



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: 06E24000-2016-I-0030

OCT 20 2015

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

Dear Mr. Peterson:

On September 9, 2015, the U.S. Fish and Wildlife Service (Service) received your report regarding effects to the threatened Canada lynx (*Lynx canadensis*) and Proposed Greater Sage-grouse (*Centrocercus urophasianus*) from chip sealing SH14 from milepost 34.0 to milepost 65.5 in Jackson County, Colorado. Our review was performed consistent with our authority under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). On October 2, 2015, we found that the Greater Sage-grouse does not warrant listing, so it will not be discussed further here. No critical habitat for the Canada lynx has been designated in Colorado; therefore, none will be affected.

The project involves applying 3/8-inch chips, a cover coat, and a fog seal to the road surface. Lane indicator tabs will be placed along the center line. Damaged delineator posts, mileposts, and signs will be replaced and some additional delineator posts may be placed on horizontal curves. In addition, rumble strips will be included between mileposts 34.7 – 35.1, 46.2 – 47.3, and 64.1 – 65.0. There will be no detours or night work associated with the project, though lane closures are anticipated. The work is scheduled to begin on May 2, 2016, and continue until October, 2016.

The project will occur entirely on CDOT's right-of-way at an elevation range of approximately 8,140 feet near Walden to 10,250 feet near the summit of Cameron Pass. SH14 is a two-lane asphalt highway 26 to 36 feet wide, with the wider sections generally located near the eastern end of the project. Vegetation along the shoulders consists primarily of native and non-native species. Between mileposts 34 and 49, the surrounding vegetation consists of sagebrush shrubland and steppe vegetation; between mileposts 49 and approximately 57.5, the habitat consists of mid-elevation forest with aspen, ponderosa pine, Douglas-fir, areas of lodgepole pine and limber pine along with large areas of Gambel oak. The remainder of the project is subalpine dominated by Engelmann spruce and subalpine fir, often interspersed with aspen groves or mountain meadows.

The Canada lynx depends upon mature subalpine and upper montane coniferous forests with uneven-aged stands producing relatively open canopies and well-developed understories. The easternmost half-mile of the project falls within the Poudre Lynx Analysis Unit (LAU). Tracking data collected by Colorado Parks and Wildlife indicate sporadic use of the area by lynx since their reintroduction in 1998, although the agency's predictive map of habitat use shows the area having moderate to high predictive use.

Impacts to the lynx will likely be limited to a short-term increase in noise, dust, human activity, and traffic due to the lane closures. With the exception of sign replacement and the addition of some new delineator posts, all work will remain on the paved surface of the roadway. Project activities will be short-term and spatially concentrated. Lynx are unlikely to use habitat in the vicinity of the highway for foraging, denning, cover, or shelter because of its low quality and the amount of activity. Lynx movement across the roadway may be temporarily disrupted during construction activities. Given the temporary nature of the project activities, and that the project will not result in the loss of habitat or alter the connectivity of habitat in the area, they are expected to be insignificant and discountable.

Given your habitat and project descriptions, the Service finds the report acceptable and concurs with your determination that the impacts resulting from the proposed project are not likely to adversely affect the continued existence of the Canada lynx. No critical habitat for the lynx has been designated in Colorado; therefore, none will be affected.

Please note that reinitiation of consultation will be required if:

1. New information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in this opinion;
2. The action is subsequently modified in a manner that causes an adverse effect to the listed species or critical habitat that was not considered in this opinion; or
3. A new species is listed or critical habitat designated that may be affected by the action.

If the proposed project has not commenced within one year, please contact the Colorado Field Office to request an extension.

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,



Drue L. DeBerry
Acting Colorado Field Supervisor

ec: Michael