

# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
COLORADO FIELD OFFICE/LAKEWOOD  
P.O. BOX 25486, DENVER FEDERAL CENTER  
DENVER, COLORADO 80225-0486



IN REPLY REFER TO:  
ES/CO: CDOT  
TAILS: 06E24000-2015-TA-0068

NOV 14 2014

Jeff Peterson  
Colorado Department of Transportation  
4201 East Arkansas Avenue, Shumate Building  
Denver, Colorado 80222

Dear Mr. Peterson:

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 October 23, 2014, report regarding the State Highway 13 (SH13) milepost 110.0 to 123.0 overlay and fencing project south of the Wyoming border in Moffat County, Colorado, and its potential effects on the candidate Greater Sage-grouse (*Centrocercus urophasianus*). Potential habitat for the species will be permanently removed by the project.

The proposed project will reconstruct the roadway to meet current geometric and safety standards. Reconstruction will include widening the existing roadway with two 12-foot lanes with 1- to 2-foot shoulders to two 12-foot lanes with 8-foot shoulders. In addition, approximately 5,475 linear feet of new type 3 (w-beam) guardrail will be installed; 800 linear feet of new type 7 (cement barrier) guardrail will be installed; retaining walls may be constructed at one location; 70 new cross culverts with riprap at the outfalls will be installed; and existing right-of-way fencing will be removed and replaced with approximately 123,750 linear feet of new combination wire fence (smooth and barbed) with metal or wooden posts. Depending on adjacent land use, some of this fencing will be mesh at the base, and some will be 4-strand. To make the fencing more visible to wildlife, the Greater Sage-grouse in particular, the top strand will be marked with either white PVC or aluminum strips approximately 4 inches wide and 8 inches long cut from used road signs.

Reconstruction will likely occur in three or four phases and standard equipment such as large and loud machinery and trucks will be used. Equipment staging and storage locations will be on previously disturbed areas. No detours are planned. A start date has not yet been determined.

The project will occur entirely on CDOT right-of-way. The surrounding land is private or managed by the State Land Board (SLB) or the U. S. Bureau of Land Management (BLM). Vegetation within the right-of-way is dominated by weedy roadside grasses and sagebrush. The surrounding vegetation contains wheatgrass, blue grama, rabbitbrush, and various species of

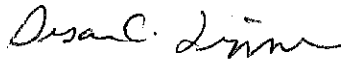
sagebrush. Adjacent private land is used primarily for sheep or cattle grazing, and the BLM and SLB lands are used for livestock and wildlife. Fortification Creek flows parallel to the highway on the western side between mileposts 111 and 115. No Greater Sage-grouse leks have been documented within ½ mile of the project corridor.

Preferred Greater Sage-grouse habitat consists of a wide variety of sagebrush mosaic habitats including tall sagebrush types, low sagebrush types, mixes of low and tall sagebrush with abundant forbs, riparian and wet meadows, steppe dominated by native forbs and bunchgrasses, scrub-willow, and sagebrush/woodland mixes with juniper, ponderosa pine, or aspen. Some habitat meeting this description will be removed by the roadway reconstruction, but this habitat is not likely frequently used by the species due to its proximity to the noise and activity associated with the road. The loss of habitat due to the project is likely to be insignificant; however, the species may fly across the road to access habitats on the opposite side and grouse injuries and fatalities have been caused by striking unmarked fences. Marking the top wire of the new fencing should reduce this threat and improve connectivity across the highway.

Given your habitat and project descriptions, the Service finds the report acceptable and agrees that the proposed project will not impact the Greater Sage-grouse. Please note that should project plans change or if additional information regarding listed or proposed species becomes available, this determination may be reconsidered under the ESA. If the proposed project has not commenced within one year, please contact the Colorado Field Office to request a review of the project and of the species' status.

We appreciate your submitting this report to our office for review and comment. If the Service can be of further assistance, please contact Alison Deans Michael of my staff at (303) 236-4758.

Sincerely,



Susan C. Linner  
Colorado Field Supervisor

ec: FWS, GJ (John Toolen)  
Michael