

DRAFT Compatibility Determination

Browns Park National Wildlife Refuge (NWR)

Maybell, Colorado

Use: Issuance of a Right-of-Way (ROW) permit to Moffat County, Colorado for the repair, maintenance, and management of the swinging bridge at Browns Park NWR.

Refuge Name: Browns Park NWR

Establishing and Acquisition Authority(ies): The Refuge was formally established by Public Land Order 4973, on December 11, 1970. Under the Migratory Bird Conservation Act and the Refuge Recreation Act, the purposes of Browns Park NWR are to provide sanctuary for migratory birds, to provide for suitable fish and wildlife dependent recreation, protection of natural resources, and conservation of endangered and threatened species.

Refuge Purpose(s): For lands acquired under the Migratory Bird Conservation Act of 1929, 16 U.S.C. 715-715r, as amended, the purpose of the acquisition is "...for use as an inviolate sanctuary, or for any other management purpose, for migratory birds." 16 U.S.C. 715d (Migratory Bird Conservation Act).

National Wildlife Refuge System Mission: The mission of the System is to administer a national network of lands and waters for the conservation, management, and where appropriate, restoration of the fish, wildlife, and plant resources and their habitats within the United States for the benefit of present and future generations of Americans.

Description of Use: The swinging bridge at Browns Park NWR was severely damaged in June 2014 when a local ranch hand drove an overweight tractor across it, and it has been closed to vehicle traffic since that time. The swinging bridge is a critical component of Refuge management because it connects the north and south sides of the Refuge. In addition, the bridge provides crucial access for law enforcement, public access (including hunting), fire protection, and safety for Refuge staff and visitors. When the bridge cannot be used, it takes a minimum of 1½ hours of additional driving to cross from one side of the Refuge to the other, and if the road is wet and muddy, it is impassable.

Until November 2015, the U.S. Fish and Wildlife Service (Service) believed the swinging bridge was owned by Moffat County. The County had conducted all previous repairs and maintenance of the bridge since its construction in 1954. In May 2016, the Service notified the County that the Service had determined it was in its best interest to retain ownership of the bridge. The Service has continued to work cooperatively with the County to achieve the necessary repairs of the bridge and provide for its safe use into the future.

The County has applied for and received several grants for repair of the bridge. However, in order to receive a matching grant of \$760K from the Colorado Department of Local Affairs, the County has been advised that it must have a Right-of-Way permit from the Service.

Availability of Resources: Funding for issuance of this ROW permit is being provided by Operations budgets of the Service offices participating in this process, including the Lower Green River NWR Complex and Regional Office Refuges Program (including the Realty Office).

Anticipated Impacts of the Use:

Biological Impacts:

Browns Park NWR provides habitat for over 200 species of birds and is important as a stop-over for migratory birds. In addition, 68 mammal species, 15 species of reptiles and amphibians, and 21 fish species have been reported on the Refuge. Endangered fish species including the Colorado pikeminnow, bonytail, and razorback sucker, are found in the Green River. In addition, the threatened Ute ladies'-tresses has been documented on the Refuge, though not in the vicinity of the project. Ute ladies'-tresses occurs in moist meadows associated with perennial stream terraces, floodplains, and oxbows; seasonally flooded river terraces; subirrigated or spring-fed abandoned stream channels and valleys; lakeshores; and along irrigation canals, berms, levees, irrigated meadows, excavated gravel pits, roadside barrow pits, reservoirs, and other human-modified wetlands. The threatened yellow-billed cuckoo nests in cottonwood galleries in riparian areas. This type of habitat does not occur in Browns Park NWR. The scattered cottonwood trees would not be expected to support nesting yellow-billed cuckoos.

No effects are expected to any listed species or their habitats because the bridge repair work covered by this ROW permit will only occur on the bridge itself. There will be no impacts to habitats on either side of the Green River or within the Green River. The Service will complete an Endangered Species Act Intra-Service section 7 consultation to document this determination.

Public Use Impacts

No public use conflicts are expected. Refuge visitors and staff will benefit from the improved access and safety improvements associated with this project. If feasible, repairs will be conducted outside the peak visitor seasons in September and October (wildlife observation and hunting). Construction is expected to commence in early 2017.

Construction vehicles will use the existing roadway, and staging of materials and equipment will be done near the project site and at the Refuge headquarters. Contractor operations will be limited to existing roads and pull-outs to minimize damage to vegetation. Any waste/fill material will be hauled to locations mutually agreed upon by Moffat County and Browns Park NWR.

Administrative Conflicts

At this time, no administrative conflicts are anticipated. Existing Refuge staff will be used to coordinate/facilitate this project. The Refuge Manager will set station priorities to assure that required support staff is adequate.

Public Review and Comment:

Public notice regarding issuance of a ROW permit to Moffat County to repair and maintain the bridge will be conducted in accordance with 23 CFR 774.5. The Service has coordinated with the Colorado SHPO on this project. Browns Park NWR staff will use standard methods, including posting to the web site, to communicate with Refuge visitors regarding the project.

This Draft Compatibility Determination is being made available for public review and comment from May 19 to June 3, 2016. A legal notice will be published in the Craig Daily Press. A copy of the draft document can be found at http://www.fws.gov/refuge/browns_park/. Comments will be accepted through close of business on June 3, 2016. Please send written comments to:

U.S. Fish and Wildlife Service
Browns Park National Wildlife Refuge
1318 Hwy 318
Maybell, CO 81640
Attn: Draft Swinging Bridge CD

Comments may also be emailed to: brownsark@fws.gov

Stipulations Necessary to Ensure Compatibility:

The ROW permit grants Moffat County the authority to repair, maintain, and manage the Swinging Bridge including anchorage, abutment, piers, foundations, and footings on either bank of the Green River, with appropriate coordination with the Service. For minor repairs, Moffat County would be expected to notify the Service at least 2 days prior to the work being conducted. For major repairs, Moffat County would be required to work closely with the Service to develop a mutually acceptable design.

Prior to any potential decision to close, obstruct, or perform maintenance on the bridge, the Service will contact Moffat County with at least 30 days advance notice to discuss the hypothetical action. The Service is constrained by the terms of the National Historic Preservation Act and other applicable law from removing this historic structure.

If the bridge is destroyed by an Act of God, it may be replaced under the following condition: the Service must have approval authority over the design of such a replacement, particularly in light of the historic status of the structure.

Nothing within the ROW permit is intended to affect or does affect the legal status of the road segments that are connected by the bridge.

Contractors and cooperators will adhere to refuge regulations and requirements while this project is underway. Any changes or modifications to this project must be approved in advance by the Refuge Manager or designee.

Justification:

This project is necessary to repair the swinging bridge, which serves a critical function for safety and access for Refuge staff and visitors, as well as other nearby residents. Based on the anticipated impacts discussed above, it is the sound professional judgment of the undersigned that the proposed project will not materially interfere with or detract from the accomplishment of the Refuge's establishment purposes or the mission of the National Wildlife Refuge System.

Determination (check one below):

Use is Not Compatible

Use is Compatible

Signature: Project Leader _____
(Signature and Date)

Concurrence: Regional Chief _____
(Signature and Date)

Mandatory 10- or 15-year Re-Evaluation Date: May 2026