

<b>Subject</b>	<b>US 40 Fraser Affected Environment</b>	<b>Project Name</b>	US 40 Fraser
<b>Attention</b>	Jacob Rivera, Paula Durkin, Grant Anderson, CDOT  Jeff Durbin, Russell Pennington, Catherine Trotter, Town of Fraser	<b>Project No.</b>	22804, NHPP 0403-062
<b>From</b>	Laura Meyer, Jacobs		
<b>Date</b>	October 23, 2019		
<b>Copies to</b>	Kurt Kolloeth, Jacobs		

## 1. Introduction

The Colorado Department of Transportation (CDOT) Region 3 is exploring transportation needs and potential improvements along United States Highway US 40 from Eisenhower Drive to Rendezvous Road within the Towns of Fraser, Colorado. This memo documents the existing environmental conditions within the project corridor, which are presented to inform development and evaluation of alternatives for improvements to US 40. The scope of the information-gathering effort summarized in this document includes 1) desktop research and local agency coordination, 2) a site visit to verify and supplement the desktop research, and 3) geodatabase development and mapping. Only resources whose early identification will help inform alternatives development, context-sensitive solutions, and future National Environmental Policy Act (NEPA) clearance options were addressed at this time.

## 2. Affected Environment

This section describes the affected environment for the following resources: land use, wetlands and other Waters of the US, water quality, threatened or endangered species, sensitive and rare species, wildlife connectivity, cultural resources, park and recreation resources, and noise-sensitive receptors. Desktop research and local agency coordination is identified by topic in the sub-sections that follow. Data collection and verification during the September 2019 site visit was performed within the Environmental Study Area (ESA) depicted on the map book in Attachment A. No impact analyses were performed.

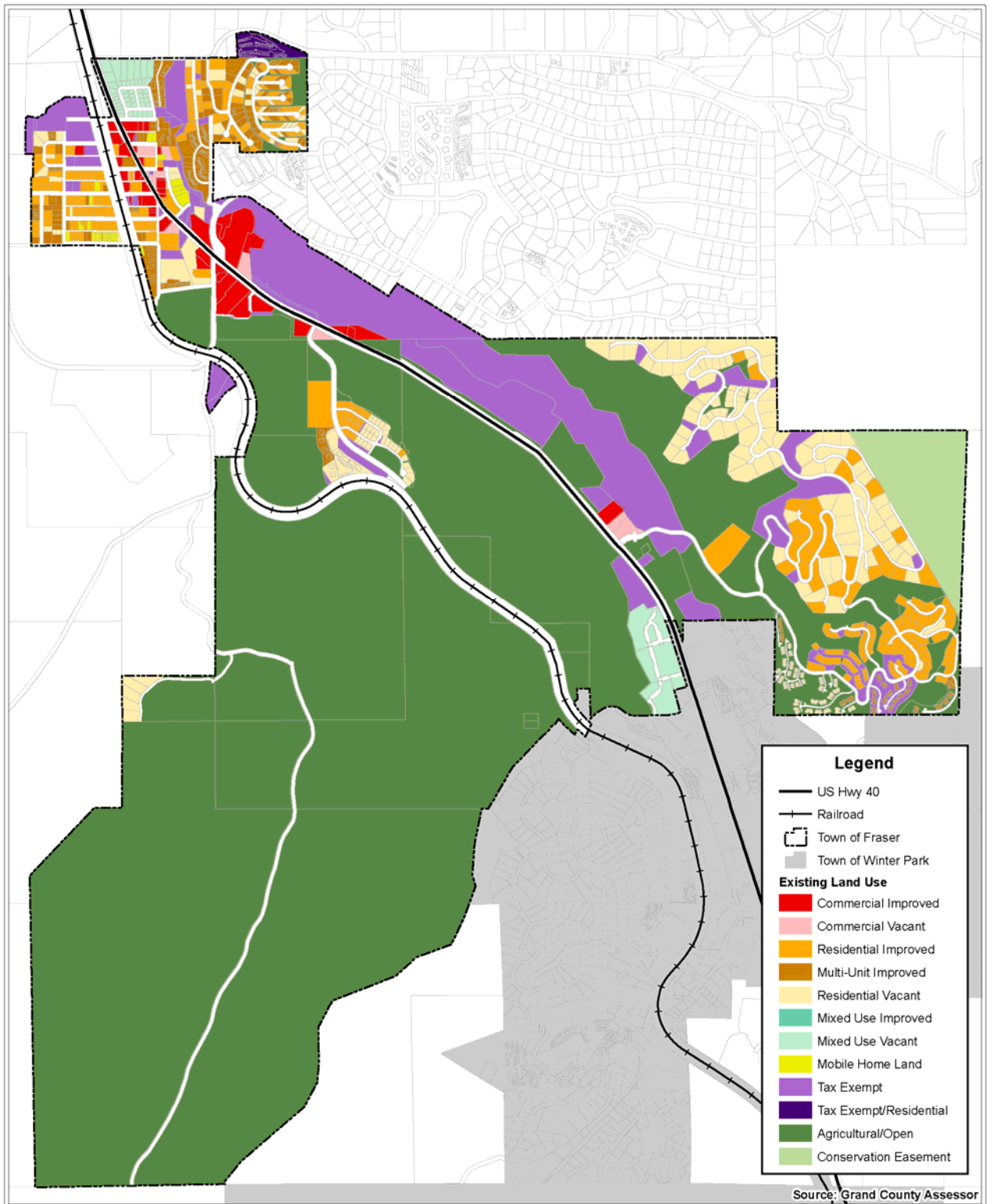
### 2.1 Land Use

Applicable local plans were reviewed to identify existing land uses and major planned projects in the project corridor, including:

- *2017 Downtown Fraser Strategic Plan, Fraser Colorado (2016)*
- *Winter Park & Fraser Community Trails Plan (2014)*
- *Fraser River Corridor Master Plan Through Cozens Ranch Open Space (2018)*
- *Town of Fraser Comprehensive Plan (2010)*

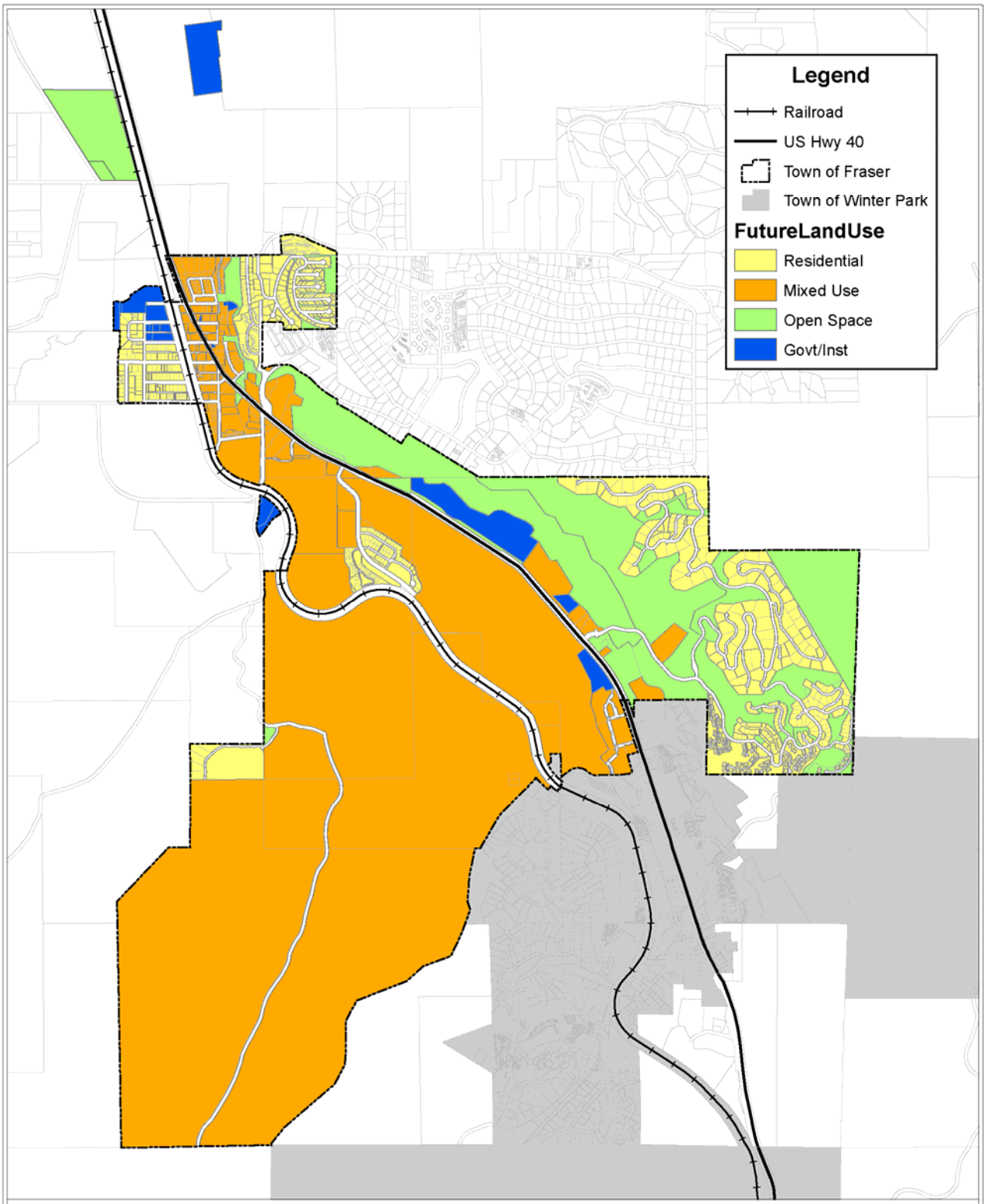
The status of land use and major planned projects identified in these plans were then verified by Jacobs staff during a site visit on September 5, 2019 and input from the Town of Fraser Planning Department.

Figure 1: Town of Fraser Existing Land Use



Source: Town of Fraser 2010

**Figure 2: Town of Fraser Future Land Use**



Source: Town of Fraser 2010

**2.1.1 Existing Land Uses**

Existing land use in the ESA is primarily designated as tax exempt and agricultural/open land with pockets of commercial and residential (refer to Figure 1) (Town of Fraser 2010). At the southern end of the project corridor near Rendezvous Road, surrounding land is mostly vacant with a handful of developed parcels, including a fire district building and bank within the ESA, and a community recreation center, commercial building, and local museum just south of the ESA. (refer to Figure 1). The agricultural/open land along the west side of US 40 is identified as the Grand Park neighborhood, but is currently undeveloped. The tax exempt land on the east side of US 40 is primarily Cozens Ranch Open Space. Land at the north end of the ESA comprises the Town of Fraser's mixed-use downtown, which includes a business district, Old Town, and smaller residential and commercial areas.

**2.1.2 Future Land Use**

Plans for future land use are documented in the 2010 *Town of Fraser Comprehensive Plan* (refer to Figure 2) and the *2017 Downtown Fraser Strategic Plan*. According to the comprehensive plan, substantial land use changes are not expected along the east side of US 40. Three areas of planned development are identified in the ESA including the Rendezvous Development, Riverview Townhomes, and Lot 4 (refer to the mapbook in Appendix A). Land use along the west side of US 40 is likely to change more substantially with most of the currently undeveloped land designated as future mixed use including a soon-to-be constructed residential development called Meadows at Grand Park (Planning Area 3WC). Planned developments in and adjacent to the ESA are discussed further in this section and identified on the mapbook in Appendix A.

**Planned Development*****Poleyard***

*The 2017 Downtown Fraser Strategic Plan* describes the Poleyard as a "downtown focus area." The Poleyard is a 10.17-acre site currently used for timber processing, located in unincorporated Grand County approximately 0.3 mile north of the ESA bordering the west side of US 40. The plan for the Poleyard focuses on creating a walkable neighborhood that offers additional housing options and business and trade space close to downtown Fraser. The site has limited direct access to US40 (Community Builders 2016). It is anticipated the primary access to US 40 would be provided via County Road 5 (pers. comm. Trotter 2019). Observations during the site visit noted no construction or development of this parcel.

***Victoria Village***

Victoria Village is another "downtown focus area" identified in the *2017 Downtown Fraser Strategic Plan*. This 9.31-acre site is also outside the ESA and directly opposite the Poleyard on the east side of US 40. Victoria Village was platted into 46 separate residential lots in the 1980's but no construction has occurred. The current plan for Victoria Village focuses on creating a walkable neighborhood that brings additional housing options within proximity to downtown Fraser (Community Builders 2016). It is anticipated the primary access to US 40 would be provided via County Road 8 (pers. comm. Trotter 2019). Observations during the site visit noted no construction or development of this parcel.

***Riverwalk District***

The Riverwalk District is within the ESA on the east side of US 40 between Eastom Avenue to the north and Clayton Avenue to the south; it is bordered by the Fraser River to the east. The district encompasses privately- and publicly-owned properties, and the *2017 Downtown Fraser Strategic Plan* notes that this area offers “a tremendous opportunity” to develop a mixed-use neighborhood focused on river-oriented businesses and recreation. The plan is to allow for a variety of land uses, including multi-family housing, retail, restaurants/bars, offices, and artist/trade space, with an open space buffer along the river. The Riverwalk District includes two areas identified for development: the privately-owned Clayton Court site and the town-owned “FroDo” site.

***Clayton Court***

The *2017 Downtown Fraser Strategic Plan* identifies Clayton Court an area for development within the Riverwalk District. This privately-owned “assemblage” encompasses 3.5 acres on the east and west sides of Clayton Court. Clayton Court is on the east side of US 40, roughly paralleling the highway in the northern end of the ESA (refer to Appendix A). The assemblage is comprised of six adjacent parcels on the east side of Clayton Court and five on the west side; these five border US 40 and are currently occupied by mobile homes. Clayton Court is identified as part of the larger Riverwalk District, described below (Community Builders 2016).

***Frodo***

The *2017 Downtown Fraser Strategic Plan* identifies the “FroDo” site as “already recognized as a visible site in the heart of Fraser’s core and development opportunities are already engaged.” FroDo is within the Riverwalk District southeast of the intersection of US 40 and Eastom Avenue. This site is owned by the town and was undeveloped at the time of the site visit. The plan proposes developing the site and creating a loop along Clayton Court between US 40, Clayton Avenue, and Fraser Avenue near FroDo, potentially enabling Clayton Court to become an “active mixed-use district” (Community Builders 2016).

***Lot 4***

Lot 4 in the Fraser Marketplace Area adjacent to Lions Pond North is proposed as commercial/retail development (Town of Fraser 2017). Observations during the site visit noted no construction or development of this parcel.

***Rendezvous Planned Development District (PDD)/Grand Park***

The Rendezvous PDD is a mixed-use development platted in 2003. The West Mountain portion, west of US 40, was split off and is now referred to as Grand Park, planned for a mix of residential and commercial on 2087 acres. This area is currently undeveloped. The East Mountain portion, east of US 40, is a mix of commercial and residential in various stages of development. The platted area includes 443 acres. While the entirety of Rendezvous and Grand Park are ultimately planned for development, only three of the currently undeveloped areas were identified in plans for future development.

***Lot 14E (Rendezvous PDD)***

Lot 14E is located east of US 40 between the Grand County Water and Sanitation District (GCWSD) South Fishing Pond and the East Grand Fire Protection District. The

lot is identified in the Fraser River Corridor Master Plan as planned for development, however no specific plans have been made for this parcel (Town of Fraser 2017), and no construction or development was noted during the site visit.

*The Meadows at Grand Park (Grand Park Planning Area 3WC)*

A 2019 final planned development plan for The Meadows at Grand Park shows a proposed future community on the west side of US 40 from the southeast intersection of US 40 and Old Victoria Road to approximately 0.4 mile south. The 11-acre site includes 44 single family attached residential units facing US 40, behind which would be 21 single family detached residential units. The two rows of attached and detached units would be divided by Hay Meadow Drive, a new public road that would connect to Old Victory Road to the west and US 40 to the east, representing a new access point on the highway (Fraser Colorado 2019a). Grading activities in this area were noted during the site visit.

*East Mountain Subdivision (Rendezvous PDD)*

A 2019 development plan for the East Mountain Subdivision shows a proposed future subdivision located approximately 0.2 mile east of US 40 on the east side of Cozens Ranch Open Space adjacent to Rendezvous Road. The plan calls for 60 single family detached home sites, with primary access via Rendezvous Road, which connects directly to US 40 (Fraser Colorado 2019b, 2019c). The site visit did not include this area because it is outside the ESA.

**Riverview Townhomes**

A 2019 preliminary plat for Riverview Townhomes shows 20 single-story modular units on a one-acre site between US 40, the Cozens Ranch Open Space, and GCWSD North Fishing Pond. The site would be immediately adjacent to (east of) a small commercial shopping center and consist of 10 duplex buildings. The plan proposes using the existing access from US 40 to the small shopping center to serve this site, avoiding creating another intersection with the highway (Fraser Colorado 2019 d, e). Observations during the site visit noted no construction or development.

**2.2 Wetlands and Other Waters of the U.S.**

The U.S. Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) was reviewed to determine the potential abundance, characteristics, and distribution of wetlands and other waters of the U.S. in the ESA. Information regarding presence and distribution of wetlands was refined based on observations during the site visit. No formal delineations were completed, but the boundaries of potential wetlands and other waters of the U.S. observed during the site visit were mapped using a sub-meter accurate Trimble GeoXH Global Positioning System (GPS) unit. The extent of wetlands documented during the site visit was far less extensive than indicated in the NWI. Each mapped feature is listed in Table 1 and displayed in the mapbook in Appendix A. Representative photos of each wetland are available in Attachment B.

**Table 1: Wetlands and Waters of the U.S.**

Feature Number	Feature Type <sup>1</sup>	Mapbook Page	Photo	Acre	Sq. Feet
Wetland 01	PSS	1,2	1 & 2	0.57	24,943
Wetland 02	PSS	1	3	0.02	3,986

Feature Number	Feature Type <sup>1</sup>	Mapbook Page	Photo	Acre	Sq. Feet
Wetland 03	PEM	1	4	0.03	887
Wetland 04	PEM	1, 2	5	0.18	7,669
Wetland 05	PSS	1, 2	6	1.01	43,939
Wetland 06	PSS	2	7	0.05	2,334
Wetland 07	PSS	2, 3	8	1.86	80,832
Wetland 08	PSS	3	9	0.83	36,136
Wetland 09	PSS	3	10	0.04	1,549
Wetland 10	PSS	3	11	0.20	8,685
Wetland 11	PEM	3	12	0.001	28
Wetland 12	PEM	3, 4	13	0.14	6,012
Wetland 13	PEM	3	14	0.03	1,289
Wetland 14	PEM	3, 4	15	0.31	13,701
Wetland 15	PEM	3, 4	16	0.05	1,978
Wetland 16	PEM	3, 4	17	0.20	8,646
Wetland 17	PSS	3, 4	18	0.60	2,653
Wetland 18	PEM	4	19	0.09	3,899
Wetland 19	PEM	4	20	0.02	925
Wetland 20	PSS	4	21	0.10	4,298
Wetland 21	PSS	4	22	0.01	262

<sup>1</sup> PSS = Palustrine Scrub-Shrub; PEM = Palustrine Emergent

**2.3 Water Quality**

Grand County is not located within a Municipal Separate Storm Sewer System (MS4) Urban Area Permit boundary (CDPHE 2019). The ESA is also not located within a CDOT MS 4 permit boundary (CDOT 2014). Therefore, permanent water quality treatment is not required. However, the project would be required to identify mitigation to prevent pollutants from increased impervious surface from entering adjacent waters.

**2.4 Threatened and Endangered Species and Sensitive/Rare Species**

Through the Information, Planning, and Support (IPaC) system, the U.S. Fish and Wildlife Service (USFWS) provided a list of threatened, endangered, and proposed wildlife species that may be located in the ESA (refer to Attachment C). Based on this information, a Jacobs biologist conducted a general habitat assessment during the site visit to determine presence of suitable habitat for the identified species. Table 2 includes the threatened, endangered, and proposed wildlife species, and/or designated critical habitat that may be located within the ESA

and could potentially be affected by the US 40 improvements in the ESA. The species indicated (\*) in Table 2 occur downstream of the project area, along the Colorado River, and could be impacted by projects that would result in water depletions to the Colorado River and its tributaries.

**Table 2. Federally-listed Species that May be Located in the ESA**

Common Name	Scientific Name	Status	Habitat Association	Suitable Habitat Present?	Critical Habitat Present?
Mammals					
Canada lynx	<i>Lynx canadensis</i>	Threatened	High elevation forests or boreal spruce-fir forests with persistent deep, powdery snow (USWFS 2013).	No	No
Fishes					
bonytail*	<i>Gila elegans</i>	Endangered	Eddies, pools, and backwaters near swift current in large rivers (NatureServe 2019).	No	No
Colorado pikeminnow*	<i>Ptychocheilus lucius</i>	Endangered	Flooded lowlands, slow-moving backwaters, and deep turbid rapids in medium to large rivers (NatureServe 2019).	No	No
Greenback cutthroat trout	<i>Oncorhynchus clarki stomias</i>	Threatened	Steep, cold, gravely headwater streams and high-mountain lakes (CPW 2018).	No	No
humpback chub*	<i>Gila cypha</i>	Endangered	White-water areas in the Colorado, Green, and White rivers (NatureServe 2019).	No	No
razorback sucker*	<i>Xyrauchen texanus</i>	Endangered	Deep runs, eddies, backwaters, and flooded off-channel environments in rivers and reservoirs (NatureServe 2019).	No	No

\*Water depletion projects in the upper Colorado River basin may affect this species.

The USFWS also provided a list of migratory birds that are of particular concern either because they occur on the USFWS Birds of Conservation Concern (BCC) list or warrant special attention in the project location. These species include: Bald Eagle (*Haliaeetus leucocephalus*), Black Rosy-finch (*Leucosticte atrata*), Brewer's Sparrow (*Spizella breweri*), Brown-capped Rosy-finch (*Leucosticte australis*), Rufous Hummingbird (*Selasphorus rufus*), Virginia's Warbler (*Vermivora virginiae*), and Willow Flycatcher (*Empidonax traillii*). No raptor nests were observed during the



site visit, although it was conducted outside of nesting season. According to CDOT's raptor nesting database, no raptor nests occur within 0.5-mile of the ESA.

## **2.5 Wildlife Connectivity**

The Western Slope Wildlife Prioritization Study (WSWPS), prepared in April 2019, documents the results of collaboration between CDOT and Colorado Parks and Wildlife to address wildlife conflicts on roads. The study's objective involved identifying wildlife highway conflict areas where targeted mitigation could have the greatest impact on reducing wildlife-vehicle collisions (WVCs). The WSWPS identified, mapped, and prioritized highway segments across the Western Slope based on the risk of WVC and the need for mule deer and elk to make cross-highway movements. The results will inform the siting, design, and construction of effective wildlife-highway mitigation projects across the Western Slope (CDOT 2019).

The study area currently is not a high priority area for wildlife crossings based on the WSWPS because it is not a migration corridor, and winter range cross-highway movements are limited due to existing development. In addition, the corridor does not experience elevated WVCs relative to highway type, traffic volumes, and terrain compared to similar highways throughout the state (CDOT 2019). During the site visit conducted in 2019, no obvious signs of game trails directly adjacent to US 40 were identified (pers. comm. Soucy 2019).

## **2.6 Cultural Resources**

Resources such as buildings, structures, objects, sites, and districts are generally considered to have historic potential when they meet or exceed 50 years of age. Previously surveyed historic resources were identified through a file search of the COMPASS database, Colorado's on-line cultural resource database managed by the Office of Archaeology and Historic Preservation. The COMPASS database does not contain comprehensive data regarding the presence and eligibility of cultural resources, since not all resources in the state have been inventoried. Therefore, unsurveyed resources were identified through records of the Grand County Assessor's data. To identify resources that will meet the 50-year age threshold within the next 5 years and enable their consideration in the planning process, resources 45 years of age or more (constructed in 1974 or earlier) were identified.

The COMPASS database search identified five previously surveyed cultural resources sites along US 40 near the project limits. One officially listed site (Cozens Ranch House, Maryvale [5GA.196]) and one eligible site (Doc Susie's House, Susan Anderson Residence, Engle's House [5GA.2112]) are outside the ESA (refer to Appendix A). Three other sites were identified that were determined not eligible based on field surveys conducted for another project (Rendezvous West Mountain Project, Class II and Class III Cultural Resources Inventory, Grand County, CO) and were not independently verified for this project. Only one (Town of Fraser [5GA.1702]) is within the ESA.

The review of Grand County Assessor's data identified six properties within the ESA that are 45 years old or older. Several more are directly adjacent to the ESA. While these sites have not been evaluated, they have historic potential based on their age and could become listed, or eligible for listing if deemed historically significant during future NEPA evaluations. These properties are also indicated on the mapbook in Appendix A.

**2.7 Park and Recreation Uses**

Applicable local plans and GIS data were reviewed to identify existing and planned recreational facilities in the ESA. These conditions were then verified by Jacobs staff during a site visit on September 5, 2019. Existing and planned recreational facilities are summarized in Table 2 and shown in Appendix A.

**Table 2: Existing and Planned Recreational Facilities within the ESA**

Facility	Ownership	Description	Open to Public
<b>Existing Recreational Facilities</b>			
Cozens Ranch Open Space	Town of Fraser	120-acre open space on the east side of US 40, generally from CR 804 south to the Cozens Ranch Museum. Amenities include over two miles of trails, two miles of the Fraser River, fishing ponds, and the Cozens Ranch Museum. Activities include biking, hiking, fishing, wildlife viewing and other opportunities.	Yes
Winter Park-Fraser Trail	Towns of Fraser and Winter Park	1.8-mile paved trail paralleling the west side of US 40 from CR 72 to Kings Crossing Road (south of the project limits).	Yes
Fraser River Trail	Towns of Fraser and Winter Park	6.-5-mile unpaved trail east of US 40 between CR 804 (north of the project limits) and Winter Park Resort (south of the project limits).	Yes
Grand Park Meadow Trail	Private	2-mile trail paralleling the west side of US 40 between Old Victory Road and Lions Gate Drive near Winter Park	Yes
Ponds Trail	Town of Fraser	0.9-mile unpaved loop trails encircling both the North and South SCWSD Fishing Ponds	Yes
Unnamed Trail	Town of Fraser	0.5-mile unpaved loop trails encircling both the North and South Lions Ponds.	Yes
<b>Planned Recreational Facilities</b>			
Western Regional Trail	Town of Fraser	Two new trail segments connecting the Lions Ponds Area with Rendezvous Road. Not completed or under construction at the time of the site visit.	Yes
Lions Pond Area (within Cozens Ranch Open Space)	Town of Fraser	Riverside park to include a gateway feature at US 40, frontage road improvements, parking, and trailhead. Includes reconstruction of the existing trails encircling the North and South Lions Ponds to provide ADA access and planting a border of shade trees on the western edge of the ponds. Not completed or under construction at the time of the site visit.	Yes

Source: Town of Fraser 2017; pers. comm. Italiano 2017 and Hajdu 2017.

**2.8 Noise-sensitive Receptors**

Consistent with CDOT guidelines for noise impact assessments on Type 1 projects, noise-sensitive receptors were identified within 500 feet of the highway edge-of-pavement. A noise-sensitive receptor is any location where highway traffic noise may be detrimental to the enjoyment and functional use of the property as defined by the Noise Abatement Criteria (NAC). The NAC are noise levels that are compared to existing or future levels to determine impact threshold based on the types of activities that are present (CDOT 2015). No existing noise levels in the ESA were measured at this time.

Potentially affected noise-sensitive receptors in the ESA include those that fall under NAC Activity Category B, C, and E, described in Table 3 (FHWA 2017).

**Table 3: Applicable NAC Activity Categories**

Category	Description of Activity Category
B	Residential
C	Active sport areas, amphitheaters, auditoriums, campgrounds, cemeteries, day care centers, hospitals, libraries, medical facilities, parks, picnic areas, places of worship, playgrounds, public meeting rooms, public or nonprofit institutional structures, radio studios, recording studios, recreation areas, Section 4(f) sites, schools, television studios, trails, and trail crossings.
E	Hotels, motels, offices, restaurants/bars, and other developed lands, properties or activities not included in A-D or F.

Source: FHWA 2017

Appendix A shows the location of potential noise-sensitive receptors by category, which are centered primarily around downtown Fraser and primarily associated with residences, hotels, churches, restaurants, etc. Moving south from downtown, two receptors were identified near the Lions Ponds. The southernmost receptor is the Cozens Ranch Museum.

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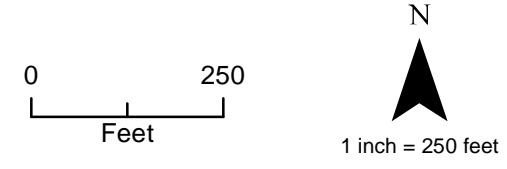
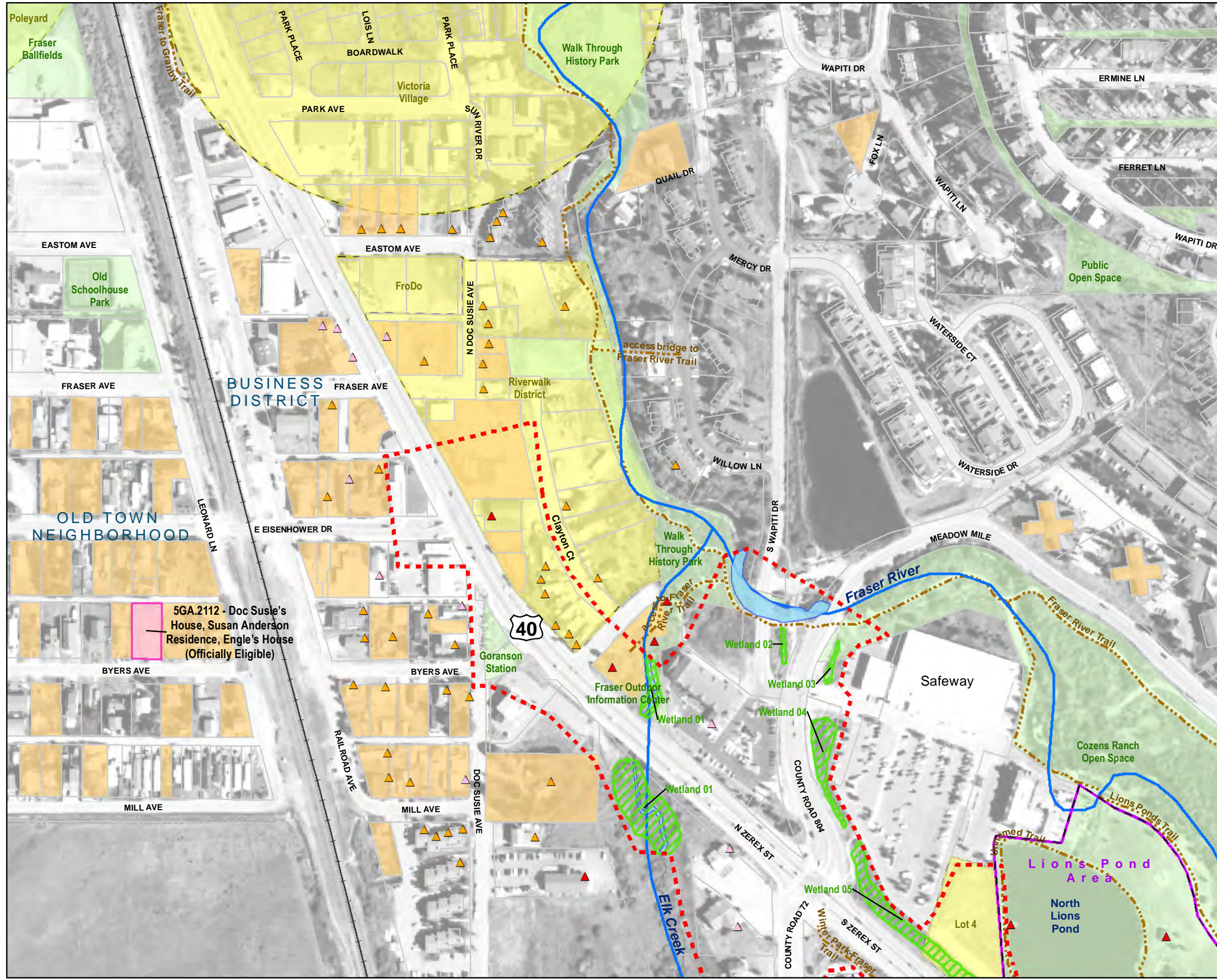
**Attachment A: Resource Mapbook**

**Project Location**  
**US 40 Fraser to Winter Park**  
**NHPP 0403-062 (22804)**

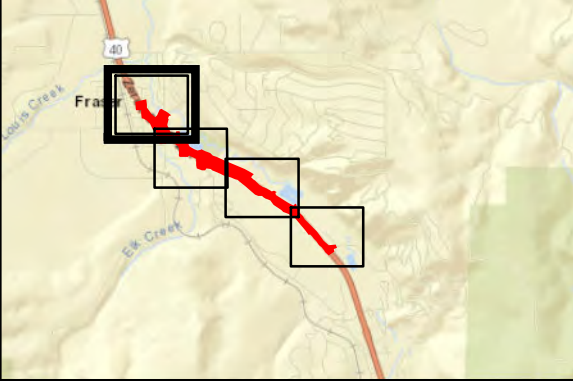


**LEGEND**

- ⋯ Environmental Study Area
- ▬ Open Water
- ▨ Wetland
- ⋯ Existing Trail
- ▭ Proposed Recreation Facility
- ▭ Open Space
- Historic Site (NRHP)
- ▭ Officially Eligible
- ▭ Potential Historic Resource
- ▭ Proposed Development
- Noise Receptors within 500ft
- ▲ Category B
- ▲ Category C
- ▲ Category E
- Assessor Parcel
- +— Railroad



VICINITY MAP



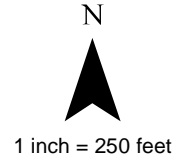
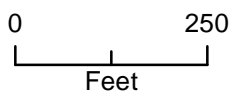
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 Date: 10/23/2019  
 Source: NAIP Aerial Imagery 2019

**Project Location**  
**US 40 Fraser to Winter Park**  
**NHPP 0403-062 (22804)**



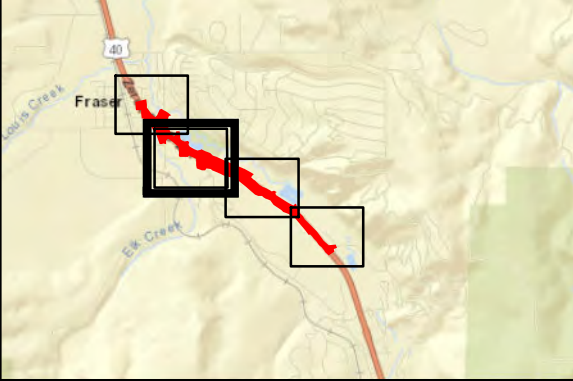
**LEGEND**

- Environmental Study Area
  - Open Water
  - Wetland
  - Existing Trail
  - Proposed Trail
  - Proposed Recreation Facility
  - Open Space
  - Potential Historic Resource
  - Proposed Development
- Noise Receptors within 500ft
- ▲ Category B
  - ▲ Category C
  - ▲ Category E
  - Assessor Parcel
  - Railroad

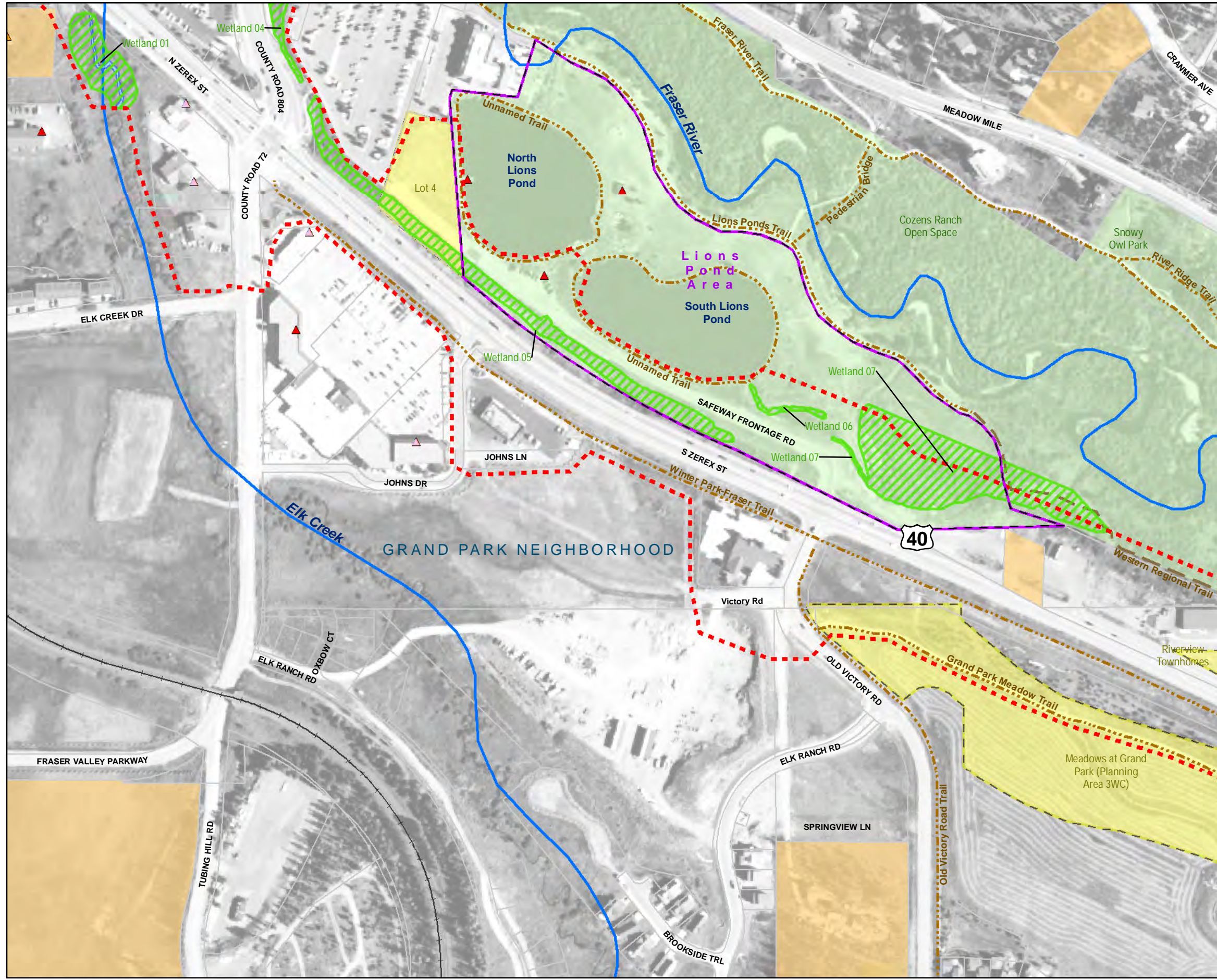


1 inch = 250 feet

**VICINITY MAP**



Page:2 of 4  
 Date: 10/23/2019  
 Source: NAIP Aerial Imagery 2019



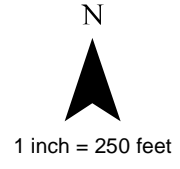
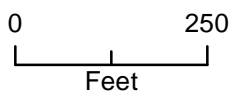


**Project Location**  
**US 40 Fraser to Winter Park**  
**NHPP 0403-062 (22804)**



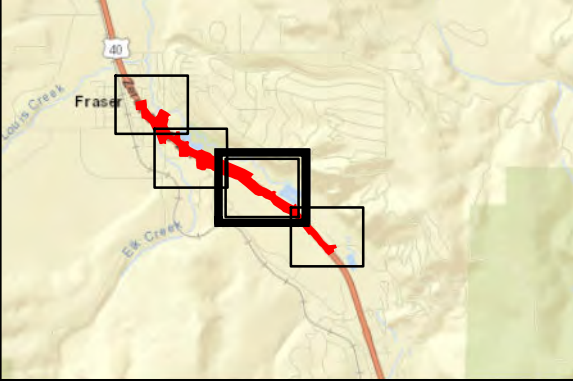
**LEGEND**

- Environmental Study Area
- Open Water
- Wetland
- Existing Trail
- Proposed Trail
- Proposed Recreation Facility
- Open Space
- Potential Historic Resource
- Proposed Development
- Assessor Parcel

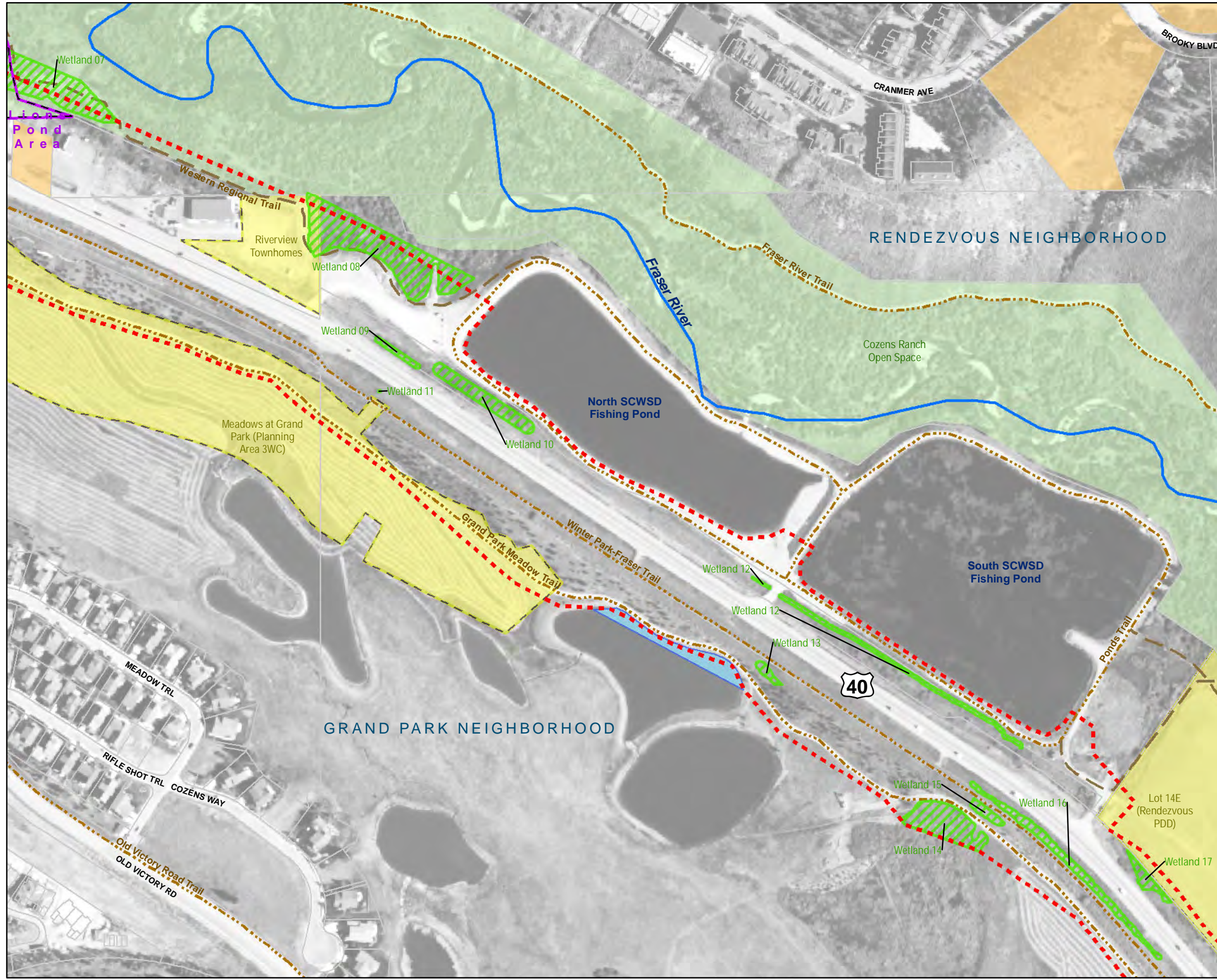


1 inch = 250 feet

**VICINITY MAP**



**Page:3 of 4**  
**Date: 10/23/2019**  
**Source: NAIP Aerial Imagery 2019**

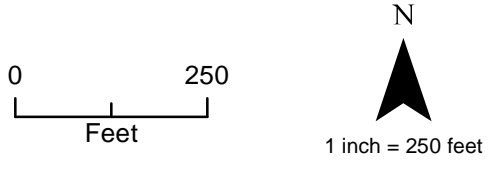
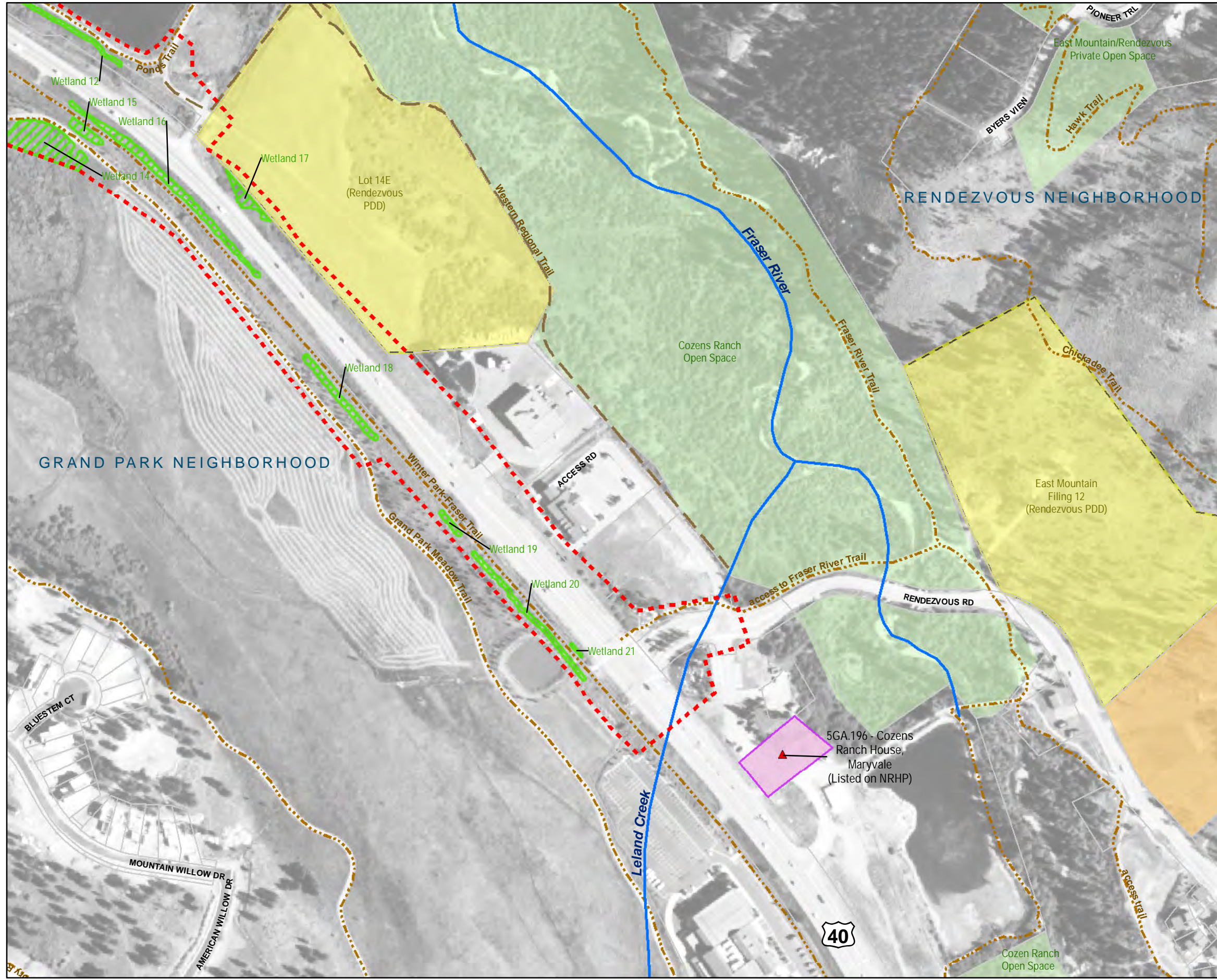


**Project Location**  
**US 40 Fraser to Winter Park**  
**NHPP 0403-062 (22804)**

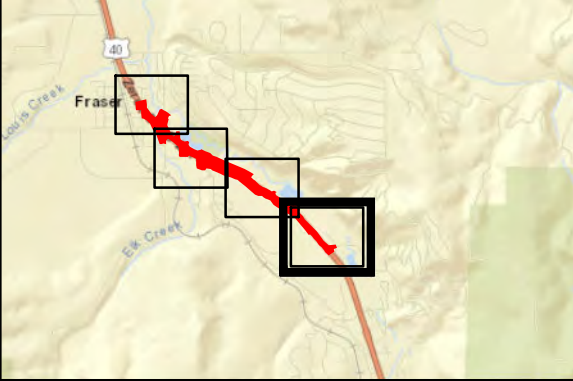


**LEGEND**

- Environmental Study Area
- Wetland
- Existing Trail
- Proposed Trail
- Open Space
- Historic Site (NRHP)
- Listed on NRHP
- Potential Historic Resource
- Proposed Development
- Noise Receptors within 500ft
- ▲ Category C
- Assessor Parcel



VICINITY MAP



**Attachment B: Wetland Photo Log**

US 40 – Wetland Photo Log



Photo 1: Facing south from bridge along US 40 toward Elk Creek and Wetland 01.



Photo 2: Facing north from bridge along US 40 toward Elk Creek and Wetland 01.



Photo 3: Facing south toward Wetland 02.



Photo 4: Facing north toward Wetland 03.

US 40 – Wetland Photo Log



Photo 5: Facing north toward Wetland 04.



Photo 6: Facing northwest from the eastern edge of Wetland 05.



Photo 7: Facing southeast within Wetland 06.



Photo 8: Facing southeast within Wetland 07.

US 40 – Wetland Photo Log



Photo 9: Facing northwest from the edge of Wetland 08.



Photo 10: Facing west toward Wetland 09.



Photo 11: Facing east toward Wetland 10.



Photo 12: Facing northwest toward Wetland 11.

US 40 – Wetland Photo Log



Photo 13: Facing northwest toward Wetland 12.



Photo 14: Facing southeast toward Wetland 13.



Photo 15: Facing west toward Wetland 14.



Photo 16: Facing northwest toward Wetland 15.

US 40 – Wetland Photo Log



Photo 17: Facing west toward Wetland 16 from bike path edge.



Photo 18: Facing east toward Wetland 17 from along US 40.



Photo 19: Facing west toward Wetland 18 from bike path edge.



Photo 20: Facing west toward Wetland 19 from bike path edge.



US 40 – Wetland Photo Log



Photo 21: Facing east toward Wetland 20 from bike path edge.



Photo 22: Facing west toward Wetland 21.

**Attachment C: USFWS Species List**



# United States Department of the Interior



## FISH AND WILDLIFE SERVICE

Western Colorado Ecological Services Field Office

445 West Gunnison Avenue, Suite 240

Grand Junction, CO 81501-5711

Phone: (970) 243-2778 Fax: (970) 245-6933

<http://www.fws.gov/mountain-prairie/es/Colorado/>

<http://www.fws.gov/platteriver/>

In Reply Refer To:

August 29, 2019

Consultation Code: 06E24100-2019-SLI-0430

Event Code: 06E24100-2019-E-01119

Project Name: U.S. 40

Subject: List of threatened and endangered species that may occur in your proposed project location, and/or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
  - USFWS National Wildlife Refuges and Fish Hatcheries
  - Migratory Birds
  - Wetlands
-

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Western Colorado Ecological Services Field Office**

445 West Gunnison Avenue, Suite 240

Grand Junction, CO 81501-5711

(970) 243-2778

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## Project Summary

Consultation Code: 06E24100-2019-SLI-0430

Event Code: 06E24100-2019-E-01119

Project Name: U.S. 40

Project Type: TRANSPORTATION

Project Description: Study for potential road redesign

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/place/39.93889517674989N105.80056139500499W>



Counties: Grand, CO

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## Endangered Species Act Species

There is a total of 6 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 4 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

- 
1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Canada Lynx <i>Lynx canadensis</i> Population: Wherever Found in Contiguous U.S. There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat. Species profile: <a href="https://ecos.fws.gov/ecp/species/3652">https://ecos.fws.gov/ecp/species/3652</a>	Threatened

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## Fishes

NAME	STATUS
<p><b>Bonytail</b> <i>Gila elegans</i></p> <p>There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. This species does not need to be considered if the project is outside of its occupied habitat and does not deplete water from the basin.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/1377">https://ecos.fws.gov/ecp/species/1377</a></p>	Endangered
<p><b>Colorado Pikeminnow (=squawfish)</b> <i>Ptychocheilus lucius</i></p> <p>Population: Wherever found, except where listed as an experimental population</p> <p>There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. This species does not need to be considered if the project is outside of its occupied habitat and does not deplete water from the basin.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/3531">https://ecos.fws.gov/ecp/species/3531</a></p>	Endangered
<p><b>Greenback Cutthroat Trout</b> <i>Oncorhynchus clarkii stomias</i></p> <p>No critical habitat has been designated for this species.</p> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/2775">https://ecos.fws.gov/ecp/species/2775</a></p>	Threatened
<p><b>Humpback Chub</b> <i>Gila cypha</i></p> <p>There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. This species does not need to be considered if the project is outside of its occupied habitat and does not deplete water from the basin.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/3930">https://ecos.fws.gov/ecp/species/3930</a></p>	Endangered
<p><b>Razorback Sucker</b> <i>Xyrauchen texanus</i></p> <p>There is <b>final</b> critical habitat for this species. Your location is outside the critical habitat.</p> <p>This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>Water depletions in the upper Colorado River basin adversely affect this species and its critical habitat. This species does not need to be considered if the project is outside of its occupied habitat and does not deplete water from the basin.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/530">https://ecos.fws.gov/ecp/species/530</a></p>	Endangered

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.



# USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

THERE ARE NO REFUGE LANDS OR FISH HATCHERIES WITHIN YOUR PROJECT AREA.

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# Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

- 
1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
<b>Bald Eagle <i>Haliaeetus leucocephalus</i></b> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Dec 1 to Aug 31
<b>Black Rosy-finch <i>Leucosticte atrata</i></b> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9460">https://ecos.fws.gov/ecp/species/9460</a>	Breeds Jun 15 to Aug 31

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NAME	BREEDING SEASON
Brewer's Sparrow <i>Spizella breweri</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/9291">https://ecos.fws.gov/ecp/species/9291</a>	Breeds May 15 to Aug 10
Brown-capped Rosy-finch <i>Leucosticte australis</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.	Breeds Jun 15 to Sep 15
Rufous Hummingbird <i>selasphorus rufus</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/8002">https://ecos.fws.gov/ecp/species/8002</a>	Breeds elsewhere
Virginia's Warbler <i>Vermivora virginiae</i> This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska. <a href="https://ecos.fws.gov/ecp/species/9441">https://ecos.fws.gov/ecp/species/9441</a>	Breeds May 1 to Jul 31
Willow Flycatcher <i>Empidonax traillii</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/3482">https://ecos.fws.gov/ecp/species/3482</a>	Breeds May 20 to Aug 31

## Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

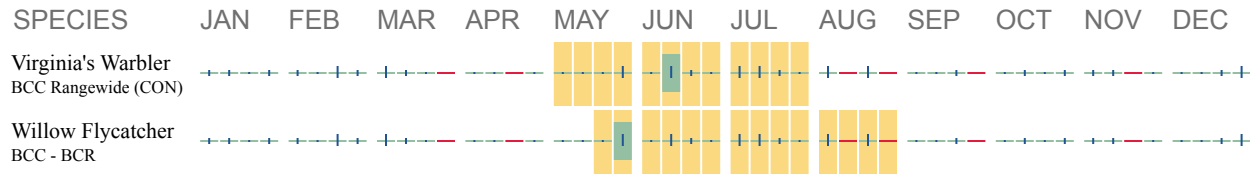
### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee





Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

## Migratory Birds FAQ

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) and/or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

### **What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go to the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### **How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

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For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

### **What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

### **Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ “What does IPaC use to generate the migratory birds potentially occurring in my specified location”. Please be aware this report provides the “probability of presence” of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the “no data” indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ “Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds” at the bottom of your migratory bird trust resources page.

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# Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

## FRESHWATER EMERGENT WETLAND

- [PEM1K](#)

## FRESHWATER FORESTED/SHRUB WETLAND

- [PSSA](#)
- [PSSC](#)

## FRESHWATER POND

- [PUBF](#)
- [PUBK](#)

## RIVERINE

- [R5UBH](#)
-