Introduction

Location
The Project area is located approximately 25 miles west of Denver, six miles northwest of the town of Evergreen, and four miles south of the town of Idaho Springs, at an elevation of 8,200 to 9,800 feet in the southern portion of the Arapaho National Forest, Clear Creek County, Colorado, 6th Principal Meridian, Township 4 South, Range 72 West, Sections 20, 21, 22, 23, 28, and 29 (Figure 1). The Project will take place along approximately five miles of Squaw Pass Road (Clear Creek County Road 103), where it crosses National Forest System land (Figure 1). Figure 2 illustrates the existing and post construction conditions.

Background

Between the years of 1999 and 2009 the Forest Service, Arapaho and Roosevelt National Forests and Pawnee National Grassland (ARP) – Clear Creek Ranger District acquired ownership, via the Beaver Brook Watershed Acquisition, of approximately 5,028 acres of land primarily owned by the City of Golden. While Squaw Pass Road from the Old Squaw Pass/Squaw Pass Road intersection to the Squaw Pass Summit at the Little Bear Creek Road intersection (i.e., the transition point to Colorado State Highway 103) has been historically maintained by Clear Creek County, the change in land ownership prompted Clear Creek County to submit an application for a road easement to the ARP. This would allow the County to perform continued maintenance and construction activities on the road as it passes through National Forest System lands according to Forest Service regulations and policy.

Squaw Pass Road receives heavy motorist and recreational use due to its easy access and proximity to the Front Range population, its pristine mountain setting, its access to numerous residential developments, and its access to popular recreational and sightseeing destinations such as Mount Evans and Echo Mountain Resort. However, the combination of increasing use by motorists and recreational cyclists is causing safety hazards. As a result, Clear Creek County identified this segment of Squaw Pass Road as needing improvements in safety, drainage structures, maintenance, and traffic flow. To fund the Project, a temporary mill levy was subsequently approved by Clear Creek County voters.
Figure 1. Project Area Map
SQUAW PASS ROAD IMPROVEMENTS

FIGURE 2
EXISTING AND PROPOSED ROAD PROFILES

Smith Environmental and Engineering
12071 Tejon Street Suite 470
Westminster, CO
Phone (720)887–4928
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DATE: 12/10/10
PROJECT NO: 2009-456

SCALE OF FEET

8 | 0 | 8

ROADWAY

PROPOSED ROAD PROFILE WITH MODIFICATION

EXISTING ROAD PROFILE
PURPOSE AND NEED OF THE PROJECT

Purpose
The Squaw Pass Road Improvement Project has the following objectives:

- To issue a Forest Roads and Trails Act (FRTA) easement to Clear Creek County;
- To authorize Clear Creek County to use, operate, and maintain Squaw Pass Road as it passes through National Forest System lands;
- To improve safety and driving conditions along Squaw Pass Road; and
- To protect resources as a result of improving drainage and addressing erosion.

Need
The need for the Project is due to the following:

- The high use of Squaw Pass Road by both motorists and cyclists combined with the lack of dedicated lanes, the narrow nature of the road, and blind curves has created hazardous conditions resulting in personal safety concerns;
- The road surface is in poor condition and needs to be resurfaced/repaved. The road currently does not meet Clear Creek County’s road standards; and
- The road needs to be authorized under a FRTA easement to allow for new construction and continued maintenance activities because it passes through National Forest System lands.

Decision
Based upon my review of the Squaw Pass Road Improvement Project Environmental Assessment (EA), comments from the public on the EA, Forest Service responses to these comments, and information contained in the project record, I have decided to implement Alternative 2, which is to issue a road easement and allow construction improvements to proceed with some modifications. The actions of Alternative 2 are described herein.

The Forest Service will issue Clear Creek County a 100-foot wide FRTA road easement along Squaw Pass Road (i.e., 50 feet on both sides of centerline) from the Squaw Pass/Old Squaw Pass Road intersection to the Squaw Pass/Little Bear Creek Road intersection (see Figure 1). In addition, the Forest Service will allow Clear Creek County to construct the road improvements within the easement. The road improvements will include the following:

- Constructing a 4.8-mile bike lane along the ascending side of Squaw Pass Road throughout the length of the FRTA road easement;
  - The bike lane will be four feet wide and will include the construction of an additional two-foot wide dirt shoulder;
  - A wider bike lane will be constructed in segments where sharp switchback alignments occur to increase sight distance and reduce motorist/cyclist accident potential;
  - Roadside grading will be completed where needed to accommodate bike lane construction, due to the steep character of adjacent slopes (roadside slope grade will be a maximum of 1.5:1 or 67%).
Approximately 6,643 linear feet (1.2 mile) of non-contiguous retaining walls will be constructed adjacent to the westbound side of the road in places where it is infeasible to obtain a maximum grade of 1.5:1 following bike lane construction;

- Approximately 8,000 cubic yards of fill material will be imported and used for construction associated with the westbound bike lane construction;
- Approximately 8,216 linear feet (1.6 mile) of non-contiguous guardrails will be constructed along the ascending side of the road; and
- Signage, linings, and markings separating bikes and motorists into specific ascending lanes will be completed and installed during construction.

- Paving the shoulder and the area from the edge of the shoulder to the bottom of the drainage ditch (borrow pit) along the eastbound lane of Squaw Pass Road throughout the length of the road easement;
  - The paved shoulder will be two feet wide and the paved width from the edge of the shoulder to the bottom of the drainage ditch will be variable (likely two to four feet).

- Resurfacing Squaw Pass Road throughout the length of the FRTA road easement.
- Completing drainage improvement activities, including re-contouring roadside drainage ditches and replacing and retrofitting culverts to adequately convey stormwater and snowmelt.
- Adequately sized culverts will replace some existing culverts to restore the natural stream channel and to prevent draining water from gathering momentum, thereby reducing erosion.
- Realigning the Squaw Pass Road/Little Bear Creek Road intersection;
  - The realigned intersection will be moved approximately 50 feet to the south of its current alignment.

**Modifications**

Modifications to the Project in response to public comments, Interdisciplinary (ID) Team comments, additional site visits, input from the Colorado Department of Transportation (CDOT), and discussion with Clear Creek County are as follows:

- Paving the area from the edge of the eastbound (descending) shoulder to the bottom of the ditch was determined to be unfeasible by internal review. The decision is being modified; the borrow ditch will not be paved because it will result in higher maintenance costs over time.

**Project Design Criteria**

Potentially adverse effects from implementation of the selected alternative will be mitigated through project Design Criteria. Forest Plan goal, standards, and guidelines, which are outlined in the EA, Appendix D will also be followed. Design Criteria to be implemented throughout the project include:
Wildlife Design Criteria

- Clearing vegetation prior to the onset of the nesting season when possible, or conducting migratory bird nest surveys if vegetation is to be cleared during the nesting season to minimize the take of migratory birds and reduce local impacts to species which nest in and adjacent to the construction areas.
- Construction will be limited to daylight hours.
- Existing forest cover adjacent to the road will be maintained to the maximum extent possible.
- Slope stabilization, revegetation specifications and locations will be developed and identified in a revegetation plan by Clear Creek County’s engineering contractor and approved by the Forest Service Botanist, Forest Service Engineer and Forest Service Landscape Architect to reestablish tree and shrub cover as close to the reconstructed road as is consistent with site characteristics and safety.
- The road will be designed to prevent parking in undesignated locations by constructing a 2’ gravel shoulder on the uphill side and a 1’ gravel shoulder on the downhill side which does not yield room for a vehicle. Proposed guardrail locations will also limit any potential for parking.
- Guardrail type and materials will be used that do not impede sight of the road from the shoulder for animals.
- Retaining wall sections will be designed with a bench between the guardrail and the edge of the retaining wall so that an animal can pause before proceeding across the roadway.
- Retaining walls will be evaluated during final design to minimize the length of continuous walls higher than five feet.

Forest Vegetation, Hydrology, and Watershed Health Design Criteria

- The lesser rattlesnake plantain (*Goodyera repens*), a rare orchid in Colorado, was found in the project area. A preconstruction survey will be conducted to determine if there are more plants in the area. Site protection measures will be derived in consultation with the Forest Botanist prior to project implementation.
- Topsoil removed during construction will be salvaged and stockpiled and later used during rehabilitation efforts.
- Construction equipment will be washed before entering the Project area to reduce the chance of introducing foreign weed seeds to the ecosystem.
- All imported fill material and revegetation plant mixes will be certified weed-free.

Wetland and Riparian Area Design Criteria

- Wetland areas will be avoided to the greatest extent practical.
- Equipment and construction materials will be stored away from wetland and riparian areas.
- Temporary fencing and/or barriers will be placed throughout the Project area to prevent contractors from working outside established construction limits to protect wetlands and other areas such as sensitive plant and animal habitat from accidental construction equipment encroachment.
Design criteria for wetland, stream, and associated riparian communities that protect them from sedimentation are included in the design criteria identified for water quality (see Water Quality).

**Water Quality Design Criteria**

- A detailed construction Storm Water Pollution Prevention Plan will be implemented for the Project to help minimize the potential for discharge of pollutants from the site during construction activities.
- Permanent erosion control structures will be constructed and maintained by Clear Creek County where appropriate and may include installing check dams, settling basins, and sediment traps. Temporary erosion control measures such as straw bales, silt fences, and excelsior logs will be constructed during the project and maintained until permanent erosion control is complete.
- Existing erosion problem areas will be repaired by improving drainage and revegetating and stabilizing slopes within the project area.
- Where the road encroaches into a stream, special treatments, including sediment traps, berms, rock check dams, furrow ditches, seeding, matting, revegetation, insloping, and will be constructed to controlling and directing sediment away from environmentally sensitive areas.

**Cultural Resources Design Criteria**

- If cultural resources are discovered during construction, the ARP Authorized Officer will be notified and work will be stopped in the area of the finding until appropriate design criteria can be implemented.

**Motorist/Cyclist Safety and Recreational Opportunities Design Criteria**

- Popular recreation access points, such as the parking areas at the Squaw Pass/Old Squaw Pass Road intersection and the Squaw Pass Road/Witter Gulch intersection will be kept open to the public at all stages of construction.
- Squaw Pass Road will be kept open to recreational cyclists, pedestrians, and motorists at all stages of construction to the extent practicable.
- Signage will be incorporated into final Project design to notify motorists and cyclists where the dedicated bike lane begins and ends.
- Markings will be painted onto the road surface every quarter mile along the length of Project designating the west bound bike lane.
- No edge line rumble strips will be cut into the pavement.
- The following construction-related design criteria will be implemented to ensure public safety:
  - Reduced speeds will be posted during active construction periods;
  - Traffic control personnel will be in place during all construction activities that involve temporary lane closures;
  - Temporary construction signing will be placed above and below active work areas;
Information notices about the project will be posted at the Forest Service visitor center and on The Clear Creek County’s website at the following web address: http://www.co.clear-creek.co.us/Projects/County_Projects/county_projects.htm;

For delays longer than 30 minutes, public notice will be given in advance through the local news media and by informational signs;

The contractor will be required to keep work areas in an orderly condition, to dispose of all refuse properly, and to obtain permits for the construction and maintenance of all construction camps, stores, warehouses, latrines, and other structures in accordance with applicable requirements. No edible foodstuffs will be stored in a location accessible to scavengers;

The contractor will use only approved portions of the right-of-way for storing material and placing plants and equipment, and may not use private property for storage without written permission of the owner;

The contractor will comply with all legal load restrictions when hauling material and equipment on public roads to and from the project;

Work will be performed in a manner that assures the safety of the public and protects the residents and property adjacent to the project;

The roadway will be maintained in a safe and acceptable condition, including periods when work is not in progress;

The contractor will maintain access to trails, roads, streets, businesses, parking lots, residences, garages, and other features;

The road will be kept open on weekends without construction delays from 6:00 p.m. Friday to 11:00 p.m. Sunday and on national holidays; and

Emergency service providers will be given up-to-date information on construction schedules, anticipated delays, and locations (the contractor will be required to provide immediate passage through the construction area for all emergency service vehicles).

Visual Resources Design Criteria

- Clearing limits for trees shall be curvilinear, as opposed to straight-lined, and will blend with the surrounding landscape.
- Retaining walls either will use colors and textures that blend in with the forest and adjacent natural materials, or will be designed to blend with any significant features associated with the historic context of the road.
- Slopes shall be revegetated with native tree, shrub, and grass species. Cut slopes to be revegetated shall not exceed 2:1 slope, and 3:1 is preferable.
- The design guardrails will be a naturally-appearing timber-faced steel rail attached to steel or timber posts.
- All sign posts and sign backs will be dark brown in color.
- Trees, shrubs, and other vegetation will be strategically planted to screen retaining walls.
- Parking barriers to keep vehicles within designated parking facilities will be designed with colors and textures similar to the surrounding areas.

Project Monitoring

Monitoring during Project implementation will be completed to ensure that goals, standards, and
guidelines of the Forest Plan and Design Criteria and management measures of the WCP Handbook are met where resources may be affected by Project activities. Items to be monitored and associated information are found in Table 1. Clear Creek County will provide a qualified Environmental Compliance Officer (ECO), who will inspect the Project construction drawings before construction begins. The ECO will ensure that all design criteria are part of the construction plans and inspect the Project site before, during, and after construction to ensure compliance with all Design Criteria. The ECO will also complete and provide weekly inspection reports to the Forest Service. In addition, the Forest Service will also review all construction plans, have representation on site and will monitor the implementation of the design criteria.

Table 1: Project Monitoring for the Squaw Pass Road Improvement Project

<table>
<thead>
<tr>
<th>Item to be Monitored</th>
<th>Responsibility</th>
<th>Timing of Monitoring and Duration</th>
<th>Objective for Monitoring</th>
</tr>
</thead>
<tbody>
<tr>
<td>Botanical resources, including forest vegetation and sensitive plant species</td>
<td>ECO /Forest Service Botanist/Clear Creek County Biologist*</td>
<td>During project area design, layout, and implementation</td>
<td>To ensure compliance with Forest Plan, WCP Handbook, and mitigation requirements</td>
</tr>
<tr>
<td>Nesting habitat for raptors, migratory birds, and other sensitive avian species</td>
<td>ECO / Forest Service Wildlife Biologist/Clear Creek County Biologist</td>
<td>During project area design, layout and project implementation</td>
<td>Monitor known nest locations, discover new nest locations to ensure compliance with Forest Plan and mitigation requirements</td>
</tr>
<tr>
<td>Noxious and undesirable weed infestations and spread</td>
<td>ECO / Forest Service Botanist/Clear Creek County Biologist</td>
<td>During project area design, layout, project implementation, and post-implementation until revegetation success criteria is met</td>
<td>To ensure compliance with Forest Plan, WCP Handbook, and mitigation requirements</td>
</tr>
<tr>
<td>Soil compaction, erosion, and disturbance</td>
<td>ECO / Forest Service Soil Scientist/Clear Creek County Soil Scientist*</td>
<td>During project area design, layout, project implementation, and post-implementation until revegetation success criteria is met</td>
<td>To ensure compliance with Forest Plan, WCP Handbook, and mitigation requirements</td>
</tr>
</tbody>
</table>
**Rationale for the Decision**

I have made this decision after careful consideration of the environmental analysis of the effects of the two alternatives. My decision meets the requirements of the National Environmental Policy Act (NEPA), responds to the purpose and need for this project described in Chapter 1 of the EA and responds to the issues identified during the planning process and comments received from the public during scoping and the public comment period. I have made this decision based on the rationale described below.

I first considered whether my decision will achieve and comply with Forest Plan standards, goals, and guidelines for the Chicago Creek Geographic Unit; Management Area 4.3 (Dispersed Recreation) as described in the EA on page 6. Alternative 2 with modification best meets these standards, goals, and guidelines, where Alternative 1 (No Action) does not.

Secondly, I considered which of the alternatives will best meet the Purpose and Need of the project (EA page 4). Alternative 2, when compared to the No Action Alternative, will best meet the Purpose and Need by increasing road safety with the least impact to other important resources (see the Issues described below) analyzed in the EA. The selected Alternative will also reduce erosion and sedimentation and improve the potential for aquatic organism passage within the Beaver Brook Watershed by improving road drainage structures and installing permanent
erosion control devices in key areas. Revegetation after construction will provide improved and long-term erosion protection for the Watershed. Alternative 1 (No Action), required by law, does not meet these objectives.

I reviewed the site-specific analysis that was completed within the project area and issues raised by the ID Team and the public. I am convinced there has been sufficient site-specific environmental analysis completed on each of the alternatives.

**Other Alternatives considered**

In addition to the selected Alternative, I considered one other alternative – No Action. A comparison of these alternatives can be found in Table 3 of the EA on page 24. The No Action alternative will not grant the County an easement. Improvements to alleviate motorist and cyclist safety and drivability, to correct drainage problems, or to allow Clear Creek County access to this segment of Squaw Pass Road to perform maintenance activities will not occur.

Three other alternatives were considered but not analyzed in the EA. These are 1) Use of Federal Funds for Maintenance and Repair, 2) Constructing a Separate Eight-Foot Bike Path on a Separate Alignment, and 3) Constructing Four-Foot Wide Ascending and Descending Bike Lanes. These alternatives were eliminated from further analysis because it was determined that the selected alternative could best meet the Purpose and Need of the project.

**Public Involvement**

This project began in 2010 with fieldwork completed by the ID Team to gather data. Scoping activities included interagency meetings, consultation with the State Historic Preservation Office (SHPO), consultation with the U.S. Fish and Wildlife Service (FWS), consultation with applicable Native American Tribal Councils, and informal discussion with the Colorado Division of Wildlife (CDOW).

To date, the public has been invited to participate in the project in the following ways:

- A pre-Project open house meeting was held June 2, 2009 at the Evergreen Fire Station by Clear Creek County.
- The Project was initially posted on the ARP Schedule of Proposed Actions on January 1, 2010.
- Public announcements about the project were printed in the Clear Creek Courant for the week of August 4th, 2010.
- On July 30th, 2010, the Forest Service mailed out approximately 50 letters providing information and seeking public comment to Federal and State agencies, special interest groups, environmental groups and individuals;
  - A total of eight written responses to this initial mailing were received. These public comments, scoping letters, mailing lists and meeting notes are part of the Project Record located at the Clear Creek District Office, 101 West Chicago Creek Road, Idaho Springs, CO 80452.
- The analysis document was published for public comment from January 18 through February 17, 2012.
Comments that were received during the public scoping process were incorporated into the Project. Using the comments from the public and other interested parties, the ID Team identified several issues regarding the effects of the Project. The alternatives analyzed for the EA were developed specifically to address the identified issues. The issues were:

**Key Issues**

- **Safety and Recreation:** Recreational use of the area is increasing due to the increasing population along the Front Range and the I-70 corridor of Colorado. The increased use of Squaw Pass Road by motorists and cyclists has resulted in safety concerns. The Project (dedicated bike lane, guardrails, paved descending shoulder, new pavement, signs, etc.) would have an effect on the overall safety and recreation experience of motorists and recreationists using the road.

**Other Issues**

- **Proposed, Endangered, and Threatened Species (PETS), Forest Service Sensitive Species, Forest Service Plant Species of Local Concern, and Management Indicator Species (MIS) for Wildlife, Fish, and Plants:** The Project Area and the greater Beaver Brook Watershed contains habitat for certain PETS and MIS. Implementation of the road improvements such as the addition of a bike lane and descending shoulder, and construction of retaining walls and guardrails could affect PETS and MIS species and their habitat within and/or adjacent to the Project Area.

- **Wetlands and Riparian Areas:** Wetlands are considered to be “Waters of the U.S.” and are protected under Section 404 of the CWA and Executive Order 11990. The USACE is the agency responsible for regulating wetlands. Riparian areas are the moist zones next to streams and lakes. Vegetation is generally more abundant in riparian zones, which sustains the quality of aquatic habitats. Riparian areas provide shade and fish cover, strengthens banks, stores and releases sediment, supplies woody debris, facilitates surface-ground water interactions, and provides habitat for terrestrial and aquatic plants and animals. Implementation of road improvements and construction of drainage maintenance structures associated with the Project could affect stream health, riparian areas and wetland function.

- **Cultural Resources:** The segment of Squaw Pass Road designated as the Project Area has been recommended as eligible for the National Register of Historic Places (NRHP) in consultation with the SHPO. The new maintenance structures associated with the Project could affect the historic structures found along the roadway.

- **Visual Resources:** The Project Area is within the designated Mount Evans Scenic Byway. The guardrails and retaining walls associated with the Project could affect the visual quality and viewedash along the Byway as it passes through the Project Area.

On January 18, 2012, the Squaw Pass Road Improvement Project EA was made available to the public and mailed to the nine individuals who responded to the original scoping letter and to those who expressed an interest in being notified about the project. A 30-day comment period
extended from January 18 through February 17. Ten responses were received within the 30-day period. The public comments received on the project are included in Appendix A of this Decision Notice.

**Finding of No Significant Impact**

After considering the environmental effects described in the EA, I have determined that these actions will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. I base my finding on the following:

1. **Context and Intensity**
   Impacts associated with the project are discussed in Chapter 3 of the EA and in the project record. The impacts are within the range of those identified in the Forest Plan. Alternative 2 as modified in this decision will not have significant impacts on other resources identified in the EA. After careful consideration of the EA, the record, and in documented consultation with resource specialists, it is my finding that the effects of the Squaw Pass Road Improvement Project are not significant. My finding that the adverse impacts are not significant is not biased by the beneficial impacts described in the analysis.

   Project Design Criteria and monitoring as described in the EA will keep project impacts below the level of significance. Forest Service representatives will regularly inspect project operations to assure conformance with the terms of the EA, the Forest Plan, the WCP Handbook, and appropriate State and Federal laws. Specialists who participated in analysis of this proposal will be involved with on-site planning of culvert improvement and replacement to assure that Design Criteria relative to their discipline are met. In addition, the Squaw Pass Road Improvement Project is within the scale and context of past road construction projects along the Mount Evans Scenic Byway.

2. **Public Health and Safety**
   The key issue identified during project scoping is to provide a safe recreational experience for users. My decision provides a significantly safer experience for motorists and recreational cyclists who use the Squaw Pass segment of the Mount Evans Scenic Byway. Project activities will not significantly affect public health and safety because the Design Criteria for Motorist/Cyclist safety (page 19 of the EA) will be fully implemented and monitored throughout the duration of construction.

3. **Unique Characteristics of the Area**
   The project will have adverse effects to historic or cultural resources (see pages 25 and 49 of the EA). My determination is based on the discussion of effects found in the EA, Chapter 3 and through consultation with the SHPO and the Historical Society of Idaho Springs. A Memorandum of Agreement (MOA) between SHPO, the Historical Society of Idaho Springs, Clear Creek County, and the USDA Forest Service Arapaho and Roosevelt National Forests with stipulations has been signed to mitigate for these adverse affects.
By adhering to Forest Plan standards, Design Criteria, WCP measures, and monitoring, impacts to forest health and vegetation, watershed, soils, water quality, noise, environmental justice, prime rangeland, forest land, and farm land, air quality, or social groups will not occur or will not be significant.

4. Controversy
The activities described in Alternative 2 with modifications do not involve effects on the human environment that are likely to be highly controversial (40 CFR 1508.27). Public comment during scoping and the comment period regarding this project focused primarily on safety, project design elements, wildlife, wetlands, cultural resources, and visual resources. These concerns were mitigated through project Design Criteria and specific mitigations. We find the effects on the human environment are not highly uncertain, are unlikely to involve unique or unknown risks and are not likely to be highly controversial.

5. Uncertainty
The activities described in Alternative 2 with modifications will not involve effects that are highly uncertain or involve unique or unknown risks (40 CFR 1580.27). Pertinent scientific literature has been reviewed and incorporated into the analysis process and the technical analyses conducted for determinations on the impacts to the resources are supportable with use of accepted techniques, reliable data and professional judgment. Impacts are within limits that are considered thresholds of concern. Issues of public concern and possible environmental effects of the Project have been adequately addressed in the analysis and Design Criteria outlined on pages four through 10 of this decision. Therefore, I conclude that there are no highly uncertain, unique or unknown risks.

6. Precedent
My decision to implement the activities included in Alternative 2 with modifications does not establish a precedent for future actions with significant effects or represent a decision in principle about a future consideration. I have made this decision based on the overall consistency of the Project with Forest Plan goals, standards, guidelines, and management practices and the capabilities of the land.

7. Cumulative impacts
The EA considers all connected, cumulative and similar actions in the scope of the analysis (Section 2.4 pages 22-24). The direct and indirect effects of this action, when added to the direct and indirect effects of past, present and reasonably foreseeable actions are considered and disclosed in the EA, Chapter 3, and there are no significant cumulative effects.

8. Properties on or Eligible for the National Register of Historic Places
Cultural resources found within the easement are eligible for listing on the National Register of Historic Places. The Project will destroy eight stone culvert headwalls and several other stone culverts, stone retaining walls, one developed spring and contributing artifact scatters may be damaged or destroyed during the road construction.

A Cultural Resource specialist has surveyed the entire area and a report has been prepared that outlines the impacts to cultural resources from the Project. SHPO accepted this report and has
engaged in consultation with the Forest Service for mitigation. The MOA described above has been developed for compliance with Section 106 of the National Historic Preservation Act (16 U.S.C. 470f). Should an unknown cultural resource site be discovered during road construction or revegetation, it will be protected under the requirements of Federal law.

9. Endangered, Threatened, Proposed or Sensitive Species
The action will not adversely affect any endangered or threatened species or its critical habitat that has been determined to be critical under the Endangered Species Act of 1973. The project area was surveyed by contract wildlife biologists (see Chapter 3 of the EA). A Biological Evaluation (BE) and a Biological Assessment (BA) for proposed, threatened, endangered wildlife, sensitive plants, and Forest Service Management Indicator Species was conducted and it concluded that implementation of Alternative 2 with modifications will have either no effect or may affect but is not likely to adversely affect listed species. Consultation with the U.S. Fish and Wildlife Service was conducted for potential effects to the Canada lynx. The Forest Service received a letter of concurrence of “may affect but is not likely to adversely affect” lynx, which can be found in the project file. The BA and BE have been summarized in the EA and the full reports are located in the project file. Design Criteria for protecting wildlife are found on page 12 of the EA.

10. Legal requirements for Environmental Protection
The action will not violate Federal, or applicable State and local laws or requirements for the protection of the environment. Required consultations for compliance with Federal law are listed on page 10 of the EA. The Project is consistent with the revised Arapaho and Roosevelt National Forests and Pawnee National Grassland Land and Resource Management Plan. Applicable laws and regulations are considered below:

- Clean Air Act – There is no action in Alternative 2 that will affect air quality, therefore the Project will be in accordance with provisions of the Clean Air Act as administered by the State of Colorado

- Clean Water Act - The Clean Water Act requires Federal Agencies to comply with all Federal, State, interstate and local requirements, administrative authority, and process and sanctions with respect to the control and abatement of water pollution. Executive Order 12088 also requires the Forest Service to meet the requirements of the Act.

- Environmental Justice – Executive Order 12898 requires federal agencies to identify and address disproportionately high and adverse human health or environmental effects on minority and low-income populations. My decision will not have a disproportionately adverse effect on any minority or low-income population or community.

- Floodplains and Wetlands – There are no floodplains associated with the project area. There are minor wetlands within the project area that will be impacted by the Project. A Clean Water Act Section 404 Nationwide Permit will be obtained prior to construction for impacts to wetlands and the project will also incorporate best Soil and Water Conservation Practices to protect and preserve these areas.
• National Forest Management Act – My decision is consistent with the intent of the Forest Plan. The project was designed in compliance with Forest Plan goals, standards, and guidelines. Additionally, Alternative 2 with modifications incorporates appropriate land and resource management plan guidelines to meet the stated purpose and need.

• Management Indicator Species (MIS) for the Arapaho Roosevelt National Forest were identified and considered in the BE for this project and in the EA (see page 29). The selected MIS are Elk, Mule Deer, Hairy Woodpecker, and Mountain Bluebird, and this decision will not adversely affect the populations or their habitat.

Implementation Date

Implementation of this project will not occur for minimum of 50 days following publication of the legal notice in the Denver Post if no appeal is received. If an appeal is filed, implementation will not occur for a minimum of 15 days following disposition of the appeal. If multiple appeals are filed, the disposition date of the last appeal will control the implementation date.

Administrative Review or Appeal Opportunities

My decision to implement Alternative 2 with modifications of the Squaw Pass Road Improvement Project EA is subject to appeal pursuant to 36 CFR 215.7(a). Any written notice of appeal must be submitted in accordance with 36 CFR 215.13 and must be consistent with 36 CFR 215.14, content of an appeal, including the reasons for the appeal. Only those individuals or organizations who submitted comments, or otherwise expressed interest during the comment period are eligible to appeal this decision. Any appeal must be filed with the:

USDA Forest Service
Attn: EMC Appeals
Mail Stop 1104
1400 Independence Ave., SW
Washington, DC 20250-1104

If you fax an appeal, please include a cover page stating how many pages you are faxing.
Fax: 202-205-1012, ATTN: EMC Appeals

Email: appeals-chief@fs.fed.us

It is an appellant’s responsibility to provide sufficient activity-specific evidence and rationale, focusing on the decision, to show why the Responsible Official’s decision should be reversed. An appeal submitted to the Appeal Deciding Officer becomes part of the appeal record. At a minimum, an appeal must include the following (§ 215.14):

(1) Appellant’s name and address (§ 215.2), with a telephone number, if available;

(2) Signature or other verification of authorship upon request (a scanned signature for electronic mail may be filed with the appeal);
(3) When multiple names are listed on an appeal, identification of the lead appellant (§ 215.2) and verification of the identity of the lead appellant upon request;

(4) The name of the project or activity for which the decision was made, the name and title of the Responsible Official, and the date of the decision;

(5) The regulation under which the appeal is being filed, when there is an option to appeal under either this part or part 251, subpart C (§ 215.11(d));

(6) Any specific change(s) in the decision that the appellant seeks and rationale for those changes;

(7) Any portion(s) of the decision with which the appellant disagrees, and explanation for the disagreement;

(8) Why the appellant believes the Responsible Official’s decision failed to consider the substantive comments; and

(9) How the appellant believes the decision specifically violates law, regulation, or policy.

Notices of Appeal that do not meet the requirements of 36 CFR 215.14 will be dismissed.

Pursuant to 36 CFR 215.9(a), if no appeal is filed, implementation of this decision may occur on, but not before, the fifth day from the close of the appeal-filing period. All appeals must be filed within 45 days of the date that the legal notice appears in Clear Creek Courant newspaper in Idaho Springs, Colorado.

Contact

For additional information concerning this decision or the Forest Service appeal process, contact:

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/s/ Brian Ferebee

May 18, 2012

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DEPUTY REGIONAL FORESTER
USDA Forest Service Region 2

Date
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APPENDIX A: RESPONSE TO PUBLIC COMMENTS OF THE ENVIRONMENTAL ASSESSMENT

The Environmental Assessment (EA) for the Squaw Pass Road Improvement Project was mailed to interested and involved members of the public and organizations on January 18, 2012. An invitation to comment on the Project was also published in the Denver Post newspaper on January 18, 2012 in the legal notice section to initiate the 30-day public comment period to comply with provisions of 36 CFR 215. 6. The comment period ended February 17th, 2012. By February 18, 2012, 10 comment letters or emails with a total of 24 comments were received from individuals and organizations. Comments received in response to this solicitation, including names and addresses of those who comment, are considered part of the public record for this project. The comments directed towards the Squaw Pass Road Improvement Project EA are summarized by issue below.

Safety and Recreation (Key Issue)

Comment 1: Modifying only a segment of the roadway will result in more safety and traffic problems.

Response: Modifying more roadway than what is described in the Project is out of scope of this project. The west side of Squaw Pass is under the jurisdiction of the Colorado Department of Transportation (CDOT) which is aware of the County bike lane project. CDOT is proposing to repave their portion of Squaw Pass Road from the Pass to Echo Lake. They are also proposing to restripe the shoulder to allow for an additional 1-foot on the ascending side where feasible, to aid in highway safety.

Comment 2: Are “markings” adequate for bike/auto separation?

Response: Markings alone are adequate because they will clearly define the shoulders and bike lane, which will improve safety and satisfy the Purpose and Need.

Comment 3: Why are no turnouts planned? New and existing trailheads should have off-shoulder access.

Response: Recreational features such as turnouts for new and existing trails are not part of the Project. The Purpose and Need is to provide safety to motorists and cyclists on the roadway. The County will maintain existing turnouts as they are.

Comment 4: The ascending bike lane is where danger is most severe.

Response: Agreed, that is why it was decided during the initial public scoping meeting to construct the bike lane on the ascending side of the road. A slow moving bicyclist ascending has more exposure and risk to faster passing vehicles than a descending bike, which tends to travel at similar speeds as vehicles. A descending bike lane was considered in Alternative 5 (see page 22 of the EA) but eliminated from analysis because the action would increase the permanent impacts to forest vegetation and wildlife habitat and require
extensive new retaining wall, which would cause considerable visual impact.

Comment 5: Need a descending lane for bike safety at higher speeds.

Response: This alternative was considered in Alternative 5 but eliminated from further analysis due to the level of environmental and visual impact. However, after public scoping, a two foot paved shoulder was added to the Project. The paved two-foot shoulder on the descending side of the road will meet the Purpose and Need of this project by providing additional paved surface for cyclists to move to in the event that vehicles need to safely pass descending bike traffic.

Comment 6: Inadequate room between guardrail and pavement; may create a crush point.

Response: County engineering standards were followed in designing the distance between the guardrail and pavement. The guardrails will only be constructed in places where retaining wall will be built. While the potential for a cyclist or walker to be pinned between a vehicle and guardrail exists, the probability of this occurring is likely low.

Comment 7: Separate the bike trail from the road.

Response: This option was considered in Alternative 4 but eliminated because impacts to environmental and visual resources would be greater than what would occur by implementing the Project.

Comment 8: It be helpful if the EA quantifies the hazards, conflicts, and accidents on the road.

Response: An analysis to quantify hazards, conflicts, and accidents was not needed because the poor road surface conditions and popular use by cyclists and other users of the Mount Evans Scenic Byway was enough to illustrate the need for the Project.

Comment 9: Cut down some trees to let sun melt ice/snow from the road.

Response: The Purpose and Need of the Project is to improve safety and driving conditions along Squaw Pass Road. Some trees will be removed to implement the Proposed Action. Cutting more trees than what is needed to construct the project will also create more visual resource impacts.

Comment 10: Many horrible accidents occur due to sand/gravel pile-up.

Response: Addressing sand and gravel pile-up is not part of the Purpose and Need of the Project. The County will continue to minimize accidents on its roadways through proper sand and gravel accumulation management.

Comment 11: Walkers expressed objection to guardrails for their safety.

Response: Guardrails are needed for motorized vehicle safety in proximity to the retaining
walls, particularly where drop-offs occur. Most of the guardrails will be constructed where retaining walls occur. Retaining walls are needed in many areas for improved slope stability.

**Proposed, Endangered, and Threatened Species (PETS), Forest Service Sensitive Species, Forest Service Plant Species of Local Concern, and Management Indicator Species (MIS) for Wildlife, Fish, and Plants (Other Issue)**

Comment 12: High walls will interfere with wildlife movement.

**Response:** Retaining wall design follows County and CDOT guidance and design manuals. Current design calls for retaining walls of less than 5 feet, which still allows animals to pass safely according to the Biological Assessment.

Comment 13: The EA analysis seemed doubtful about elk in the area

**Response:** The EA states that there is a high likelihood of elk occurring in the area (page 40).

**Visual Resources (Other Issue)**

Comment 14: The retaining walls will be very high and be a visual blight.

**Response:** Retaining walls will be no higher than 4.6 feet and will be constructed of blocks designed to look like a natural stone wall as directed by the Forest Landscape Architect, using Forest Service Scenery Management System standards. The top of the retaining walls will also be lower than the roadway and will be visible mostly where the road turns at a sharp angle.

Comment 15: Guardrails high enough to stop a bike rider from falling off will destroy view characteristics.

**Response:** Guardrails will be constructed to a height of 27 in. and conform to Federal and State Departments of Transportation specifications. Most of the guardrails will be constructed where retaining walls occur and are intended for vehicle safety. Guardrails will be constructed of timber-faced steel beams to provide a natural look and to conform to Forest Service Scenery Management System standards.

Comment 16: Walker’s at the scoping meeting expressed objection to guardrails for visual reasons.

**Response:** Guardrails will be constructed according to CDOT and County specifications and are designed to meet Forest Service Built Image Guide to blend in with the surroundings. Guardrails are needed for vehicle safety in areas where the road drops-off, particularly along sections of retaining wall.
Comment 17: Place more emphasis of protecting all vegetation adjacent to the easement, especially aspen during construction.

Response: Protection of vegetation will occur as part of the Forest Vegetation, Hydrology, and Watershed Health Design Criteria. See page 13 of the EA.

General Design

Comment 18: The extent of fill needed and the height of retaining walls is grossly underestimated.

Response: The height of the retaining walls was calculated following standard engineering practices and County and CDOT standards.

Comment 19: The descending two foot bike path is not meaningful and does not meet standards for a high speed bike lane width.

Response: A descending bike lane was considered but eliminated because construction of the lane will cause significantly more impacts to vegetation, wildlife habitat, and visual resources. The 2 foot paved shoulder was added after the initial public scoping, which meets the purpose and need of this project by providing additional paved surface for cyclists to move in the event that vehicles need to safely pass descending bike traffic.

Comment 20: The proposed design, including the paved culvert would include massive cuts in the existing side slope, including blasting in several places.

Response: The amount of cut needed was calculated following standard engineering practices and County and CDOT standards.

Comment 21: “the road surface….needs to be resurfaced/repaved” – only for increased traffic?

Response: The roadway is currently in need of repair. Resurfacing is to be done for safety and maintenance reasons for both motorists and cyclists.

Comment 22: Regarding guardrails – There are no drop offs on the descending side of the road.

Response: Guardrails are not proposed for the descending side of the road.

Issues Dismissed

Comment 23: “Noise….not to be increased” and “emissions….negligible” – be realistic.

Response: The Project is not expected to result in an increase of noise upon completion. Noise will increase somewhat during construction, but that increase will be temporary. Air quality issues under the alternatives were considered but dismissed from further analysis since emissions within the project area should be negligible and well below emission
standards and will not pose a threat to Class 1 or 2 areas, wildlife, vegetation or human health.

Financial/Political

Comment 24: The proposal is extremely expensive. Clear Creek Road funds are very limited and should be applied to obvious County road improvement needs for general public considerations of Clear Creek taxpayers, not a special interest recreational lobby.

Response: The County has selected the Project as a priority roads and safety project and has committed to building the improvements after the decision is issued. County residents voted for and approved a mill levy to accomplish this project. The project addresses overall traffic flow safety issues with the intent to benefit both motorists and cyclists. Further, the road is popular for scenic driving which can have a side benefit of bringing tourist money into Clear Creek county.