



COLORADO

Department of Transportation

Region 5

Traffic & Safety
3803 N. Main Avenue, Suite 100
Durango, CO 81301

June 4, 2018

BRO C320-004

22521

MONTEZUMA CO CRN ALKALI CRK BRO

VIA EMAIL

Mr Rob Englehart
Road and Bridge Superintendent
Montezuma County
renglehart@co.montezuma.co.us

RE: Scoping and Clearance Letter for the MONTEZUMA CO CRN ALKALI CRK BRO Project

Dear Mr Englehart:

Below is a description of the clearance requirements necessary for the proposed MONTEZUMA CO CRN ALKALI CRK BRO Project based upon the Scoping Meeting held on May 9, 2018. Scoping meeting attendees were:

Robert Shanks, CDOT R5 Local Agency Engineer
Rob Englehart, Montezuma County Road and Bridge Superintendent
James Dietrich, Montezuma County
Todd Johnston, CDOT Region 5 Survey Manager
Kevin Walters, CDOT Region 5 Utilities
Ryan Sullivan-Hope, CDOT Staff Bridge Engineer
Alan Hotchkiss, Yeh and Associates

Montezuma County was awarded Off-Systems Bridge design funds for the replacement of bridge structure 083000N01.80016, AKA County Road N over Alkali Canyon. The funding award is as follows:

FHWA Off-Systems Bridge Funds:	\$260,000
Montezuma County Matching Funds:	\$ 65,000
Total Design Phase Budget	\$325,000

All clearance work shall be conducted by qualified personnel.

Project Scope:

As currently funded the project involves design work to replace Montezuma County bridge structure 083000N01.80016 located on Montezuma County Road N approximately 1.5 miles west of US 491. The existing steel stringer / multi beam bridge was reportedly built in 1970. The bridge has a sufficiency rating of 47.6 based on an inspection conducted by CDOT's consultant inspector on 11/19/14. The bridge is considered structurally deficient.

Due to ample opportunities for alternate routes it will not be necessary to install a temporary bridge during construction.

The project will be designed and constructed to meet ADA, AASHTO and MUTCD requirements, as well as any other applicable design standards, including CDOT design and construction standards and policies.

Note that even though this project is federally funded, because it is on a “Local Road” it will be exempt from Davis Bacon wages during construction.

Changes to the scope of work may affect the clearance requirements. Please alert us as soon as possible to allow for the assessment and authorization of any changes in the character of the work.

2. Environmental Clearance Requirements:

Matt Muraro, Region 5 Environmental Specialist (970 385-1433) prepared the attached Categorical Exclusion Determination (Form 128) that identifies the required environmental clearances and permits to secure Federal funding for your project. All resource clearance reports shall be submitted to Matt Muraro and Robert Shanks for appropriate distribution to staff specialists and resource agencies where appropriate. Reports should not be submitted directly to the resource agencies (i.e. State Historic Preservation Office (SHPO), US Fish & Wildlife Service), except for the Wetland Determination which requires the US Army Corps of Engineers verification of boundaries and jurisdictional status to accompany the report.

Early coordination with the CDOT Region 5 Environmental Specialist is strongly encouraged to assure that appropriate issues are addressed within the environmental reports. A project scoping meeting was held on May 9, 2018 to determine which environmental clearances are applicable to the project scope. The environmental clearance reports listed in Section B, Clearance Actions, on the Form 128 must be completed and approved by FHWA prior to the acquisition of ROW. The reports should be completed in advance of the FIR level plan review whenever possible to allow incorporation of clearance conditions into the plans.

Prior to construction, environmental permits listed in Section C on the Form 128 must be obtained and additional environmental obligations need to be included in the plans and specifications. This must be completed prior to FHWA’s approval for advertisement of the project. Permit applications are typically submitted after the FOR level where plans are sufficiently developed to define impacts without major revisions.

Environmental Clearances

Hazardous Waste – A Modified Environmental Site Assessment (MESA) (i.e. Phase I Environmental Site Assessment) is required for this project based on the need for subsurface excavation, and the possible presence of lead based paint and asbestos containing materials. The report shall be prepared in accordance with the current ASTM/All Appropriate Inquiry (AAI) standards for Environmental Site Assessments but shall be modified to address worker safety, protection of water quality, potential presence of asbestos containing materials, heavy metal-based paint and final disposition containing hazardous materials. The potential presence of recognized environmental conditions may require the preparation of Standard Specifications (Section 250 Environmental Health and Safety Management) to direct the contractor’s work including pay items for monitoring and waste disposal. A Demolition Permit from the CDPHE Air Quality Unit will be required as part of the project. The County is responsible for conducting the bridge inspection for asbestos and lead based paint and any abatement and post-abatement surveys.

Threatened, Endangered, and Sensitive (TES) Species Report - The proposed project area should be assessed for *federal* and *state* listed Threatened, Endangered, Candidate, Proposed, and Special Concern species, including plants and fish species. CDOT requires a determination of effects and, where necessary, mitigation/conservation measures to avoid adverse effects on TES species. A “may affect” determination requires concurrence from the

US Fish and Wildlife Service whereas a “no effect” determination can be cleared by CDOT Specialists. The report should provide a list of species considered and the basis for affects determination including measures included in the project plans (e.g. seasonal restrictions, pre-construction surveys, and/or avoidance measures where appropriate) to reduce impacts to a “no effect” determination. Development of a potential species list should be conducted through informal consultation with the US Fish and Wildlife Service. Guidelines for preparing the assessment can be viewed on CDOT’s web page at:

<http://www.coloradodot.info/programs/environmental/wildlife>

For this project, construction restrictions may apply for Bald Eagles (roosting season from November 15 to March 15) under The Bald and Golden Eagle Protection Act. Compliance with the Migratory Bird Treaty Act (MBTA) shall also be addressed in the report. Removal of active nests is not permitted under MBTA and based on the likelihood of bird nests in the project area seasonal restrictions may be required. Nests may be removed outside the nesting season (April 1 through August 31) and hazing or netting may be required to restrict further nesting during active construction. Alternately, the construction can be conducted outside the nesting seasons. In addition, special protection should be given to raptors under MBTA according to CDOW buffer guidelines.

Wetland Determination - A Wetland Delineation Report is required that identifies the physical boundaries of wetlands and Waters of the US. The US Army Corps of Engineers (Corps) Minimum Standards for Wetland Delineations should be followed. The wetland boundaries should be overlaid on the Project Plans to quantify impacts associated with the proposed project. The Corps will verify wetland boundaries and determine jurisdictional status of the wetlands. A Section 404 Permit will be required for any discharge of dredge or fill material within wetlands or waters of the US. A Functional Assessment of Colorado Wetlands (FACWet) analysis must be included with all wetland finding reports for CDOT projects with permanent impacts of 0.10 acre or greater. It is recommended that a FACWet assessment be conducted at the time of the delineation if impacts are anticipated to be 0.10 or greater. Guidelines and forms for the Wetland Determination, Wetland Finding and FACWet are available at:

<http://www.coloradodot.info/programs/environmental/wetlands>

Cultural Resources (Archaeology, History, and Historic Bridge) – The proposed project area should be evaluated for prehistoric (archaeological) and historic resources that could be impacted during construction. Cultural resources should be evaluated for their eligibility on the National Register of Historic Places (NRHP) and whether the project directly or indirectly impacts the historic significance of these features. If eligible for the NRHP, impacts to the character and integrity of the structure for future listing shall be determined. Guidelines for preparing the assessment can be viewed on CDOT’s web page located at:

<http://www.coloradodot.info/programs/environmental/archaeology-and-history>

Specifically, Alkali Bridge should be included in the report and be documented using the Architectural Inventory Form linked below. This bridge structure has not been evaluated for eligibility at this time. If the bridge is determined to be eligible, the consultant will be required to work with the State Historic Preservation Office to determine the project’s effects, then review alternatives. The consultant will also be required to consult with local historic groups and undergo public comment. Replacement of an eligible historic structure will require the 4(f) process for historic properties and a Nationwide Programmatic Evaluation. It is highly recommended that the consultant contact the CDOT Historian early in the eligibility process to discuss the required documentation and Area of Potential Effects (APE). Architectural Inventory Forms are also available on the OAHP web site at:

<http://www.coloradohistory-oahp.org/crforms/crformsindex.htm>

Paleontology – The project will require a paleontological clearance based on the need for subsurface excavation and the presence of exposed bedrock adjacent to the project area. The project area shall be assessed by a State Permitted Paleontologist to determine whether prehistoric fossil records are likely to be present within the project area. If significant paleontological resources are present and being disturbed by the project; recording, salvage, or avoidance of these areas may be required. Guidelines for preparing the paleontological survey, records search, and report writing can be viewed on CDOT's web page located at:

<http://www.coloradodot.info/programs/environmental/paleontology>

Permits and Additional Requirements:

Section 404 Permits - A Section 404 permit authorization is required from the Corps for proposed activities requiring the discharge of dredge and fill within wetlands and other Waters of the US. The need for an Individual or Nationwide Permit will be based on the level of impacts to waters of the US. The above referenced Wetland Delineation, Cultural, and T&E Species Report are required components of the 404 Permit application. An authorized 404 Permit will include a Corps approved Compensatory Mitigation Plan which will be incorporated into the Project Plans. A 401 Water Quality Certification from the US Environmental Protection Agency (USEPA) may be required depending on the type of Section 404 Permit obtained for the project.

Stormwater Permit (NPDES) – Coverage under the Construction General Permit for Stormwater Discharges is required from the CDPHE (or EPA if within Tribal boundaries) if the anticipated disturbance greater than 1 acre. The Permit requires preparation of a Stormwater Management Plan (SWMP), implementation of best management practices throughout construction, regular inspections until reclamation of the disturbance is complete, and final permit inactivation.

Dewatering/Discharge Permit – Pumping of groundwater or surface water may require a Construction Dewatering or Minimal Discharge Permit from CDPHE. This may be the Contractor's responsibility if specific methods are not specified in the Project Plans. This section of the Alkali Creek is listed as a 303(d) segment with which has the potential to impact the monitoring and discharge requirements for this project.

SB-40 Division of Wildlife Certification – Senate Bill-40 (SB-40) is not applicable for this Project, however, SB-40 conditions do apply and will be incorporated into the Project Provisions.

Wetland Finding Report - If permanent wetland impacts (jurisdictional and non-jurisdictional) exceed 500 square feet or any combination of permanent and temporary wetland impact exceeds 1,000 square feet, a CDOT Wetland Finding Report is required by FHWA to address mitigation requirements. A Functional Assessment of Colorado Wetlands (FACWet) analysis must be included with all wetland finding reports for CDOT projects with permanent impacts of 0.10 acre or greater. The wetland finding report should include the FACWet data sheets and inclusion of the results in the decisions, whenever possible.

Demolition Permit - A demolition permit must be obtained from the CDPHE Asbestos Compliance Group for the demolition of a structure or structural. A structural component is defined by the CDPHE as the removal of any load supporting member of a facility. The area of the building or bridge to be demolished must be inspected for asbestos by a Colorado-certified asbestos inspector. Asbestos removal (if necessary) may have to be performed by a Colorado-certified General Abatement Contractor (GAC). Removal, in accordance with Regulation No. 8, Part B, is required if the amount of asbestos-containing material that is friable or will become friable during demolition exceeds the trigger levels. A Demolition Notification Application Form must be submitted to the CDPHE, even if no asbestos was found during the inspection, along with payment of a notification fee and a ten (10) working-day notification period that is required before the demolition can commence.

Floodplain Permit – Federal regulations require issuance of a floodplain permit for construction activities within the National Flood Insurance Program mapped 100-year floodplain boundaries. Copies of the permit and any special conditions are required by CDOT to administer project funds.

4(f) – 4(f) impacts will be assessed and coordinated by CDOT Staff. To facilitate this clearance, CDOT will request that the County, or the appropriate jurisdictional authority, issue a letter regarding the impacts.

Environmental Clearance of Advertisement Set: The CDOT Region Environmental Unit will provide a project clearance once the reporting and permit conditions are incorporated into the plans and specifications to assure compliance and payment for environmental obligations. To assist in this, the advertisement set of plans and specifications must be approved in writing by the individual responsible for the environmental reporting. This is to improve compliance with the clearance report and permit requirements. (For example, the person or company who drafted the Threatened and Endangered Species report shall review and approve the plans and specs to ensure that all TES requirements have been addressed.)

3. Hydraulic Clearance Requirements:

Hydraulic clearance will not be required for this project but a hydraulics report will be required as per the CDOT Bridge Design Manual and the design must provide for proper drainage. The CDOT Hydraulic Engineer will be part of the plan review process and will provide comments, as needed, to assist in this process.

Please contact **Walter Buckholts at 970-385-1445** for specific hydraulics questions.

4. ROW Requirements:

The County has indicated that county Rd N and the land occupied by the bridge is under a prescriptive right. Prescriptive rights are generally unacceptable for CDOT ROW Clearance. Preliminary indications are that ROW acquisition will be required prior to clearance for this project. All ROW must be acquired in accordance with the Uniform Act and CDOT requirements. All ROW acquisitions must be negotiated by right of way professionals or consultants that have been pre-approved by CDOT. **Do not initiate any property owner contacts regarding ROW without CDOT's consent.**

The Town will also be required to submit a written right of way (ROW) certification on the status of the right of way with a request for CDOT right of way clearance to **Ralph Campano, Region 5 Right of Way Manager (970-385-1434)** per Chapter 8, Section 12 of the CDOT ROW Manual (See 2006 Local Agency Manual Appendix B for examples). This Certification and subsequent CDOT right of way clearance is necessary before authorization to advertise for construction. If required, all right of way acquired for this project must be acquired in compliance with CDOT procedures (as stated in CDOT's Right of Way and Local Public Agency Manuals), state statutes and federal regulations (the Uniform Act).

If the final alignment of the facility is determined to require any ROW, **please contact this office immediately to discuss specific right of way acquisition requirements**, as further information will be needed. With prior CDOT approval, the acquisition of ROW may be done in the form of donations from property owners.

For specific ROW questions, please contact **Ralph Campano, CDOT LPA ROW Administrator, at 970-385-1434.**

5. CDOT Survey Requirements

Primary project control must be set by a Professional Land Surveyor (PLS). At least four (4) project control monuments must be set such they are intervisible and made of reasonably permanent material that will last through the life of the project. Horizontal coordinates can be established by static global positioning system (GPS) observations or closed traverse using conventional survey equipment (see CDOT Survey Manual). Real Time Kinematic (RTK) GPS will not be allowed for primary control. NAVD88 elevations on project control must be determined by differential leveling. NAVD88 datum may be brought on-site by means other than differential leveling (see CDOT Survey Manual).

Topography data tied to primary project control must be obtained by a PLS. The topography data must include plainmetric features such as fences, roads, driveways, utilities (overhead and underground), structures, etc and be sufficient for design/construction purposes. Limits of topography survey shall be as determined by Design Engineer.

Permanent ROW parcels and/or easements may need to be purchased for this project. Title commitments for impacted properties must be obtained. The PLS shall use title commitment information to determine existing ROW lines, property lines, and encumbrances. A ROW plat showing proposed parcels and easements shall be drafted. The ROW plat must conform to State deposit plat laws and will incorporate certain elements from standard CDOT ROW plans.

For specific Survey and ROW plat requirements, please contact **Todd Johnston (970) 385-1419**.

6. Utility Clearance Requirements:

All Utilities must be identified in the area of the project and any known utility conflicts or construction restrictions shall be satisfactorily resolved before advertisement for construction. The County will be required to coordinate the design with all utilities in the area. Utility companies should be kept apprised of the project and should be given the opportunity to comment on plans. It is encouraged that utilities, especially those impacted by the project, be encouraged to attend design reviews and be given an opportunity to comment on the proposed improvements. In order to be cleared to advertise, the County will be required to submit a written utility certification (See 2006 Local Agency Manual Appendix B for examples) on the status of utility relocations required for this project, as well as how these relocations are being paid for, to **Kevin Walters, Region 5 Utilities Engineer (970-385-1407)**. This information will be used to draft the utility project special provision.

7. CDOT Staff Bridge Requirements:

Design of the Bridge should in general follow the current CDOT Bridge Design Manual:

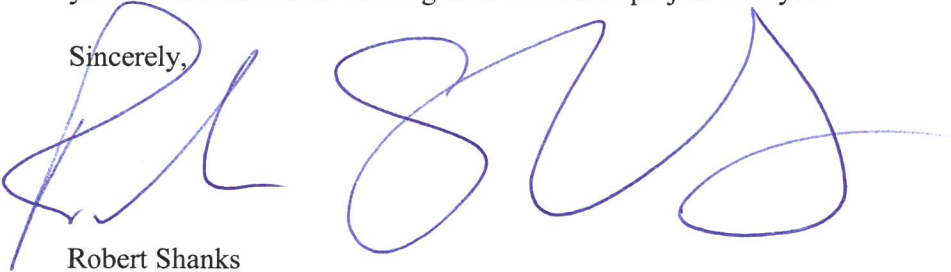
<https://www.codot.gov/library/bridge/bridge-manuals/bridge-design-manual/cdot-bridge-design-manual.pdf/view>

CDOT Staff Bridge will review project plans and specifications on an as-needed basis at each stage of plan development and will, at the Region's request review reports associated with the bridge design (Structure Selection Report, Hydraulics / Scour Report, Geotech Report etc.). There will be no official Staff Bridge Clearance for this project but any concerns from CDOT Staff Bridge personnel shall be addressed prior to CDOT and FHWA acceptance of the final design package.

Note that FHWA now requires that CDOT does a risk assessment for all local agency projects with monitoring and reporting throughout the project's performance period. I will be contacting you shortly to initiate this process.

Please contact me at 970-385-1416 if you have any questions regarding these requirements. We look forward to your submittals and to working on a successful project with you.

Sincerely,



Robert Shanks
CDOT Region 5 Off-Systems Engineer

Attachments:

Categorical Exclusion Determination (Form 128)

Xc:

James Dietrich
Ryan Sullivan Hope
Matt Muraro
Ralph Campano
Kevin Walters
Todd Johnston
Ed Archuleta
Alan Hotchkiss
Constan/File



Colorado Department of Transportation
NEPA DETERMINATION / PROJECT CERTIFICATION

A. PROJECT INFORMATION

Form:

Environmental Scoping Date: 5/9/18

Project #: BRO C320-004

Subaccount #: 22521

Related Subaccount #:

Project Name: MONTEZUMA CO CRN ALKALI CRK BRO Project

Project Description (and Location): Replace Montezuma County bridge structure 083000N01.80016 located on Montezuma County Road N approximately 1.5 miles west of US 491.

Region: 5

CDOT Program/Residency: Julie Constan

Environmental PM: Matt Muraro

FHWA Area Engineer: Edward Martinez

FHWA NEXUS ☒ Yes ☐ No

Other Federal NEXUS: ☐ Yes ☐ No

Project Lead:

☐ CDOT

☒ Local Agency

☐ Other

Class of Action:

☐ EIS/ROD

☐ EA/FONSI

☒ CatEx

Construction/Contracting Method:

☒ Design-Bid-Build

☐ Design Build

If CatEx, the project fits the following CE number:

☐ GM/GC

☐ Other:

B. THE NEPA PROCESS

Resource Clearances

Check Box Only if Impacted

Clearance Date

Air Quality (hot spot analysis) ☐

Noise ☐

Hazmat - ISA/MESA ☒

T&E and State Listed Species ☒

Wetland Delineation (Survey) ☒

Paleontology ☒

Archaeology ☒

History ☒

Section4(f) - Historic ☒

Section4(f) - Non-Historic ☐

Section6(f) ☐

Other: ☐

All required clearance actions indicated have been completed for the design plans referenced below. If Project is a Categorical Exclusion, no significant environmental impacts will result from this project. Construction is not authorized until approved in Part E below. Implementation of project shall include required mitigation commitments.

☒ Action meets requirements to be a Programmatic CatEx per the FHWA/CDOT Programmatic Agreement for Categorical Exclusions (FHWA signature below not required).

☐ This is an EA/FONSI or EIS/ROD. The Decision Document has already been signed by FHWA (FHWA signature below is not required).

Design Plan Set and Date: _____ / _____ / _____

RPEM Signature and Date: _____ / _____ / _____

FHWA Division Administrator Signature (if required)

I concur with the above category designation and the scope of environmental clearance/permits indicated above.

Signature and Date: _____ / _____ / _____

Revised Clearances

Revised Clearance date

Revised Clearance date

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All required clearance actions indicated have been completed for the design plans referenced below. If Project is a Categorical Exclusion, no significant environmental impacts will result from this project. Construction is not authorized until approved in Part E below. Implementation of project shall include required mitigation commitments.

FHWA signature is not required because:

☐ This is a Programmatic CatEx

☐ This is a Programmatic CatEx

☐ This is a Reevaluation of an EA/FONSI or EIS/ROD (1399 form has already been signed.)

☐ This is a Reevaluation of an EA/FONSI or EIS/ROD (1399 form has already been signed.)

FHWA Division Administrator Signature (if required)

I concur with the above category designation and the scope of environmental clearance/permits indicated above.

Signature and Date: _____ / _____ / _____

Comments:



Form: 01

D. Comments

<p>All clearance and permit requirements for this project have been addressed and mitigation included. The appropriate documentation is on file in the Region office.</p>		
<p>Clearance</p>	<p>Revised Clearance</p>	<p>Revised Clearance</p>
<p>Design Plan Set and Date: _____ / _____</p>	<p>_____ / _____</p>	<p>_____ / 5/9/18</p>
<p><input type="checkbox"/> Advertisement</p> <p><input type="checkbox"/> Advertisement & Construction</p> <p><input type="checkbox"/> Other: _____</p>	<p><input type="checkbox"/> Advertisement</p> <p><input type="checkbox"/> Advertisement & Construction</p> <p><input type="checkbox"/> Other: _____</p>	<p><input type="checkbox"/> Advertisement</p> <p><input type="checkbox"/> Advertisement & Construction</p> <p><input type="checkbox"/> Other: _____</p>
<p>RPEM Signature & Date: _____ / _____</p>	<p>_____ / _____</p>	<p>_____ / _____</p>
<p>Note to Project Manager: Any changes to the plans and specifications after the date of the RPEM signature in Part B that affect environmental impacts or mitigation must be approved by the RPEM.</p>		