005 04:28PM FROM-

T-499 P 003/003 F-096



SOUTHERN UTE INDIAN TRIBE

August 19, 2005

Mr. Richard Reynolds
 Regional Transportation Director
 CDOT Region 5
 3803 North Main Avenue, Suite 306
 Durango, CO 81301

REG. 5 - RTD

	O	CC	DR	Action
Proj. Eng.		X		
Mica Sect 3				
Mica Sect 7				
EEO/HR				
Buss. Mgr/Office				
Env. Flow/Plan		X		
Dep. Dir # 1				
Dep. Dir # 2				
Ala. He				
Traffic/SA-Intv				
RTD/Office	X			

Re: National Historic Preservation Act (NHPA) - Section 106 compliance for the proposed US 550, Colorado State Line north to County Road 220, project.

8.23.05

Dear Mr. Reynolds:

In communications with your environmental staff at the Colorado Department of Transportation (CDOT), it has come to the attention of the Southern Ute Indian Tribe and BIA – Southern Ute Agency (BIA) that the U.S. Environmental Protection Agency – Region 8 (EPA) is preparing to submit to the Federal Highway Administration (FHWA) its comments concerning the Environmental Assessment (EA) for US 550, Colorado State Line north to County Road 220. The Tribe and BIA have been notified, in particular, about an EPA concern over compliance with Section 106 of the NHPA, which requires government-to-government consultation and coordination regarding the proposed project.

This letter is to inform the appropriate authorities at the EPA, through your office at CDOT, that to the best of the Tribe and BIA's knowledge, CDOT/FHWA have carried out in good faith and in full compliance their NHPA Section 106 responsibilities for government-to-government consultation relative to the subject project. CDOT/FHWA have consulted with and involved the Tribe and BIA in project planning, analysis of alternatives, and finalization of the draft EA document prior to public review. Potential project impacts to Tribal and neighboring non-Tribal resources have been identified and discussed with Tribal and BIA technical staff, as well as Tribal leadership, through several coordination meetings. The Tribe and BIA are supportive of the successful implementation of this important project, and we appreciate the forthright, government-to-government approach that CDOT/FHWA have taken.

If there are questions or concerns regarding the Tribe's position on CDOT's NHPA Section 106 compliance for the subject project, please contact the Tribe's Environmental Coordinator, Mr. Steve Whiteman, at (970) 563-0130.

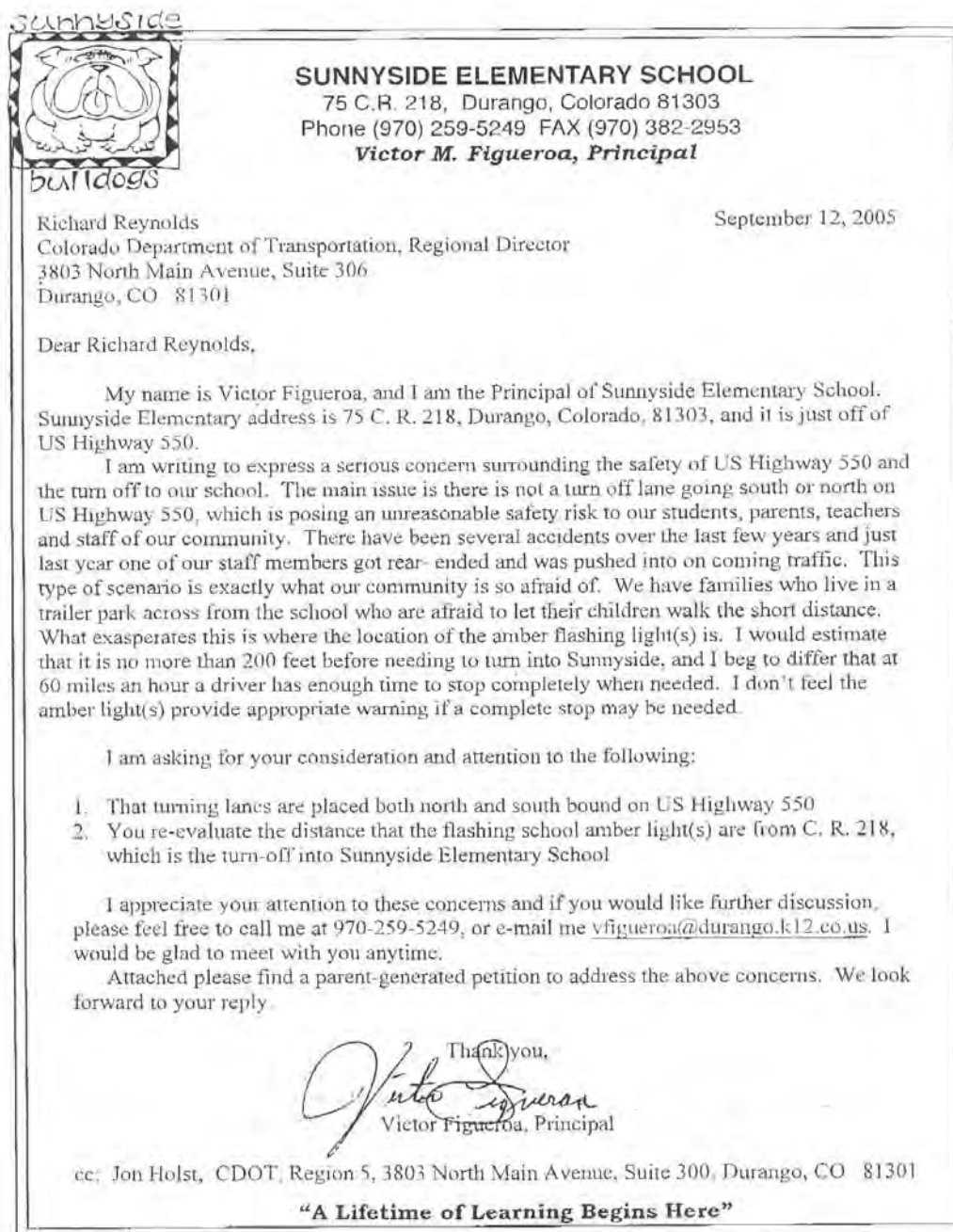
Sincerely,

Clement J. Frost, Chairman
 Southern Ute Indian Tribe

Diana Olguin, Acting Superintendent
 BIA – Southern Ute Agency

P. O. BOX 737 + IGNACIO, CO 81137 + PHONE 970-563-0100

3.2 WRITTEN COMMENTS AND RESPONSES



Note: The petition signatures are in Appendix D

Response: The Preferred Alternative provides for a full movement intersection at County Road 318 and US 550 (See EA Appendix C, Figure C-8). The proposed design for the Preferred Alternative provides for both north and south bound turning lanes to address your concerns regarding turning movements at that intersection. The location of the flashing beacon, although not within the scope of the construction design for any alternative evaluated in the EA, is

currently being re-evaluated by CDOT's regional Traffic and Safety staff as a result of your comments.

09-20-2005 03:00PM FROM

1-552 P 008/009 F-222



PUBLIC HEARING
US 550 ENVIRONMENTAL ASSESSMENT
NEW MEXICO STATE LINE TO COUNTY ROAD 220
NH 5501-001 12979
AUGUST 17 AND 18, 2005

PUBLIC COMMENT SHEET

Your suggestions and/or comments are solicited at this time regarding this highway project. Space is provided below for your written comments. Please hand this in before you leave today, or you may mail it before September 6, 2005 to the following address: Colorado Department of Transportation, Region 5, 3808 North Main Avenue, Durango, Colorado 81301 Attention: Jon Holst, or e-mail lisa_pine@urscorp.com.

We need turning lanes at the school entrance. Also, if you change the entrance to the trailer park and reroute CR 215 what will happen with the fire station. Will it be eliminated or will they be rerouted through the trailer park causing an unsafe condition for the kids in the park if they should drive when the kids are out playing.

Name: Sue Sobell Representing: _____
Address: 8659 Hwy 550 S #1



Response: See response to Comment 1 regarding proposed turning lanes under the Preferred Alternative at Sunnyside Elementary School. Additionally, the fire station on County Road 215 at the Old Homestead Mobile Home Park will remain in service. There will be a gated emergency vehicle access only maintained for the fire station at the existing US 550/CR 215

intersection to allow emergency access for the fire station only. See Section 1.4 Clarifications to the EA: *Section 2.3.2.1 Design Features Common to All Action Alternatives.*

Kerrie Neet, Planning and Environmental Manager
 CDOT Region 5
 3803 N. Main Ave., Ste 300
 Durango, Co 81301

RE: US 550s Environmental Assessment

I would like to comment on the proposed US 550 improvements plan that would affect our property. I manage Snowcap Sod, LLC for my parents, John R. and Betty L. Bemenderfer as well as co-own land across the highway under Lone Pinon Sod, LLC. We have operated these lands together as a joint sod farm since 1991. My parents have operated Snowcap Sod since 1983 and have owned this property since 1961.

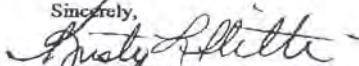
It is my understanding that the proposal now show a limited access highway, with the corner at CR 302 and US 550 being the closest break in the highway. Any access to the Snowcap Sod property from the south would have to travel to the next northerly break, cross two lanes of traffic, try to turn around then travel back south. The northerly access to the Lone Pinon property would have to do the same by traveling to the CR 302 break, cross the two lanes, turn around, etc.

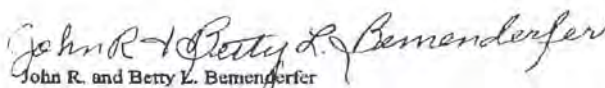
In our day-to-day business, we cross the highway multiple times with everything from four wheelers to harvesters to large forklifts. Our customers also travel the same route we do, crossing the highway multiple times. We deliver a majority of our sod with semi-trucks and trailers. If I understand the proposal, we would have send our loaded trucks and our customers south from our driveway, try to go from the outside lane into the inside lane to turn at the corner then try to turn a 45 foot truck and trailer across two lanes of northbound traffic and flip a "U" turn at the corner of CR 302. Not only does this slow traffic in both lanes, it takes a very large area to accomplish the turn plus dealing with the traffic from the south and from 302.

Our equipment that we cross the highway with is slow moving farm equipment. If we have to take it also to the corner of 302 to turn across two lanes of fast traffic just to come back north to the access, we not only place our employees in a great deal more daily danger by being on the highway more, we also lose a great deal of productive time, not to mention the impediment to the other traffic.

The current proposal creates a very serious danger to our employees and equipment, places undue burden on our business and may cause us to lose business. We would like to see other options or in the very least, more access points along the highway. It was mentioned to me that our neighbor, Bill Thurston had spoken to you about creating something for them to cross the highway. If we could create an access for all of us to use that was feasible, we would like to see that addressed. It is vital to our business that we have a closer, safer access to our fields.

Sincerely,


 Kristy L. Hitti
 Manager, Snowcap Sod
 Lone Pinon Sod LLC - co-owner
 12700 Hwy 550 (property address)
 Durango, Co 81303


 John R. and Betty L. Bemenderfer
 Snowcap Sod
 12639 Hwy 550
 Durango, CO 81303

Response: To address your concerns, CDOT has committed to incorporating an at-grade or below-grade farm-only access across US 550 at approximate MP 12.50. See Section 1.4 Clarifications to the EA: *Section 2.3.2.1 Design Features Common to All Action Alternatives.*

3.3 QUESTION AND ANSWER PERIOD AT THE PUBLIC HEARING

Comment 1
Pat Wayne, Resident, asked about the entrance to the highway from CR 215. The way it is shown, the new intersection would be an inconvenience to the people that live in the valley. They would need to go way out of their way to get to the school. What about lights or “slow down” signs or something like that, instead of moving the intersection?
Response
What the diagrams display is the worst-case footprint for the roadway and an approximation of where the crossroad access will be located so that we can adequately determine the impacts for this project. These are not set in stone. During final design, these details will be refined and ultimately the impacts may be less than what is shown on these diagrams. CDOT cannot design access in which your out of direction travel exceeds one mile. However, CDOT’s focus is how to get you safely across four lanes of traffic. Right now you’ve got a two-lane road, and no place to get out of the way. This process will help to make this road safe when trying to get on to of off of this highway.

Comment 2
Pat Wayne, Resident, asked about the impact to the school property and which side of the road was going to be impacted by the four-lane widening.
Response
There are federal requirements regarding the conversion of school property to highway use, it is called Section 4(f). During this process, CDOT coordinated with the school regarding highway expansion. The playground is away from the road; therefore, the property that will be converted will not impact the school itself, nor the exterior uses (e.g. the playground).
Clarification
Section 4(f) applies to historic properties, parks, recreational areas and refuges. In cases where a school property or some portion of it functions similar to a park or recreational area, FHWA applies this law to the portion of the school property that functions as a park or recreational area.

Comment 3
Lyle Short, Resident, asked about the irrigation ditch and gas lines that are within the 20 feet of school property that will be impacted by the highway widening. Are those being looked at, and will that increase the impact to the school?
Response
These are specific design details that CDOT routinely encounters. CDOT has to move irrigation ditches and other utilities for many roadway projects. CDOT has coordinated with the gas companies and confirm these lines are outside of the ROW needed for this project. CDOT will work with the Ditch Company and it might be okay to leave the ditch in CDOT ROW and not impact the school any more than necessary.

Comment 4
Mark Wayne, Resident, asked who is going to make these decisions? When the school makes their decision, they have a board and committees, and a superintendent. Who does CDOT have to go through?
Response
CDOT’s final decision is constrained by multiple internal and external sources. The final design of the roadway needs to comply with the Federal Highway Administration’s Federal design standards for this type of roadway. Additionally, the state needs to comply with State Access Code governing private access configurations and safety. Environmental issues need to be coordinated with the U.S. Army Corps of Engineers, Colorado Division of Wildlife, and the State Historic Preservation Officer. By coordinating with all these entities, and others if necessary, CDOT’s options are narrowed. Through further coordination and compromise, a final plan is adopted by CDOT. In addition to all the regulatory coordination, the public coordination is a very important piece. The comments you make tonight and during the comment period will be seriously considered before CDOT finalizes the plan for this corridor.
Clarification
The term “Federal design standards” is incorrect. This statement is referring to the following Federal and state <i>guidance</i> documents: Policy on Geometric Design of Highways and Streets (AASHTO 2001), CDOT Design Guide (CDOT 1995a), and Roadside Design Guide (AASHTO 1996). It must be noted that these are design policy and guidance documents, not design standards.

Comment 5
Mark Wayne, Resident, stated that residents of the trailer park are going to be upset about the changes to CR 215. How will their issues be addresses since most did not attend this hearing?
Response
That is a huge issue -- please help get their comments to CDOT prior to the end of the comment period, September 6, 2005. CDOT would be happy to provide a hard copy for the park residents and as many comment forms as necessary. Residents are also welcome to come by the CDOT office to see the proposed alignment and to talk with a CDOT representative about their concerns or questions. CDOT would also be willing to come out and have another meeting with residents.

Comment 6
Jill Short, Resident, stated that she could write a letter telling the residents in the trailer park that the EA is available for review and comment.
Lyle Short, Resident, stated that as designed, the removal of one access to the trailer park is against county law. The law requires two accesses to the trailer park. If the park were given another access to the north, that would solve the problem with the trailer park, but not the issue with the residents in the valley.
Response
There will be more discussion regarding access to the trailer park and the alignment of CR 215 as we move into the design process.

Comment 7
Sue Lubdell, Resident, asked what was actually being proposed for CR 215.
Response
CR 215 would be realigned to the south to keep the accesses on US 550 spaced approximately one-mile apart. This would increase safety on the roadway by reducing the number of turning movements along US 550. The access from the middle of the trailer park to US 550 would be closed but an access would be available on the south side to CR 215 and on the north side to CR 218. From either of those roads, the residents would have access to US 550. The new CR 215 intersection would be approximately 0.5 mile south of where it currently intersects US 550. This intersection would be looked at much more closely during the design phase of the project. CDOT does take all comments seriously. If residents have other ideas, please share them with CDOT.

Comment 8
Pat Wayne, Resident, asked how the area around the school would be modified by this project. Would there be deceleration lanes, flashing lights, a bus entrance, etc. at certain times of the day... this is a very busy area?
Response
If the school district sees a need then they need to talk to CDOT and send a request. At that time, CDOT would do an investigation and determine what needs to be done in the area. You would probably see improvements at the accesses. By consolidating access, CDOT would need to be able to accommodate increased traffic at each intersection, which could include turning lanes.

Comment 9
Sue Lubdell, Resident, stated that the preschool aide was the one rear-ended in May and it affected a lot of people. I don't want to see those kids go through something like that again. It's hard to explain to a preschooler what happened and that she was fine. At that time, I called CDOT and expressed my concerns. I was told that someone would take a look at the area and see if something could be done.
Response
This is the kind of situation CDOT is trying to prevent by consolidating accesses and making turning improvements. We are trying to accomplish increased safety with minimal inconvenience to the public. It is a balance we need to look at carefully. CDOT's priority is safety.

Comment 10
Mark Wayne, Resident, asked what happens if we don't get funding? What is going to happen with the highway because it is unsafe as it is? There is an increase in traffic all along the corridor, not just at the school and CR 215.
Response
Funding levels for CDOT in general have decreased over the years along with the state's budget. We are at the point where we are just trying to maintain what we have now and not do a lot more. There are funding possibilities now that include the referendums on the November ballot and the Transportation Bill President Bush just signed. It will be many years before we complete improvements to this whole

corridor. One thing to remember is that once this document is finished and signed by the Federal Highway Administration, any money that is available can be immediately put towards this corridor. If you want to see an improvement at one of the county roads, your best bet at this time is to start with the County Commissioners and work through the county.

Comment 11

Connie Vaclav, Resident, asked if funding does not become available for another five years, will this project then be obsolete or behind the times?

Response

It is possible, although we have done this with a 20-year planning horizon so it most likely will not. However, if this document were to become obsolete, a supplemental study could be done. It depends on the growth in the area between when this document is finished and when funding becomes available to begin construction.

Clarification

The supplemental study depends on how much of what was considered in the EA changes prior construction. An evaluation is required at each project phase to determine if there have been substantial changes in the conditions that would require a supplemental study.

Comment 12

Mark Wayne, Resident, asked what the plan is for Farmington Hill since it is a bottleneck?

Response

The US 160 Environmental Impact Statement project will be addressing Farmington Hill. That project runs from roughly just west of Farmington Hill on US 160 out to Bayfield, and includes that stretch of US 550 from CR 220 to US 160. Because Farmington Hill is so integrated with US 160 it was included as part of that project.

Comment 13

Mark Wayne, Resident, asked if funding were available, whether we may actually see that hill fixed first?

Response

There are three transportation projects near Durango that would happen if Referendum C and D passed this fall. They are: 1) US 550 MP 1.0 to the bottom of Bondad Hill (approximate MP 4.0), 2) a second westbound lane would be completed through Farmington Hill, and 3) fixing the intersection of CR 222/CR 223 on US 160.

Clarification

Project 2) would involve construction of an additional westbound lane on US 160 through the Farmington Hill (US 550) intersection. The current roadway configuration at this location narrows from two to one westbound lane on US 160 just east of the Farmington Hill intersection. The roadway widens back to two westbound lanes just west of the intersection, making the single westbound lane through the intersection a constriction that impacts traffic flow.

3.4 COMMENTS AND RESPONSES FROM JULY 13, 2005, SOUTHERN UTE TRIBAL COUNCIL SPECIAL SESSION

Comment 1 – There are several residences on Southern Ute Tribal lands located at the top of Bondad Hill (east side of the existing alignment). The current design does not provide for full turning movements at this location, which would require individuals returning to these residences from Durango to travel further south to the proposed CR 318 intersection and back north along the proposed alignment before reaching their residences. This is substantial additional out-of-direction travel for these folks.

Response – In response to your concerns, CDOT has incorporated a 3/4 movement intersection in the proposed design at this location for these residences. There is enough room within the footprint of the proposed alignment at this location to include a southbound left hand turn lane on US 550 for these residences. A full movement intersection could not be incorporated at this intersection due to sight distance constraints.

Comment 2 – Will emergency services be maintained during construction?

Response – CDOT will prepare an emergency access plan at the beginning of each construction phase to ensure that emergency personnel continue to have full access to the corridor during construction activities.

Based on the *US 550 Corridor Improvements – State Line North to County Road 220 Environmental Assessment*, the Public Hearing summary and the summary of comments, FHWA has determined that Alternative 2, as described in Section 2.3.2 on pages 2-3 to 2-10 of the EA is the Preferred Alternative.

The FHWA has prepared the attached *US 550 Corridor Improvements – State Line North to County Road 220 Environmental Assessment* (EA) in compliance with all applicable environmental laws and Executive orders.

The FHWA has determined that Alternative 2, as described in Section 2.3.2 on pages 2-3 to 2-10 of the attached EA will have no significant impact on the human environment. This Finding of No Significant Impact (FONSI) is based on the attached EA, which has been independently evaluated by the FHWA and determined to adequately and accurately discuss the need, environmental issues, and impacts of the proposed project and appropriate mitigation measures. It provides sufficient evidence and analysis for determining that an Environmental Impact Statement (EIS) is not required. The FHWA takes full responsibility for the accuracy, scope and content of the attached EA.

Appendix A
EA Availability

The EA is available for public review at:

- CDOT Region 5, 3803 N. Main Ave, Durango
- Durango Public Library, 1188 E. Second Ave, Durango
- Butch McClanahan Memorial Library, 470 Goddard Ave, Ignacio
- Southern Ute Indian Tribe, Tribal Department of Natural Resources, 116 Mouache Dr., Ignacio

A CD copy of the EA and appendices has been included with this document for your information.

Appendix B
Transcript Of Public Hearing

US 550 Public Hearing and Open House

August 17, 2005

Kerrie Neet provided a brief overview of the project area, and described the current conditions of the project corridor (i.e. a two lane highway with minimal shoulders, uncontrolled access, and poor sight distance). She explained that these conditions are why CDOT is looking at making improvements to US 550.

Kerrie went on to explain that the project need was threefold: 1) improve safety, 2) increase highway capacity, and 3) address access deficiencies (i.e. poor turning movements and driveways) along the corridor.

Kerrie explained that we're currently working on the EA, and then went on to discuss funding. CDOT is finishing the environmental process; however, because of the state's budget, CDOT does not currently have funding to do fixes in this corridor now. There are two referendums on this November's ballot, C and D. Referendum C would allow the state to retain revenues in excess of the state fiscal year spending levels set forth in TABOR (Taxpayers Bill of Rights) for the next five fiscal years, beginning with the 2005-2006 fiscal year. Referendum D would authorize the state to issue bonds to pay for identified critical state needs and CDOT to bond for strategic transportation projects using funds allocated to the Critical Needs Fund to pay back those bonds. Overall, funds for the state are estimated at approximately \$3.7 billion. CDOT anticipates issuing a total of \$1.2 billion in bonds over a four-year period starting in 2006. If these referenda pass in November, it's anticipated that the US 550 corridor would get approximately \$15 million in 2008 to be used from Milepost 1 to the bottom of Bondad Hill. In addition to these funds, the transportation bill that was signed last week by President Bush may free additional funds.

Kerrie outlined the four stages for a large corridor project like US 550: 1) Feasibility Study, 2) Environmental Process, 3) Design, and 4) Construction.

For this project the feasibility study began in 1996 and concluded in 1999. The Feasibility Study recommended a four lane US 550 along the existing corridor or along La Posta Road. The La Posta Road alignment was not carried forward because the Corps of Engineers would not permit it.

For this project, as required by the National Environmental Policy Act (NEPA), we are conducting an Environmental Assessment (EA). An EA is completed when an agency is unsure about the impacts of a project. If the project is found to have no significant impacts, a Finding of No Significant Impact (FONSI) is completed. If significant impacts are found, then an Environmental Impact Statement (EIS) would need to be completed for the project.

The EA is complete and out for public comment right now. Comment forms are available at the hearing and must be received by CDOT by September 6, 2005. By completing this process, as funding becomes available projects in this corridor can begin immediately.

Tony Bemelen, the CDOT Resident Engineer, provided an overview of the project specifics. Tony summarized the safety issues along the corridor by providing a breakdown of accident types along US 550, and describing the safety design issues (for example, limited clear zones, narrow shoulders, no turn lanes, etc.).

Tony proceeded to describe the alternatives analyzed in the EA. The only difference between the alternatives was on Bondad Hill. Alternatives 1 and 2 would keep the four lanes along the current alignment with minor adjustments. The main difference between alternatives 1 and 2 is that Alternative 1 would have a 40 mile per hour (mph) speed limit over Bondad Hill, and Alternative 2 would have a 60 mph speed limit. Alternative 3 proposed to pull the highway back behind Bondad Hill. This Alternative would have the most impacts because the alignment would cut through undisturbed land.

CDOT prefers Alternative 2; however, the alternative carried forward is subject to the comments we receive during this process.

Jon Holst closed the presentation by reminding attendees that comment forms were available and due to CDOT by September 6, 2005. Jon then asked for questions/comments from the public.

Q AND A

Pat Wayne, Resident, asked about the entrance to the highway from CR 215. The way it is shown, the new intersection would be an inconvenience to the people that live in the valley. They would need to go way out of their way to get to the school. What about lights or “slow down” signs or something like that, instead of moving the intersection?

CDOT Response: What these diagrams display is the worst-case footprint for the roadway and an approximation of where the crossroad access will be located so that we can adequately determine the impacts for this project. These are not set in stone. During final design, these details will be refined and ultimately the impacts may be less than what is shown on these diagrams. CDOT cannot design access in which your out of direction travel exceeds one mile. However, CDOT’s focus is how to get you safely across four lanes of traffic. Right now you’ve got a two-lane road, and no place to get out of the way. This process will help to make this road safe when trying to get on to of off of this highway.

Pat Wayne, Resident, asked about the impact to the school property and which side of the road was going to be impacted by the four-lane widening.

CDOT Response: There are federal requirements regarding the conversion of school property to highway use, it is called Section 4(f). During this process, CDOT coordinated with the school regarding highway expansion. The playground is away from the road; therefore, the property that will be converted will not impact the school itself, nor the exterior uses (e.g. the playground). The school and the Federal Highway Administration agreed that the small sliver of property being converted is not an issue.

Lyle Short, Resident, asked about the irrigation ditch and gas lines that are within the 20 feet of school property that will be impacted by the highway widening. Are those being looked at, and will that increase the impact to the school?

CDOT Response: These are specific design details that CDOT routinely encounters. CDOT has to move irrigation ditches and other utilities for many roadway projects. CDOT has coordinated with the gas companies and confirm these lines are outside of the ROW needed for this project. CDOT will work with the Ditch Company and it might be okay to leave the ditch in CDOT ROW and not impact the school any further.

Mark Wayne, Resident, asked who is going to make these decisions? When the school makes their decision, they have a board and committees, and a superintendent. Who does CDOT have to go through?

CDOT Response: There is the Federal Highway Administration and the engineers need to comply with state law through the State Access Code. Environmental issues need to be coordinated with the U.S. Army Corps of Engineers, Colorado Division of Wildlife, and the State Historic Preservation Officer. By coordinating with all these entities, and others if necessary, CDOT's options are narrowed. Through further coordination and compromise, a final plan is adopted by CDOT. In addition to all the regulatory coordination, the public coordination is a very important piece. The comments you make tonight and during the comment period will be seriously considered before CDOT finalizes the plan for this corridor.

Mark Wayne, Resident, stated that residents of the trailer park are going to be upset about the changes to CR 215. How will their issues be addresses since most did not attend this hearing?

CDOT Response: That is a huge issue -- please help get their comments to CDOT prior to the end of the comment period, September 6, 2005. CDOT would be happy to provide a hard copy for the park residents and as many comment forms as necessary. Residents are also welcome to come by the CDOT office to see the proposed alignment and to talk with a CDOT representative about their concerns or questions. CDOT would also be willing to come out and have another meeting with residents.

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CDOT Response: There will be more discussion regarding access to the trailer park and the alignment of CR 215 as we move into the design process.

Sue Lubdell, Resident, asked what was actually being proposed for CR 215.

CDOT Response: CR 215 would be realigned to the south to keep the accesses on US 550 spaced approximately one-mile apart. This would increase safety on the roadway by reducing the number of turning movements along US 550. The access from the middle of the trailer park to US 550 would be closed but an access would be available on the south side to CR 215 and on the north side to CR 218. From either of those roads, the residents would have access to US 550. The new CR 215 intersection would be approximately 0.5 mile south of where it currently intersects US 550. This intersection would be looked at much more closely during the design phase of the project. Your comments must be addressed and CDOT does take all comments seriously. If residents have other ideas, please share them with CDOT

Pat Wayne, Resident, asked how the area around the school would be modified by this project. Would there be deceleration lanes, flashing lights, a bus entrance, etc. at certain times of the day... this is a very busy area?

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the area. You would probably see improvements at the accesses. By consolidating access, CDOT would need to be able to accommodate increased traffic at each intersection, which could include turning lanes.

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CDOT Response: This is the kind of situation CDOT is trying to prevent by consolidating accesses and making turning improvements. We are trying to accomplish increased safety with minimal inconvenience to the public. It is a balance we need to look at carefully. CDOT's priority is safety.

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CDOT Response: Funding levels for CDOT in general have decreased over the years along with the state's budget. We are at the point where we are just trying to maintain what we have now and not do a lot more. There are funding possibilities now that include the referendums on the November ballot and the Transportation Bill President Bush just signed. It will be many years before we complete improvements to this whole corridor. One thing to remember is that once this document is finished and signed by the Federal Highway Administration, any money that is available can be immediately put towards this corridor. If you want to see an improvement at one of the county roads, your best bet at this time is to start with the County Commissioners and work through the county.

Connie Vaclav, Resident, asked if funding does not become available for another five years, will this project then be obsolete or behind the times?

CDOT Response: It is possible, although we have done this with a 20-year planning horizon so it most likely will not. However, if this document were to become obsolete, a supplemental study could be done. It depends on the growth in the area between when this document is finished and when funding becomes available to begin construction.

Mark Wayne, Resident, asked what the plan is for Farmington Hill since it is a bottleneck?

CDOT Response: The US 160 Environmental Impact Statement project will be addressing Farmington Hill. That project runs from roughly just west of Farmington Hill on US 160 out to Bayfield, and includes that stretch of US 550 from CR 220 to US 160. Because Farmington Hill is so integrated with US 160 it was included as part of that project.

Mark Wayne, Resident, asked if funding were available, whether we may actually see that hill fixed first?

CDOT Response: There are three transportation projects that would happen if Referendum C and D passed this fall. They are US 550 MP 1.0 to the bottom of Bondad Hill, a second westbound lane would be completed through Farmington Hill, and fixing the tie in with CR 222 and 223 on US 160.

Appendix B
Transcript Of Public Hearing

In closing, CDOT stated that there is a proposed pedestrian crossing from the trailer park to the school as part of the highway improvements.

A tape recording of the hearing is available if requested.

Appendix C
Agency Correspondence



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>

SEP 14 2005

Ref: 8EPR-N

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

Richard Reynolds
Region 5 Transportation Director
Colorado Department of Transportation
3803 N. Main Avenue Suite 306
Durango, Colorado 81301

Re: EPA comments on the Environmental
Assessment (EA) for US 550, Colorado State Line
north to County Road 220

Dear Mr. Nicol and Mr. Reynolds:

The Environmental Protection Agency, Region 8 office (EPA) is providing comments on the Environmental Assessment (EA) for the transportation improvements to US 550 south of Durango, Colorado. These comments are provided according to our authorities under the National Environmental Policy Act (NEPA) and Section 309 of the Clean Air Act.

As in our letter of August 11, 2005, in which we gave notice that EPA would have comments on this EA, we would like to acknowledge that this EA was very well done. Our comments are:

Air Toxics: Section 3.9.2 concludes that 1) localized concentrations of Mobile Source Air Toxics (MSATs) in the vicinity of the US 550/CR 220 intersection and along US 550 would be similar to those experienced by individuals, residences, businesses, and other facilities located at similar distances from similar corridors; and 2) regardless of the alternatives selected, MSAT emissions in the project area should decrease over time as a result of US EPA's national MSATs control programs. EPA agrees that nationally there will be a decrease of MSATs over time, however in specific cases increased traffic could negate the decrease in emissions rates from the vehicle fleet. The EIS should provide the basis for these two statements, particularly in light of the lack of modeled estimates and monitoring in the area.

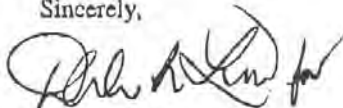
The document also indicates that there are no acceptable analytical methods to determine localized concentrations and ambient concentrations of MSATs. EPA disagrees with this statement. While this project should not require a full air toxics assessment, methods do exist to perform such an analysis.

Cumulative Impacts: Habitat loss is estimated at 77,460 acres or greater in La Plata County. In addition, the cumulative impacts to threatened, endangered and sensitive species in the study area is expected to be "long-term and moderate." Much of this may be due to the Missionary Ridge Fire, but that is not clear in the document. The overall cumulative impact to wildlife habitat loss may merit some additional attention by the local governments in addition to mitigation by CDOT. Planning to avoid additional critical wildlife habitat, particularly with the projected oil and gas development in the county, should be looked into. We recognize that this habitat loss is due mostly to projects other than this transportation project, but that is one of the values of an EIS – to point out where there are significant impacts to resources. In this case, it might be advisable for CDOT to convene a group of local stakeholders, in addition to appropriate state and federal government agencies, to address this issue.

Tribal: The document does not contain responses from the Southern Ute Indian Tribe that they are satisfied with the level of involvement and the project. In addition, documentation of consultation to other tribes to ensure that their cultural resources, if any, in the area, are not being impacted, is also not included in the document. We understand that the Southern Ute Indian Tribe is satisfied with this document and the level of consultation afforded them, but would like to see this in writing.

If you have questions regarding this matter, please contact me at 303 312-6004 or Deborah Lebow of my staff at 303 312-6223.

Sincerely,



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

cc: Monica Pavlik, FHWA Colorado Division
Kerry Neat, CDOT Region 5

08-26-2005 04:28PM FROM-

T-499 P 003/003 F-096



SOUTHERN UTE INDIAN TRIBE

August 19, 2005

Mr. Richard Reynolds
Regional Transportation Director
CDOT Region 5
3803 North Main Avenue, Suite 306
Durango, CO 81301

REG. 5 - RTD

	O	CC	Cr	Action
Prog. Eng.				
Mica Sect 3		X		
Mica Sect 7				
EEO/HR				
Bank Mgr/Office				
Env/Plan		X		
Doc. #1				
Doc. #2				
Ala. file				
Traffic/Env				
RTD/Office	X			

Re: National Historic Preservation Act (NHPA) - Section 106 compliance for the proposed US 550, Colorado State Line north to County Road 220, project.

8.23.05

Dear Mr. Reynolds:

In communications with your environmental staff at the Colorado Department of Transportation (CDOT), it has come to the attention of the Southern Ute Indian Tribe and BIA - Southern Ute Agency (BIA) that the U.S. Environmental Protection Agency - Region 8 (EPA) is preparing to submit to the Federal Highway Administration (FHWA) its comments concerning the Environmental Assessment (EA) for US 550, Colorado State Line north to County Road 220. The Tribe and BIA have been notified, in particular, about an EPA concern over compliance with Section 106 of the NHPA, which requires government-to-government consultation and coordination regarding the proposed project.

This letter is to inform the appropriate authorities at the EPA, through your office at CDOT, that to the best of the Tribe and BIA's knowledge, CDOT/FHWA have carried out in good faith and in full compliance their NHPA Section 106 responsibilities for government-to-government consultation relative to the subject project. CDOT/FHWA have consulted with and involved the Tribe and BIA in project planning, analysis of alternatives, and finalization of the draft EA document prior to public review. Potential project impacts to Tribal and neighboring non-Tribal resources have been identified and discussed with Tribal and BIA technical staff, as well as Tribal leadership, through several coordination meetings. The Tribe and BIA are supportive of the successful implementation of this important project, and we appreciate the forthright, government-to-government approach that CDOT/FHWA have taken.

If there are questions or concerns regarding the Tribe's position on CDOT's NHPA Section 106 compliance for the subject project, please contact the Tribe's Environmental Coordinator, Mr. Steve Whiteman, at (970) 563-0130.

Sincerely,

Clement J. Frost
Clement J. Frost, Chairman
Southern Ute Indian Tribe

Diana Olguin
Diana Olguin, Acting Superintendent
BIA - Southern Ute Agency

P.O. Box 737 * IGNACIO, CO 81137 * PHONE 970-563-0100



U.S. Department
of Transportation
**Federal Highway
Administration**

Colorado Federal Aid Division

Ms. Susan Linner
U.S. Fish and Wildlife Service
755 Parfet Street, Suite 361
Lakewood, CO 80215

Attention: Ms. Alison Deans Michael

Dear Ms. Linner:

SUBJECT: Biological Assessment for US 550
Request for formal consultation with the USFWS

This letter constitutes an amendment to our April 2005 Biological Assessment for US 550, from State Line North to County Road 220, La Plata County, Colorado, which addresses highway improvements through the corridor, and its effects on the bald eagle (*Haliaeetus leucocephalus*), Southwestern willow flycatcher (*Empidonax traillii extimus*), and the Colorado River fishes (razorback sucker [*Xyrauchen texanus*] and Colorado pikeminnow [*Ptychocheilus lucius*]).

In our April 2005 Biological Assessment, we made the determination that the project may affect, but was not likely to adversely affect the Southwestern willow flycatcher and we proposed several measures to protect the bird and its habitat. Those measures are described in Section 9 of the Biological Assessment and include conducting additional surveys on an annual basis prior to construction, and avoiding direct impacts to habitat during the breeding season, which is defined as May 1 through August 15. At this time, we would like to propose additional measures to further protect the flycatcher, as well as provide clarification on existing measures.



1. If no Southwestern willow flycatchers are detected during the proposed annual pre-construction surveys, then construction may begin after the fifth survey, which can be no earlier than July 4. In addition, lost habitat will be replaced at a 2:1 ratio in a location near the affected area unless an offsite location is more beneficial to the bird. The replaced habitat will be monitored annually for at least three years or until revegetation has been deemed successful by the U.S. Fish and Wildlife Service (Service). To be successful, the following criteria must be met:
 - A. 70% foliar cover
 - B. 80% of plantings are established and growing without signs of stress
 - C. noxious weeds are less than 5% of foliar cover.

2. If suitable habitat is found but surveys are not conducted, then all construction in or within 0.25 miles of this habitat will occur between August 15 and May 1 and the habitat will be replaced as above (2:1 ratio).

If southwestern willow flycatchers are found, then formal consultation with the Service will be initiated.

Our determinations and conservation measures regarding the bald eagle and the two Colorado River fishes are unchanged.

If you have additional questions, please contact Monica Pavlik, FHWA at (720) 963-3012 or Jon Holst, CDOT Region 5, at (970) 385-1433.

Sincerely yours,



For David A. Nicol, P.E.
Division Administrator

Cc: Jeff Peterson, CDOT



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:
ES-6-RO-05-F-GJSJ002
Mail Stop 65412

OCT 20 2005

David A. Nicol, Division Administrator
Colorado Federal Aid Division
U.S. Department of Transportation
Federal Highway Administration
12300 W. Dakota Ave., Suite 180
Lakewood, Colorado 80228

Dear Mr. Nicol,

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed your April 2005, document entitled "Biological Assessment for US 550, From State Line North to County Road 220, La Plata County, Colorado" (Biological Assessment) regarding impacts to the bald eagle, (*Haliaeetus leucocephalus*), Southwestern willow flycatcher, *Empidonax trailii extimus*, (flycatcher), and the Colorado River fishes (razorback sucker [*Xyrauchen texanus*] and Colorado pikeminnow [*Ptychocheilus lucius*]) caused by improvements to the US550 corridor between County Road 220 and the New Mexico State line in La Plata County, Colorado. On October 12, 2005, we received a second letter from you dated October 11, 2005, amending the Biological Assessment with additional measures to protect the flycatcher.

The project as proposed will permanently remove two patches comprising approximately 0.15 acre of flycatcher habitat. Additionally, construction will occur adjacent to two other habitat patches, that consist of 0.32 acre of habitat. You state in your Biological Assessment that construction activities resulting in direct impacts to flycatcher habitat will be conducted after August 15 and before May 1. In your amendment, you made the clarification that if no willow flycatchers are detected during your proposed annual pre-construction surveys, then construction may begin after the fifth survey, which can be no earlier than July 4. In addition, lost habitat will be replaced at a 2:1 ratio in a location near the affected area unless an offsite location is more beneficial to the bird. The replaced habitat will be monitored annually for at least three years or until revegetation has been deemed successful by the Service. The amendment also establishes success criteria. If southwestern willow flycatchers are found, then formal consultation with the

Mr. David Nicol, US550, Durango to the State Line, biological opinion

Page 2

Service will be initiated. If surveys are not conducted, then all construction will occur between August 15 and May 1 and habitat will be replaced as described in your amendment.

Given your description of the project and the proposed conservation measures, the Service finds the report acceptable and agrees that the project as described is not likely to adversely affect the flycatcher, contingent upon negative survey findings, or the bald eagle. Thus, the Service concurs that the activities as described in the report should not directly affect the continued existence of the flycatcher or the bald eagle.


In addition, we have reviewed the project's impacts on endangered Colorado River fishes. The proposed action will cause a one-time total depletion to the San Juan River of approximately 62.78 acre-feet and is addressed by the Service's May 21, 1999, biological opinion as described below.

A Recovery Implementation Program for Endangered Fish Species in the San Juan River Basin was initiated in October 1992. The Recovery Program was intended to be the reasonable and prudent alternative to avoid jeopardy to the endangered fishes by depletions from the San Juan River.

On May 21, 1999, the Service issued a biological opinion determining that depletions of 100 acre-feet or less would not limit the provision of flows identified for the recovery of the Colorado pikeminnow and razorback sucker and, thus, not be likely to jeopardize the endangered fish species or result in the destruction or adverse modifications of their critical habitat.

The Federal Highway Administration (FHWA) should condition its approval documents to retain jurisdiction in the event that the Recovery Program is unable to implement the flows identified for recovery in a timely manner. In that case, as long as the FHWA has discretionary authority over the project, reinitiation of section 7 consultation may be required.

Sincerely,


FWS Susan C. Linner
Colorado Field Supervisor

Reference: Alison\H:\My Documents\CDOT 2005\Region 5\US550 Durango to NM BO.wpd

pc: FWS, GJ (P. Gelatt, T. Ireland)
FWS/ES/San Juan River Basin RIP Coordinator, Albuquerque FO
CROW, Durango, Colorado

Mr. David Nicol, US550, Durango to the State Line, biological opinion

Page 3

CDOT (J. Holst, J. Peterson)
Area Director, Bureau of Indian Affairs, PO Box 26567, Albuquerque, New Mexico
87125-6567
Susan G. Jordan, Nordhaus, Haltom, Taylor, Taradash & Bladh, 1239 Paseo de Peralta,
Santa Fe, New Mexico 87501
Lester K. Taylor, Nordhaus, Haltom, Taylor, Taradash & Bladh, 405 Martin Luther King
Jr. Avenue, Northeast, Albuquerque, New Mexico 87102
President, Jicarilla Apache Nation, PO Box 507, Dulce, New Mexico 87528
Director, Natural Resources Department, Jicarilla Apache Nation, PO Box 507, Dulce,
New Mexico 87528
Mike Hamman, Water Administrator, Jicarilla Apache Nation, 60 CR 119, Espanola,
New Mexico 87532
Chairman, Ute Mountain Ute Indian Tribe, PO Box JJ, Towaoc, Colorado 81334
Chairman, Southern Ute Indian Tribe, PO Box 737, Ignacio, Colorado 81137
President, The Navajo Nation, President's Office, PO Box 9000, Window Rock, Arizona
86515
Dan Israel, 455 Table Mesa Drive, Suite E 149, Boulder, Colorado 80305
Scott McElroy, Greene, Meyer & McElroy, 1007 Pearl Street, Suite 220, Boulder,
Colorado 80302
Stan Pollack, Special Counsel for Water Rights, Navajo Nation Department of Justice,
PO Box 2010, Window Rock, Arizona 86515



Preserving America's Heritage

December 15, 2005

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

REF: Proposed Widening of USH 550
La Plata County, Colorado

Dear Mr. Nicol:

The ACHP recently received your notification and supporting documentation regarding the adverse effects of the referenced project on archaeological site 5LP6665, a property eligible for listing on the National Register of Historic Places. Based upon the information you provided, we do not believe that our participation in consultation to resolve adverse effects is needed. However, should circumstances change and you determine that our participation is required, please notify us. Pursuant to 36 CFR 800.6(b)(iv), you will need to file the final Memorandum of Agreement and related documentation at the conclusion of the consultation process. The filing of the Agreement with us is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect. If you have any questions or require further assistance, feel free to contact Carol Legard at 202-606-8503.

Sincerely,

Raymond V. Wallace

Raymond V. Wallace
Historic Preservation Technician
Office of Federal Agency Programs

ADVISORY COUNCIL ON HISTORIC PRESERVATION
1100 Pennsylvania Avenue NW, Suite 809 • Washington, DC 20004
Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov

Appendix D
Public Comments Received During Review Period

Sunnyside



bulldogs

SUNNYSIDE ELEMENTARY SCHOOL

75 C.R. 218, Durango, Colorado 81303
Phone (970) 259-5249 FAX (970) 382-2953
Victor M. Figueroa, Principal

Richard Reynolds
Colorado Department of Transportation, Regional Director
3803 North Main Avenue, Suite 306
Durango, CO 81301

September 12, 2005

Dear Richard Reynolds,

My name is Victor Figueroa, and I am the Principal of Sunnyside Elementary School. Sunnyside Elementary address is 75 C. R. 218, Durango, Colorado, 81303, and it is just off of US Highway 550.

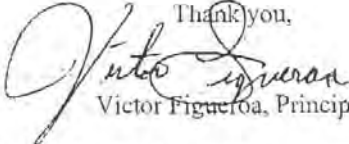
I am writing to express a serious concern surrounding the safety of US Highway 550 and the turn off to our school. The main issue is there is not a turn off lane going south or north on US Highway 550, which is posing an unreasonable safety risk to our students, parents, teachers and staff of our community. There have been several accidents over the last few years and just last year one of our staff members got rear-ended and was pushed into on coming traffic. This type of scenario is exactly what our community is so afraid of. We have families who live in a trailer park across from the school who are afraid to let their children walk the short distance. What exasperates this is where the location of the amber flashing light(s) is. I would estimate that it is no more than 200 feet before needing to turn into Sunnyside, and I beg to differ that at 60 miles an hour a driver has enough time to stop completely when needed. I don't feel the amber light(s) provide appropriate warning if a complete stop may be needed.

I am asking for your consideration and attention to the following:

1. That turning lanes are placed both north and south bound on US Highway 550
2. You re-evaluate the distance that the flashing school amber light(s) are from C. R. 218, which is the turn-off into Sunnyside Elementary School

I appreciate your attention to these concerns and if you would like further discussion, please feel free to call me at 970-259-5249, or e-mail me vfigueroa@durango.k12.co.us. I would be glad to meet with you anytime.

Attached please find a parent-generated petition to address the above concerns. We look forward to your reply.

Thank you,

Victor Figueroa, Principal

cc: Jon Holst, CDOT, Region 5, 3803 North Main Avenue, Suite 300, Durango, CO 81301

"A Lifetime of Learning Begins Here"

Public Comments Received During Review Period

We the undersigned feel that there should be turning lanes put in at the 550 turn to Sunnyside School (CR 218). Please take this into consideration when planning the highway.
Thank you Concerned Community of Sunnyside Elementary School

Melissa Watt	385-1575
Eric Watt	385-1575
Carol Watt	259-1007
Dehua Mearns	208-631-7124
Mary Dale	247-2183
Anthony Mearns	247-2183
Eric Thompson	259-2404
Dony Crespo	799-4898
Melissa Vance	259-7661
Steven R. Jones	382-5377
Brenda H. Anderson	259-6779
Joe & Arlene Bingham	259-8868
Michael D. Neal Hefferty	903-9282
Kasumi K. Rudinack	970-247-8711
Mitchell G. Hefferty	970-375-1419
William C. Carpenter	970-843-2500
Shari Strauss	970-247-7976
Joseph Strauss	970-247-7970
Michael	970-382-0480
Rocky A. Collier	970-375-2164
ROXANN GALLEGOS	970-375-2164
THERESA GALLEGOS	970-247-2883
Mandy Shiveley	970-385-4450
Lisa Rodri	970-385-7670
GLENN BAY	970-247-8711
Bryan ROSS	970-382-8782
Gerald Rodri	345-7670
Cecelia Ross	970-382-8782
Lynn Bellini	970-385-4382
Jaci Smith	970-385-1975
Jaci Bobrook	970-259-7981
Rose Pacheco	970-259-6125
MT Hurworth	970-247-3087
Marcy A. Van	970-259-0664
Norah Atwood	259-3087
Dee Dee Howard	259-0350
Ang Howard	259-0350
Chris Watt	385-5536
Wendy Dea Pasick	259-3868
Jana	259-4217

Appendix D
Public Comments Received During Review Period

We the undersigned feel that there should be turning lanes put in at the 550 turn to Sunnyside School (CR 218). Please take this into consideration when planning the highway.
Thank you Concerned Community of Sunnyside Elementary School

Susan Shickell	259-4577
Pat McKay	382-9259
Christy Morgan	385-5183
Bob Morgan	382-2735
Diane Bacon	757-1264
Michelle Morgan	382-2755
Margaret Edwards	382-0780
William Edwards	257-1994
William Edwards	382-2735
William Edwards	382-2737
William Edwards	259-1692
William Edwards	382-0513
William Edwards	247-8209
Rhonda Dufford	259-3813
Patty Hansen	259-2302
Henry Foster	259-3899
Robert Smith	385-7255
Michelle Carmack	259-4738
William Edwards	503-4415
John M. Cameron	247-8027
Indy Beekley	259-5232
Monica Anderson	385-7252
Community of Sunnyside	385-4063
Steven Brown	799-1667
Thompson Peterson	563-4608
William Edwards	259-8868
Neil Samvil	259-91010
Mark Brown	382-9259
Randee Thompson	257-4371
Cheryl Thompson	247-4371
Kristen Smith	259-1329
Dana Nielsen	385-5889
Wendy Peterson	385-4672
Wendy Peterson	385-4672
Wendy Peterson	385-7443
Wendy Peterson	247-1323
Wendy Peterson	259-3668
Wendy Peterson	259-3688
Wendy Peterson	247-0037

Appendix D
Public Comments Received During Review Period

We the undersigned feel that there should be turning lanes put in at the 550 turn to Sunnyside School(CR 218). Please take this into consideration when planning the highway.
Thank you Concerned Community of Sunnyside Elementary School

<u>Name</u>	<u>address</u>
Lance Gordon	8659 Hwy 550 S #32 Durango CO
Biatrix Morino	8659 Hwy 550 #14 Durango CO
Lisa Whitaker	715 Rainbow Rd Dur CO 81303
Zack Whitaker	715 Rainbow Rd Dur CO 81303
Alonda Buggs	8659 Hwy 550 #97 Dur CO 81303
Sam Griggs	8659 Hwy 550 #59 Dur CO 81303
Paul Springer	8659 Hwy 550 #59 Dur CO 81303
Robert Craig	2434 Canty Rd 213 Dur CO 81305
Larry Bowley	99 #1 to RA Durango CO 81303
Jessica Borkland	8659 Hwy 550 #47 Durango CO 81303
Brook Klitzke	8659 Hwy #46 Dur CO 81303
Deanna Manley	8659 Hwy 550 #42 Dur CO 81303

Public Comments Received During Review Period

We the undersigned feel that there should be turning lanes put in at the 550 turn to Sunnyside School(CR 218). Please take this into consideration when planning the highway.
Thank you Concerned Community of Sunnyside Elementary School

Paul J. Janssen
Florence Johnson
Billy J. ...
Mary M. Dittus
Mary Dittus
Lenny Steed
Carol Steed
Jim ...
L. C. Nantz 247-8582
Beverly Heller 247-4036
...
...
...

Appendix D
Public Comments Received During Review Period

Kerrie Neet, Planning and Environmental Manager
CDOT Region 5
3803 N. Main Ave., Ste 300
Durango, Co 81301

RE: US 550s Environmental Assessment

I would like to comment on the proposed US 550 improvements plan that would affect our property. I manage Snowcap Sod, LLC for my parents, John R. and Betty L. Bemenderfer as well as co-own land across the highway under Lone Pinon Sod, LLC. We have operated these lands together as a joint sod farm since 1991. My parents have operated Snowcap Sod since 1983 and have owned this property since 1961.

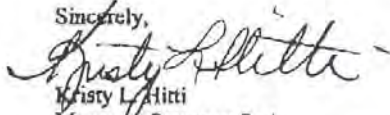
It is my understanding that the proposal now show a limited access highway, with the corner at CR 302 and US 550 being the closest break in the highway. Any access to the Snowcap Sod property from the south would have to travel to the next northerly break, cross two lanes of traffic, try to turn around then travel back south. The northerly access to the Lone Pinon property would have to do the same by traveling to the CR 302 break, cross the two lanes, turn around, etc.

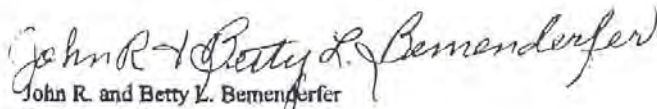
In our day-to-day business, we cross the highway multiple times with everything from four wheelers to harvesters to large forklifts. Our customers also travel the same route we do, crossing the highway multiple times. We deliver a majority of our sod with semi-trucks and trailers. If I understand the proposal, we would have send our loaded trucks and our customers south from our driveway, try to go from the outside lane into the inside lane to turn at the corner then try to turn a 45 foot truck and trailer across two lanes of northbound traffic and flip a "U" turn at the corner of CR 302. Not only does this slow traffic in both lanes, it takes a very large area to accomplish the turn plus dealing with the traffic from the south and from 302.

Our equipment that we cross the highway with is slow moving farm equipment. If we have to take it also to the corner of 302 to turn across two lanes of fast traffic just to come back north to the access, we not only place our employees in a great deal more daily danger by being on the highway more, we also lose a great deal of productive time, not to mention the impediment to the other traffic.

The current proposal creates a very serious danger to our employees and equipment, places undue burden on our business and may cause us to lose business. We would like to see other options or in the very least, more access points along the highway. It was mentioned to me that our neighbor, Bill Thurston had spoken to you about creating something for them to cross the highway. If we could create an access for all of us to use that was feasible, we would like to see that addressed. It is vital to our business that we have a closer, safer access to our fields.

Sincerely,


Kristy L. Hitti
Manager, Snowcap Sod
Lone Pinon Sod LLC - co-owner
12700 Hwy 550 (property address)
Durango, Co 81303


John R. and Betty L. Bemenderfer
Snowcap Sod
12639 Hwy 550
Durango, CO 81303

Public Comments Received During Review Period

09-20-2005 05:00PM FROM-

1-552 P 008/009 F-222

RECEIVED

AUG 30 2005

COLORADO DEPT. OF TRANSPORTATION
REGION 5
TRAFFIC & SAFETY



PUBLIC HEARING
US 550 ENVIRONMENTAL ASSESSMENT
NEW MEXICO STATE LINE TO COUNTY ROAD 220
NH 5501-001 12979
AUGUST 17 AND 18, 2005

PUBLIC COMMENT SHEET

Your suggestions and/or comments are solicited at this time regarding this highway project. Space is provided below for your written comments. Please hand this in before you leave today, or you may mail it before September 6, 2005 to the following address: Colorado Department of Transportation, Region 5, 3808 North Main Avenue, Durango, Colorado 81301 Attention: Jon Holst, or e-mail lisa_pine@uvscorp.com.

We need turning lanes at the school entrance.
Also, if you change the entrance to the
trailer park and reroute CR 215 what
will happen with the gas station.
Will it be eliminated or will they be rerouted
through the trailer park causing an
unsafe condition for the kids in the
park if they should drive when the kids
are out playing

Name: Sue Sobell Representing: _____

Address: 8659 Hwy 550 #1



Appendix E
Memorandum Of Agreement

**MEMORANDUM OF AGREEMENT FOR RECOVERY OF
SIGNIFICANT ARCHAEOLOGICAL INFORMATION**

ARCHAEOLOGICAL SITE(S): 5LP6665, La Plata County, Colorado

UNDERTAKING: The Colorado Department of Transportation has completed an Environmental Assessment for a 15.75-mile segment of US Highway 550 north of the New Mexico state line. A series of phased highway improvement projects are proposed within the corridor contingent on the availability of funding.

STATE: Colorado

AGENCY: Federal Highway Administration, Colorado Division, via the Colorado Department of Transportation

Whereas, in accordance with 36 CFR Part 800, the Federal Highway Administration (FHWA) acknowledges and accepts the advice and conditions outlined in the Council's "Recommended Approach for Consultation on the Recovery of Significant Information from Archaeological Sites," published in the Federal Register on June 17, 1999; and

Whereas, the consulting parties agree that recovery of significant information from the archaeological site(s) listed above may be done in accordance with the published guidance; and

Whereas, the consulting parties agree that it is in the public interest to expend funds to implement this project through the recovery of significant information from archaeological sites to mitigate the adverse effects of the project; and

Whereas, to the best of our knowledge and belief, no human remains, associated or unassociated funerary objects or sacred objects, or objects of cultural patrimony as defined in the Native American Graves Protection and Repatriation Act (25 U.S.C. 3001), are expected to be encountered in the archaeological work;

Now, therefore, FHWA shall ensure that the following terms and conditions will be implemented in a timely manner and with adequate resources in compliance with the National Historic Preservation Act of 1966 (16 U.S.C. 470).

OTHER TERMS AND CONDITIONS:

- Given funding limitations and project phasing along the US 550 corridor, adverse effects to prehistoric site 5LP6665 as a result of highway improvements are not anticipated for a number of years. At such time that the site is within the limits of a planned and funded construction project and therefore in danger from earth-moving activities, an Archaeological Data Recovery Plan defining the methodology and goals for the excavation will be completed. The Plan will meet all criteria outlined in the Secretary of the Interior's Standards and Guidelines for Archaeological Documentation, in addition to the procedures and protocols developed by the Colorado Office of Archaeology and Historic Preservation. The Data Recovery Plan will be reviewed and approved by the SHPO prior to issuance of an excavation permit and initiation of controlled excavations. As a concurring party, the Southern Ute Tribe will also be provided the opportunity to review the excavation plan.

Appendix E
Memorandum Of Agreement

- Modification, amendment, or termination of this agreement as necessary shall be accomplished by the signatories in the same manner as the original agreement.
- Disputes regarding the completion of the terms of this agreement shall be resolved by the signatories. If the signatories cannot agree regarding a dispute, any one of the signatories may request the participation of the Council to assist in resolving the dispute.
- This agreement shall be null and void if its terms are not carried out within 10 (ten) years from the date of its execution, unless the signatories agree in writing to an extension for carrying out its terms.

SIGNATORIES:

Federal Highway Administration:

for  Date: 12/12/05
David Nicol, P.E., Division Administrator

Colorado Department of Transportation:

 Date: 11/22/05
for Tom Norton, Executive Director

State Historic Preservation Officer:

 Date: Nov. 21, 2005
Georgianna Contiguglia, SHPO

CONCURRING PARTY:

Southern Ute Indian Tribe:

 Date: Nov. 30, 2005
Clement Frost, Chairman



Prepared by:

URS