

U.S. Department of Transportation
Federal Highway Administration
Central Federal Lands Highway Division

FINDING OF NO SIGNIFICANT IMPACT

for the

Rocky Flats NWR Trails and Rocky Mountain Greenway Connections Project

FHWA Project Nos. CO FTFW ROFL TRAILS(1) & FLAP JEF128(1)

Jefferson County, CO

This Finding of No Significant Impact is made available pursuant to:

42 U.S.C. 4332 (2)(c)

The Federal Highway Administration (FHWA), Central Federal Lands Highway Division has determined that the Rocky Flats National Wildlife Refuge Trails and Rocky Mountain Greenway Connections Project will have no significant impact on the human or natural environment. Principal areas of public controversy have been addressed, and no major unresolved issues remain outstanding. This finding is based on the U.S. Fish and Wildlife Service's (FWS') Finding of No Significant Impact for the *Environmental Assessment: Improved Visitor Access at the Rocky Flats National Wildlife Refuge* (FWS EA); supplemental studies; coordination with local and federal agencies; public involvement; and applicable laws, executive orders, and regulations. The FWS EA, with supplemental information contained herein, accurately and adequately discusses the need, environmental issues, and impacts of the proposed FHWA action and appropriate mitigation measures. A list of environmental commitments to be carried out by the FHWA in order to minimize unavoidable impacts associated with its action is presented herein. The FWS EA and supplemental information presented herein provide sufficient evidence and analysis for determining that an Environmental Impact Statement is not required.

Judy Salomonson

August 4, 2023
Date

FHWA-CFLHD, Chief of Business Operations

Introduction

The Federal Highway Administration-Central Federal Lands Highway Division (FHWA-CFLHD) is proposing to fund trail improvements on the Rocky Flats National Wildlife Refuge (NWR or Refuge) and two road crossings with connecting trails adjacent to the Refuge in Jefferson County, Colorado. FHWA-CFLHD's proposed action is part of the regional Rocky Mountain Greenway Project, which is intended to connect the National Wildlife Refuges in the Denver area with Rocky Mountain National Park near Estes Park through a series of multi-use trails and paths. Funding for the trail improvements at and adjacent to Rocky Flats NWR is being provided through FHWA's Federal Lands Transportation Program for the on-Refuge infrastructure and Federal Lands Access Program for the connections outside of the Refuge boundary. The infrastructure proposed on the Refuge consists of multi-use (non-motorized) trails along existing roads and new alignments and two trail bridges across streams. The proposed connections off the Refuge consist of a bridge and a culvert underpass across two roadways and associated multi-use trails to connect to existing trails in the area. FHWA-CFLHD will be responsible for constructing the two trail bridges on the Refuge and all work off the Refuge. The U.S. Fish and Wildlife Service (FWS) will be responsible for constructing the trails within the boundaries of the Rocky Flats NWR.

The FWS published an environmental assessment (EA) for improved visitor access at the Rocky Flats NWR in August 2020 and issued a Finding of No Significant Impact in November 2020 following a public comment period for the EA. A copy of the FWS EA can be found online at: <https://www.fws.gov/media/environmental-assessment-improved-visitor-access-rocky-flats-nwrpdf>. FHWA-CFLHD is adopting the analysis contained within the FWS EA in accordance with its regulations for implementing the National Environmental Policy Act (NEPA; 23 Code of Federal Regulations [CFR] Section 771) and has supplemented some of the analysis with additional studies, as documented below. FHWA-CFLHD reviewed supporting documentation prepared and compiled by FWS during its NEPA process, as well as supplemental information and data compiled since 2020, and considered it when preparing this Finding of No Significant Impact.

Public and Agency Coordination

The FWS previously conducted public outreach as part of its environmental review process and consulted with other agencies during the process, as documented in the FWS EA. In compliance with Section 106 of the National Historic Preservation Act, FWS consulted with the Colorado State Historic Preservation Officer (SHPO) on the proposed trail improvements on the Refuge in 2018, and the SHPO concurred with the finding of effect of no historic properties affected. In compliance with Section 7 of the Endangered Species Act, FWS conducted intra-agency consultation on the effects of the trail improvements on federally listed species in 2020 and was issued a Biological Opinion on August 27, 2020, for adverse effects to the Preble's meadow jumping mouse (*Zapus hudsonius preblei*) and its designated critical habitat. The Biological Opinion identified several conservation measures to reduce the effects and concluded that the improvements would not jeopardize the continued existence of the mouse.

The public has been kept informed about the status of the Rocky Mountain Greenway Project through FWS and local agency communications, including the following website: <https://www.jeffco.us/3639/Rocky-Mountain-Greenway>. FHWA-CFLHD is posting a notice in

the Federal Register announcing its decision described herein, which will invoke a 150-day limitations on claims period in accordance with FHWA regulations (23 USC Section 139).

Selected Alternative

In coordination with the FWS, FHWA-CFLHD will be responsible for construction of the following infrastructure to provide connectivity between regional trail systems and the Rocky Flats NWR:

- Two pedestrian bridges would be constructed on the Refuge across Rock and Woman Creeks. The bridges would be prefabricated, steel pony truss structures and would completely span the creeks at 8 feet wide and 70 to 71 feet long. Concrete abutments with wingwalls would be constructed on each side of the creeks to support the structures. Riprap would be placed along the creek banks in front of the abutments to protect them from erosion and scour.
- A pedestrian underpass would be installed at State Highway (SH) 128 on the north side of the Refuge, just east of Coalton Drive. It would consist of a 10-foot-tall by 12-foot-wide by 61-foot-long concrete box culvert with wingwalls at each end to protect the road embankment at the inlet and outlet.
- A pedestrian bridge would be constructed across Indiana Street about 1.3 miles south of SH 128. It would consist of a 10-foot-wide by 189-foot-long prefabricated, weathering steel bridge. The bridge structure would be supported by two piers, one on each side of the road shoulders, and two abutments, one on each slope adjacent to the road. Chain link fence would be installed on each side of the bridge between the abutments for safety, and pedestrian railing would transition from the fence to the trails on each side.
- Trails would be extended from the two road crossings to on- and off-Refuge trails. The trails would be native surface or gravel and 10 feet wide with 2-foot-wide shoulders. The trail connection on the east side of the Refuge, at the proposed bridge over Indiana Street, would extend about 0.4 mile. The trail connection on the north side of the Refuge, at the proposed SH 128 underpass, would extend about 0.2 mile.

The project area encompasses approximately 2.4 acres around the two proposed bridges, two proposed road crossings, and proposed connecting trails and represents the anticipated area to be disturbed during construction. The two road crossings at the northern and eastern borders of the Refuge would connect to the Coalton Trail, managed by the City and County of Boulder, on the north side of SH 128 and to the existing Rocky Mountain Greenway on the east side of Indiana Street. During construction, lane closures are anticipated along the roads, but full closures are not expected to be necessary. Staging would be along the sides of the roads in previously disturbed areas or other areas within the project area. The two road crossings and the connecting trail on the north side of the Refuge would be within road rights-of-way associated with SH 128 and Indiana Street. A special use permit or other authorization is anticipated for work in the Colorado Department of Transportation right-of-way associated with SH 128. The construction contractor will be responsible for obtaining the permit or authorization and will be required to adhere to the terms and conditions of the authorization. The connecting trail on the east side of the Refuge would be partially in the road right-of-way and partially on lands owned by the City of Westminster. A trail easement would be established along the trail across the City land. One or more of the local

agencies would be responsible for long-term trail and bridge maintenance, pending establishment of agreements specific to these trail segments and crossings.

The two bridges on the Refuge would connect to trails constructed by the FWS and would be maintained by the FWS. Access for bridge construction on the Refuge would be along existing roads and FWS-constructed trails or approved routes. FWS is expected to flag or mark the access routes, if needed in the field, for the contractor to follow. Staging during bridge construction would also be in previously disturbed areas or along the nearby trails or roads.

Construction activities are planned for winter 2023-24 through winter 2025, pending funding authorization, receipt of necessary approvals and permits, weather conditions, and availability of pre-fabricated bridges. FHWA-CFLHD will retain a construction contractor for the project. The construction contractor will be required to carry out specific environmental protection measures stipulated in the Special Contract Requirements for the project, which will include project-specific commitments identified during the NEPA process. These contract requirements amend and supplement FHWA's *Standard Specifications for Construction of Roads and Bridges on Federal Highway Projects* (FP-14).

Resource Considerations

The FWS EA analyzed impacts to the physical, biological, cultural, and social and economic environments and covered the trails and associated improvements on the Refuge with some information on the connections and crossings off the Refuge. FHWA-CFLHD is adopting the previously completed analysis for the proposed improvements with supplemental information presented below relating to FHWA-specific regulations, cultural resources, and waters of the U.S. to support permitting under the Clean Water Act. FWS led consultations in compliance with the National Historic Preservation Act (Section 106) and Endangered Species Act (Section 7) for the project defined in the FWS EA with a focus on the improvements on the Refuge. FHWA-CFLHD conducted a supplemental cultural study for the portion of the project outside the Refuge and initiated consultation with the Colorado SHPO in compliance with Section 106, as discussed below. The proposed improvements off the Refuge will have no effect on federally listed species, and additional consultation with FWS under the Endangered Species Act was not needed for that portion of the project. FHWA-CFLHD will implement applicable conservation measures from the 2020 Biological Opinion for construction of the two bridges on the Refuge, as identified in the next section, and FWS will be responsible for other measures and overall compliance.

FHWA-Specific Regulations

FHWA regulations relating to air quality, noise, and environmental justice do not require additional studies or analyses based on what is presented in the FWS EA. Rocky Flats NWR is an open space area, established for the preservation of native ecosystems and conservation of threatened and endangered species, and the proposed infrastructure off the Refuge would be in transportation corridors. Jefferson County is designated nonattainment for ozone and carbon monoxide (Denver-Boulder region) and is a maintenance area for particulate matter (PM-10). However, the project is a trail project and is not subject to transportation conformity requirements (42 United States Code [USC] Section 7506). FWS addressed anticipated air quality impacts in its EA and concluded no violations of ambient air quality standards are expected with implementation

of standard construction practices to control emissions and fugitive dust. Based on the nature of the project, it is considered a Type III project under the FHWA Noise Regulations (23 CFR Section 772.5), and no noise sensitive receivers are in or near the project area that could be affected by construction-related noise. A noise study was determined not to be required. No environmental justice communities are present at the Refuge or near the project area, and use of the Refuge is open to all users regardless of socioeconomic status and for no fee, which would not change with implementation of the project. No disproportionate effects to environmental justice populations would occur.

The Rocky Flats NWR is considered a Section 4(f) property under the Department of Transportation Act because it is a publicly owned wildlife and waterfowl refuge of national significance and is open to the public. The comprehensive conservation plan for the Refuge identifies public use, education, and interpretation as management goals and discusses management activities to provide public access and develop public use facilities, such as trails and a visitor contact station (FWS 2004). In accordance with 23 CFR 774.13(g), FHWA-CFLHD has determined that this project meets the Section 4(f) exception for enhancement projects. Based on the Refuge plan, the improvements on the Refuge would enhance the attributes of the Refuge that qualify it as a Section 4(f) property, specifically related to providing public access and use through the improved trail connections. The Refuge Manager, David Lucas, concurred with the exception via letter on June 8, 2022, which is documented in the project record.

Cultural Resources

FWS conducted a review of cultural resources on the Refuge based on various research and survey efforts, including a survey in 2018 for the areas described in the FWS EA. No important cultural sites (i.e., historic properties) are known to occur where the trail work is proposed. FWS concluded no historic properties will be affected pursuant to Section 106 of the National Historic Preservation Act. To supplement FWS' analysis, FHWA-CFLHD retained a consultant to conduct a cultural resource study for those portions of the project outside of the Refuge boundaries (the Federal Lands Access Program-funded portion) (Stantec 2023). The area of potential effect defined for the study encompasses 2.1 acres around the two proposed road crossings and connecting trails. Based on the results of the study, no historic properties or other cultural resources are in the area of potential effect. FHWA-CFLHD concluded that no historic properties will be affected and consulted with the SHPO on its finding in June 2023, with the SHPO agreeing with the finding of effect on July 7, 2023, which is documented in the project record.

Waters of the U.S.

FHWA-CFLHD retained a consultant to conduct a delineation of waters of the U.S. to support Clean Water Act permitting for the project. The field delineation was conducted in June 2022, and the report was completed in October 2022 (Atkins Global 2022). Rock Creek and Woman Creek, which the proposed on-Refuge bridges would cross, are considered potential waters of the U.S. Temporary disturbance is anticipated at Rock Creek during construction of the western abutment, and some fill (riprap) may be discharged into the creek below the ordinary high water mark (limits of jurisdiction under Clean Water Act) to stabilize the bank. These activities would affect less than 0.001 acre of the stream. Installation of the bridge across Woman Creek is not expected to disturb

the creek or result in the discharge of fill into the creek based on the preliminary design plans. The off-Refuge trails and road crossings would not affect waters of the U.S.

The impacts to Rock Creek require permitting under Sections 401 and 404 of the Clean Water Act. Based on the nature and amount of the impacts, the project qualifies for coverage under Nationwide Permit 14 for linear transportation projects without notification to the U.S. Army Corps of Engineers. Nationwide Permits are certified by regulation in Colorado pursuant to Section 401 of the Clean Water Act (Colorado 401 Certification Regulation), and the project does not require notification to the State.

Environmental Commitments

Based on the analysis in the FWS EA and supplemental information presented above, FHWA-CFLHD will implement the environmental commitments listed below during construction of the on-Refuge bridges and off-Refuge road crossings and trails. These commitments supplement or expand the standard construction practices identified in FP-14.

- In compliance with Section 402 of the Clean Water Act, FHWA-CFLHD and its contractor will obtain coverage under the Colorado Discharge Permit System General Permit for Stormwater Discharges Associated with Construction Activity (Permit No. COR400000) before initiating construction activities on non-federal property. Compliance with the permit requires preparation and implementation of a stormwater pollution prevention plan, which includes installation of appropriate best management practices to prevent or minimize stormwater discharges. If required by the Colorado Department of Transportation for work within its right-of-way, the contractor will also comply with terms of the individual municipal separate storm sewer system permit issued to the Department (Permit No. COS000005).
- For the two bridges on the Refuge, the contractor will prepare and implement an erosion and sediment control plan, which includes installation of appropriate best management practices. The work on federal property falls under the U.S. Environmental Protection Agency jurisdiction with regard to stormwater permitting, but the small footprint of the bridge work (less than 1 acre) does not trigger permit coverage.
- In compliance with Section 404 of the Clean Water Act, FHWA-CFLHD will ensure its contractor is familiar with Nationwide Permit 14 terms and conditions for construction of the bridge at Rock Creek. All temporarily disturbed areas in the creek will be restored to pre-disturbance conditions, which may consist of re-grading to original contours and revegetating the banks. No work that deviates from the preliminary design plans will be allowed in Woman Creek without FHWA-CFLHD approval and a review of permitting requirements.
- In compliance with State of Colorado construction practices, the contractor will implement the following measures:
 - Restrict vehicle speeds on disturbed surface areas and unpaved roads, including posted speed limits.
 - Cease earthwork activities when an agreed-upon wind speed is exceeded.
 - Limit the amount of disturbed surface area during construction to the smallest practicable areas needed for construction.

- Water, cover, compact, and/or revegetate disturbed land as applicable.
 - Wash vehicle wheel tires and cleanup mud and dirt carryout to paved areas daily.
 - Remove all mud, plants, and debris from equipment (tracks, turrets, buckets, drags, teeth, etc.) to be used near Rock and Woman Creeks and spray/soak equipment in a 1:15 solution of Quat 4 or Super HDQ Neutral institutional cleaner and water or with water greater than 140 degrees F for at least 10 minutes.
 - Clean hand tools, boots, and any other equipment that will be used in the water at Rock and Woman Creeks with one of the above options as well.
 - Do not move water from one water body to another, and be sure equipment is dry before use near the creeks.
- In compliance with FWS' biological opinion for the Rocky Flats NWR Trail Bridges (August 27, 2020), which covers Preble's meadow jumping mouse, the following conservation measures apply to the two bridges on the Refuge:
 - In advance of any work associated with the Rock and Woman Creeks bridges, FHWA-CFLHD will provide its contractor with information on the Preble's meadow jumping mouse, have all workers that will be on site sign a confirmation of receipt and understanding, and stake the construction limits.
 - FHWA-CFLHD will establish communication protocols between FHWA-CFLHD, FWS, and the construction contractor, including coordinating a schedule for FWS staff to be on site as needed.
 - The contractor will notify FHWA-CFLHD and FWS if any Preble's meadow jumping mouse is encountered in the work area and will immediately stop work until the mouse moves out of the area on its own.
 - The contractor will keep an appropriate spill containment kit in the work area whenever motorized construction equipment is working in or near riparian corridors (i.e., at the two creeks).

References

- Atkins Global. 2022. Aquatic Resources Delineation Report for the Rocky Flats National Wildlife Refuge Trails. Prepared for FHWA-CFLHD. October.
- Stantec. 2023. Cultural Resource Inventory of the Rocky Mountain Greenway Connections Project, Jefferson County, Colorado. Prepared for Atkins Global and FHWA-CFLHD. May 2, 2023.
- U.S. Fish and Wildlife Service (FWS). 2004. Rocky Flats National Wildlife Refuge Final Comprehensive Conservation Plan and Environmental Impact Statement. September.
- U.S. Fish and Wildlife Service (FWS). 2020. Environmental Assessment: Improved Visitor Access at the Rocky Flats National Wildlife Refuge. U.S. Department of the Interior, Fish and Wildlife Service, Rocky Flats National Wildlife Refuge. iv., 33 p.