



# TECHNICAL MEMORANDUM

<b>TO:</b>	The City of Westminster
<b>FROM:</b>	Paige Koutelas and Jody Glennon, Environmental Planning & Permitting
<b>RE:</b>	Preliminary Desktop Review and Regulatory Analysis of the City of Westminster's Westminster Water 2025 Preliminary Design Project and Associated Pipeline Routes
<b>DATE:</b>	February 23, 2021
<b>PROJECT #:</b>	019-1378

Olsson completed a preliminary desktop review (DTR) of environmental resource considerations for the City of Westminster's Westminster Water 2025 Preliminary Design Project and Associated Pipeline Routes (Project), along with a preliminary regulatory analysis. The Project is located in Township 2 South, Range 69 West, Sections 13, 14, 15, 22, 23, and 24 in Jefferson County, Colorado. The WTF site will be on private land and a small portion of City-owned land in abandoned agricultural fields. The results of our preliminary DTR and regulatory analysis are presented herein. Per Olsson's approved scope of services, this review excluded an on-site reconnaissance and review of air emissions and cultural and tribal resource considerations.

The Project will be designed and constructed to replace the City of Westminster's aging Semper Water Treatment Facility (WTF) by 2025 to provide high quality drinking water now and into the future for the City's service area. The Semper WTF is nearing the end of its planned lifecycle, therefore, the City is proactively planning for a new drinking WTF to meet the needs of current and future generations. The new WTF will use advanced technology to provide flexibility to be able to adapt to evolving regulatory standards, greater resiliency to address potential future water quality challenges, security to address future water supply needs through a phased approach to provide long-term treatment capacity, and opportunities for sustainability and environmental resource stewardship.

For this analysis, Olsson assumed the entire Project footprint will fall entirely in the City of Westminster and that all lands that will be impacted are privately or publicly owned (i.e., no State- or Federally-owned properties will be impacted).

Final design and siting, construction methods (e.g., trench, horizontal direction drill/bore, etc.) and timelines, and future operational and maintenance decisions will affect the results of this DTR and regulatory analysis. The information presented herein should be considered preliminary and be field

verified. The results of this analysis should also be updated as Project changes are made and design progresses. Olsson's analysis considered the proposed new WTF site and alternative 42-inch water pipeline routes with a 60-foot pipeline easement (approximately 30 feet on each side of the pipeline centerline), as presented on **Figure 1**. Future design related to parking, staging, and construction laydown areas, as well as any new temporary or permanent access roads will need to be assessed for environmental impacts and permitting triggers.

### **Overview**

The results of this DTR and regulatory analysis are based on the WTF site and associated alternative pipeline routes depicted in **Figure 1**. The source of the potential pipeline alignments shown was per hand marked-up maps provided by City of Westminster staff.

Spatial data searches were conducted on February 11, 2021, to evaluate the following resources:

- Waters of the United States (WOUS), Waters of the State, and Soils;
- Federal Emergency Management Agency (FEMA) 100-year floodplains in Jefferson County;
- Regulated species listed by the Federal Endangered Species Act (ESA) for Jefferson County;
- Wildlife Management and Special Recreation Areas; and
- Social Considerations.

Additionally, stormwater permitting requirements were assessed.

### **WOUS, Waters of the State, Soils, and FEMA Review**

Our review of WOUS, soils, and FEMA data was conducted for the purpose of this DTR and included an initial assessment of the following:

- Aerial imagery of the proposed WTF site and associated alternative pipeline routes;
- Natural Resources Conservation Service-Soil Survey & Hydric Soils (NRCS 2020);
- United States Fish and Wildlife Service (USFWS) National Wetlands Inventory (NWI) (USFWS 2020);
- FEMA 100-Year Floodplain Review;
- Division of Water Resources database (to confirm there are groundwater wells in the area); and
- Jefferson County 100-Year Floodplain Review (county responsible for mapping).

Note that the review of WOUS was conducted in accordance with the USACE Omaha District's current definition of WOUS outlined by the 2008 Rapanos guidelines. The definition of WOUS is subject to change because the Navigable Waters Protection Rule was recently approved in January 2020 but is not in effect yet due to pending lawsuits. A jurisdictional determination by the U.S. Army

Corps of Engineers (USACE) is recommended if potential wetlands or WOUS are expected to be impacted by the Project.

Aerial imagery depicts the WTF site in abandoned agricultural fields; the pipelines, depending on final alignment, may be constructed in developed/previously disturbed areas and along streams and ditches within those areas (**Figure 1**). A topographic map review corresponds with the aerial imagery and indicates the Project area is varied in slope direction, and in general, sloped towards the streams and canals located within the Project vicinity (**Figure 2**). The NWI data depict three potential WOUS with associated wetlands (Big Dry Creek, Niver Canal, and Allen Ditch) and two standalone wetlands within the Project area (**Figure 1**).

No surface Waters of the State outside of potential WOUS were identified within the Project area. The primary geologic formation in the Project Area is the Denver Formation, and is likely to contain the Denver aquifer, which is estimated at approximately 0-100 feet below the ground surface in the Project Area. After the Project is more defined, an assessment of groundwater wells in the Project area is recommended to determine if any short-term impacts to groundwater levels might be anticipated during construction or due to the final project configuration. If through Project design, construction, or operation there will be impacts to Waters of the State, such impacts will be disclosed in the basis of design report and appropriate review and approval may be required with CDPHE as discussed later in the CDPHE Permitting Section of this Technical Memorandum.

If wetlands and/or WOUS will be impacted by the Project, Section 404 permitting under the Clean Water Act (CWA) will be required through the USACE Omaha District. After March 15, 2021 (when the USACE's modified and reissued Section 404 Nationwide Permits [NWP] take effect), this Project may fall under an USACE NWP 58 for utility line activities for water and other substances, which has an impact limit of 0.50 acre. Pre-construction notification (PCN) is required for a NWP 58 if any of the following conditions are met:

- A Section 10 permit is required (Note: A Section 10 permit is not anticipated to be required for this Project because the proposed activities will not occur in a listed Navigable Water for the Omaha District); and/or
- Discharges that result in the loss of greater than 0.10 acre of WOUS.

Regional Conditions that also may be applicable to this Project and that will also require a PCN include:

- Utility line activities that involve the construction of new water diversions and intakes.
- Activities involving open trenching in perennial streams.
- Activities involving the discharge of dredged or fill material in peatlands.

If a PCN is required as described above, PCN (ENG Form 6082) for NWP 58 coverage will be requested from the USACE Omaha District to authorize impacts to wetlands and WOUS as a result

of the proposed Project activities. A PCN for the USACE Omaha District requires a wetland delineation and would require Section 7 consultation under the ESA and Section 106 consultation under the National Historic Preservation Act (NHPA) if threatened and endangered species habitat and/or cultural resources have the potential to occur or are found on site. NWPs are certified by State statute so no further information will need to be submitted to the State if this Project is authorized under a NWP. If impacts to wetlands or WOUS exceed 0.10 acre or 3/100<sup>th</sup> acre of stream bed, mitigation may be required.

If wetlands and/or WOUS impacts will be over 0.50 acre, an individual permit (IP) under the Clean Water Act will be required. An individual permit will also trigger a federal nexus and the permit application will require a wetland delineation and will require Section 7 consultation under the ESA and Section 106 consultation under the NHPA if threatened and endangered species habitat and/or cultural resources have the potential to occur or are found on site and/or along the pipeline route. In addition, an alternatives analysis and coordination with the USACE to determine the preferred alternative before Project construction ensues will be required. If an IP is required, the City of Westminster will also need to obtain CWA Section 401 Water Quality Certification from the Colorado Water Quality Control Division.

Olsson also reviewed the USACE's National Levee Database. No levees are documented within or near the Project area, and there are no levee systems within Jefferson County, Colorado.

A ditch crossing permit or license may be required for any crossing or encroachment of Allen Ditch; such permitting or licensing will need to be coordinated with the entity that owns or manages the ditch. Allen Ditch appears to be privately owned by J Anderson.

There may also be stormwater drainages/culverts located along roads within the Project area. These are not considered jurisdictional and will not require permitting with the USACE. A site visit is recommended to confirm NWI reported data and document the extent of Big Dry Creek, Niver Canal, and Allen Ditch in the Project area.

Portions of the alternative water pipeline routes are located within the FEMA regulated 100-year flood zone and, as such, if advanced, will require a City of Westminster Floodplain Development Permit. It does not appear that the new WTF site will be in the 100-year flood zone. To obtain a City of Westminster Floodplain Development Permit, plans showing the extent of the work in the floodplain and an analysis to demonstrate the impacts on the effective Base Flood Elevations (BFEs) must be submitted with the permit application. A no-rise certification supported by hydraulic analysis that demonstrates that the Project will not increase BFEs is also required. If no-rise cannot be demonstrated, a Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR) will be required.

Fifteen soil types were identified through the NRCS search within the Project area (**Figure 1**):

- 6, Arvada clay loam, 0 to 2 percent slopes;

- 43, Englewood clay loam, wet, 0 to 3 percent slopes;
- 44, Englewood-Urban land complex, 0 to 2 percent slopes;
- 80, Leyden-Primen-Standley cobbly clay loams, 15 to 50 percent slopes;
- 92, Manzanola clay loam, 5 to 9 percent slopes;
- 93, Manzanola clay loam, 9 to 15 percent slopes;
- 94, Manzanola clay loam, 15 to 25 percent slopes;
- 103, Nunn clay loam, 3 to 5 percent slopes;
- 105, Nunn-Urban land complex, 0 to 2 percent slopes;
- 106, Nunn-Urban land complex, 2 to 5 percent slopes;
- 112, Platner loam, 3 to 5 percent slopes;
- 132, Renohill loam, 5 to 9 percent slopes;
- 162, Ulm-Urban land complex, 3 to 5 percent slopes;
- 163, Ulm-Urban land complex, 5 to 9 percent slopes; and
- 78, Water.

Water is listed in the National Hydric Soils List for Jefferson County, Colorado (NRCS 2020). Hydric soils are seasonally or permanently saturated by water, resulting in anaerobic conditions (as found in wetlands). Special design considerations should be given when construction and development is proposed on or near hydric soils.

### **Regulated Species Review**

A review of species and their habitat was conducted on February 11, 2021, for the purpose of this DTR and regulatory analysis, and included an initial assessment of the following:

- Colorado Parks and Wildlife (CPW) Non-Disclosure Agreement (NDA) data (CPW 2021); and
- USFWS Information Planning and Consultation (IPaC) tool-generated list of federal-listed species (USFWS 2021).

A total of eight federally listed threatened, endangered, or candidate species are listed for Jefferson County, Colorado (see **Table 1** and **Attachment A**). Habitat for federally listed species was reviewed using the abovementioned spatial data. Critical habitat has been designated for five of the listed species potentially occurring in Jefferson County: Canada lynx (*Lynx canadensis*), Preble's meadow jumping mouse (*Zapus hudsonius preblei*), piping plover (*Charadrius melodus*), whooping crane (*Grus americana*), and Mexican spotted-owl (*Strix occidentalis lucida*). Critical habitat has not been designated by the USFWS for Ute ladies'-tresses (*Spiranthes diluvialis*), western prairie fringed

orchid (*Platanthera praeclara*), or pallid sturgeon (*Scaphirhynchus albus*). The Project area does not contain any mapped critical habitat for the aforementioned species.

Potential Ute ladies'-tresses habitat may exist within the Project area in wetland areas and along Big Dry Creek within the floodplain. Due to the urban nature of the Project area, the area does not likely contain suitable habitat for any of the other listed species with the potential to occur in Jefferson County. If the Project were to result in consumptive use of waters from the South Platte River basin, federally listed species associated with the South Platte River may be impacted by the Project. If the City of Westminster plans to utilize (i.e., consume) waters from the South Platte River basin for Project construction, operation, and/or maintenance, coordination with the USFWS will be required prior to construction. A Biological Assessment will likely need to be developed to address species of concern for the Project for the USFWS' consideration and opinion (i.e., Biological Opinion). Additionally, as described above, USACE Regional Conditions may apply for impacts to the South Platte River Basin.

Four state-listed species may be impacted by the Project: Brassy minnow (*Hybognathus hankinsoni*), Common shiner (*Luxilus cornutus*), Plains minnow (*Hybognathus placitus*), and Suckermouth minnow (*Phenacobius mirabilis*) (**Attachment B**). Because the Project area is within previously disturbed areas, no State-listed species have potential habitat within the Project area except for species that may be affected by Project impacts to the South Platte River basin.

<b>Table 1. Federal and State Listed Species and State Species of Concern with Potential Project Impacts Jefferson County, Colorado</b>			
<b>Species</b>	<b>Status</b>	<b>Habitat Requirements</b>	<b>Likelihood of Occurrence</b>
Piping plover <i>Charadrius melodus</i>	FT, ST	Prefer lakeshores and alkali wetlands in the northern Great Plains and Great Lakes.	Unlikely due to lack of suitable habitat. However, habitat may be affected if the South Platte River is impacted by the Project.
Whooping crane <i>Grus americana</i>	FE, SE	Prefer shallow, grassy wetlands with grasslands or scattered evergreens.	Unlikely due to lack of suitable habitat. However, habitat may be affected if the South Platte River is impacted by the Project.

**Table 1. Federal and State Listed Species and State Species of Concern with Potential Project Impacts  
Jefferson County, Colorado**

<b>Species</b>	<b>Status</b>	<b>Habitat Requirements</b>	<b>Likelihood of Occurrence</b>
Western prairie fringed orchid <i>Platanthera praeclara</i>	FT	Prefer undisturbed, wet tallgrass prairies and meadows.	Unlikely due to lack of suitable habitat. However, habitat may be affected if the South Platte River is impacted by the Project.
Pallid sturgeon <i>Scaphirhynchus albus</i>	FE	Prefer large, deep, turbid river channels with sand or gravel substrate.	Unlikely due to lack of suitable habitat. However, habitat may be affected if the South Platte River is impacted by the Project.
Least tern <i>Sterna antillarum</i>	SE	Prefer beaches, bays, large rivers, and salt flats.	Unlikely due to lack of suitable habitat. However, habitat may be affected if the South Platte River is impacted by the Project.
Brassy minnow <i>Hybognathus hankinsoni</i>	ST	Range includes the lower South Platte River; prefer stream channels and pools, back waters, and beaver ponds.	Unlikely due to lack of suitable habitat. However, habitat may be affected if the South Platte River is impacted by the Project.
Common shiner <i>Luxilus cornutus</i>	ST	Range includes South Platte River basin; prefer cool, clear streams with gravel substrates, little vegetation, and flowing water.	Unlikely due to lack of suitable habitat. However, habitat may be affected if the South Platte River is impacted by the Project.
Plains minnow <i>Hybognathus placitus</i>	SE	Range includes the South Platte River; prefer streams, oxbows, and ditches.	Unlikely due to lack of suitable habitat. However, habitat may be affected if the South Platte River is impacted by the Project.

<b>Table 1. Federal and State Listed Species and State Species of Concern with Potential Project Impacts Jefferson County, Colorado</b>			
<b>Species</b>	<b>Status</b>	<b>Habitat Requirements</b>	<b>Likelihood of Occurrence</b>
Suckermouth minnow <i>Phenacobius mirabilis</i>	SE	Range includes the lower South Platte River; prefer gravel riffles in clear to turbid creeks and rivers.	Unlikely due to lack of suitable habitat. However, habitat may be affected if the South Platte River is impacted by the Project.

CPW bald eagle and raptor nest data within a 0.5-mile buffer of the Project area were reviewed. The west portion of the Project area is within bald eagle summer forage, winter forage, and winter range areas and the east portion of the Project area is within a bald eagle roost site and winter range area. There are no CPW mapped bald eagle or raptor nests within a 0.5-mile buffer of the Project area. CPW recommends a 0.25-mile buffer for human encroachment for bald eagle winter night roosts between November 15 and March 15 if there is no direct line of sight between the roost and encroachment activities, and a 0.5-mile buffer for human encroachment for a bald eagle winter night roost if there is a direct line of sight between the roost and encroachment activities. If periodic visits are required within the buffer zone after development, activities should be restricted to the period between 10:00 AM and 2:00 PM between November 15 and March 15. There are no CPW recommended buffers or timing restrictions for bald eagle summer forage, winter forage, or winter range areas.

Based on the results of this DTR, the Project may have effects on potential Ute-ladies' tresses habitat and on a bald eagle roost site. An on-site investigation is recommended to assess potential Ute-ladies' tresses habitat. If potential habitat is observed and is expected to be impacted by the Project, coordination with the USFWS is recommended. If construction is scheduled to occur between November 15 and March 15 within a 0.5-mile buffer of the CPW mapped bald eagle roost site, roost site surveys are recommended to determine the activity of the roost. Additionally, an on-site investigation is recommended to determine the presence of migratory bird nests within the Project area one week prior to construction if construction is scheduled to occur within the nesting season (i.e., April 1 through August 31).

### **Wildlife Management Areas**

The proposed Project site falls within the Gilpin, Boulder, Clear Creek, and Jefferson Counties Game Management Unit (GMU). CPW specifies areas and times for which certain wildlife species may be taken in the GMU. If hunting is permitted on the Project site, the hunting must comply with the provisions of the GMU.



The Project area has open space abutting it and wildlife is expected to occur. To prevent impacts to wildlife, the City of Westminster should regularly inspect trenches and open areas for the presence of wildlife and cover all open trenches at the end of each workday during construction.

### **Special Recreation Areas**

The Project area for the pipelines may include Semper Open Space, Big Dry Creek Open Space, Wadsworth Wetlands Open Space, and Niver Canal Open Space designated by the City of Westminster, depending on the final pipeline alignment. Additionally, Hylands Creek Open Space and Hylands Pond Open Space abut the Project site to the east and would not be directly impacted by the Project.

### **Cultural Resources**

As mentioned previously, this DTR excluded a review of cultural resources. A separate cultural DTR was prepared to assess whether there will be direct and/or indirect effects to historic properties to help inform the Project design. If there is a federal nexus for the Project, Section 106 consultation will be required (36 Code of Federal Regulations [CFR] 800). This is the portion of the NHPA associated with federal undertakings, or undertakings that involve a project, activity, or program that is funded, licensed, permitted, or approved by a federal agency. The undertaking can occur on or off federal property. Section 106 requires federal agencies to consider the effects of their undertakings on historic properties and to allow the Advisory Council on Historic Preservation (ACHP) a reasonable opportunity to comment. It also requires federal agencies to consult with the respective State Historic Preservation Office (SHPO), Tribal Historic Preservation Offices (THPOs), Tribes, and Native Hawaiian Organizations (NHOs). Section 106 consultation will be triggered if a USACE PCN for a NWP or an IP is required.

### **Social Considerations**

The proposed WTF site will be constructed in abandoned agricultural fields. The pipelines, depending on final alignment, may be constructed in developed/previously disturbed areas and along streams and ditches within those areas. Potential social effects can be anticipated from the proposed Project as there could be impacts to open space areas, including the potential loss of recreational trails. Additionally, the construction of a WTF will impact the existing viewshed. Existing traffic patterns and traffic volumes will also be impacted from the construction of the Project, and subsequent operation and maintenance of the WTF and associated pipelines. Construction-related social impacts will be short term and temporary, lasting only during construction. Operational and maintenance related social impacts will be long term and permanent, lasting for the life of the Project.

### **Colorado Department of Public Health and Environment Permitting**

This Project will require a National Pollutant Discharge Elimination System (NPDES) Construction Stormwater Permit (COR400000) and development of a Project-specific Stormwater Management



Plan (SWMP) as the proposed disturbance will impact greater than one acre.

Depending on the construction methods utilized and final Project design, the Project could require coverage under a Construction Dewatering Discharge Permit (COG070000) (for uncontaminated source water or contaminated, by BTEX only, source water), and/or a Hydrostatic Testing (HST) Discharge Permit (COG604000), and/or a Water Treatment Plant Wastewater Discharge Permit.

As the Project configuration, including selected pipeline alignments, are identified, a desktop review and analysis of the potential to encounter groundwater contamination should be conducted to determine if coverage under COG070000 is possible or if remediation general permit (COG315000, for discharges to surface waters, or COG316000, for discharges to ground water) coverage will be required. The criteria which CDPHE uses to preliminarily make this determination is as noted in Table 2.

<b>Table 2. Criteria for Evaluating Potential Groundwater Contamination and Analytical Data Requirements</b>	
<b>Project Location Relative to a Source of Potential Groundwater Contamination</b>	<b>Analytical Data Likely to Be Required with the Permit Application</b>
Within 0.25 mile of an open Leaking Underground Storage Site	BTEX only
Within 0.5 mile of an open Voluntary Cleanup (VCUP) site	All parameters listed in Attachment 1 of the permit application ( <b>Attachment C</b> of this Technical Memorandum)
Within 0.5 mile of an Environmental Covenant	
Within 0.5 mile of an open Resource Conservation Recovery Act (RCRA) Corrective Action Site	
Within 1.0 mile or more of a Superfund site or a National Priorities List (NPL) with associated groundwater contamination	

Following the gathering of any analytical data required, if the results are greater than half the water quality standards for the analyzed parameters, then the discharge will need to be covered under the Remediation Discharges to Surface Water (COG315000) or Remediation Discharges to Ground Water (COG316000).

In addition, the treatment process and design of the WTF will require facility design approval by CDPHE to demonstrate compliance with CDPHE Water Quality Control Regulation 11, Colorado Primary Drinking Water Regulations. The City of Westminster has initiated discussions with CDPHE to understand potential data needs to be gathered during the preliminary design stage to support any



future variances to established drinking water design criteria. The team will continue to coordinate with CDPHE to discuss the basis of design report, plans, and specifications prior to submittal.

### **Road Crossings**

For portions of the Project footprint that will fall in Colorado Department of Transportation (CDOT) right-of-way (ROW) (e.g., U.S. Highway 36/Boulder Turnpike), a CDOT Utility/Special Use Permit will be required.

For portions of the Project footprint that will fall in City of Westminster ROW, a City ROW Permit will be required.

### **Railroad Crossings**

For crossings of Burlington Northern Santa Fe (BNSF) and/or Union Pacific Railroad (UPRR) tracks by the Project, a Pipeline Crossing and/or Longitudinal Agreement will need to be applied for and executed.

### **Phase I Environmental Site Assessment (ESA)**

A Phase I ESA prepared in accordance with the “All Appropriate Inquiry” standards set forth in 40 Code of Federal Regulations Part 312 and the “Standard Practice for Environmental Site Assessments: Phase I Environmental Site Assessment Process” described by the American Standard for Testing Materials Standard E 1527-13 was completed separate from this report to assess any Recognized Environmental Conditions for the WTF property site.

### **City of Westminster Permitting**

The most applicable City of Westminster processes that could apply to this Project include:

- Development Review;
- Building Permit;
- Engineering Construction Drawing Review (the City of Westminster Engineering Division oversees the ROW encroachment applications anticipated to be necessary for the expected easement and utility service updates); and
- Planning Permit (the City of Westminster Planning Division coordinates and approves all proposed land development; this division performs inspections and enforces development plans and processes).

### **Jefferson County Location and Extent Process (LEP)**

If any portion of the Project were to fall in unincorporated Jefferson County, the City of Westminster will likely be required to go through the LEP for Project approval from the County. The LEP was created to establish a review procedure for the location and extent of public buildings, facilities, or uses. The LEP must be completed by the government of the State of Colorado or any political



subdivision thereof, and by any public utility (whether publicly or privately owned), prior to: the authorization or construction of any road, park, or other public way, ground or space, public building or structure, or public utility; and the acceptance, widening, removal, extension, relocation, narrowing, vacation, abandonment, change of use, or sale, lease of, or acquisition of land for any road, park, or other public way, ground, place, property, or structure.

### **Disclosure**

This preliminary DTR and regulatory analysis was prepared using readily available existing and published data, and did not include coordination with any public agencies. *The City of Westminster should not rely solely on the mapped and reported data without field verification.* If the City of Westminster has questions about the DTR results presented herein, please contact Paige Koutelas at [pkoutelas@olsson.com](mailto:pkoutelas@olsson.com)/970.635.3724, or Jody Glennon at [jglennon@olsson.com](mailto:jglennon@olsson.com)/720.219.7767.

### **References Cited**

Colorado Parks and Wildlife (CPW). 2021. Non-Disclosure Agreement (NDA) data. Accessed February 2021.

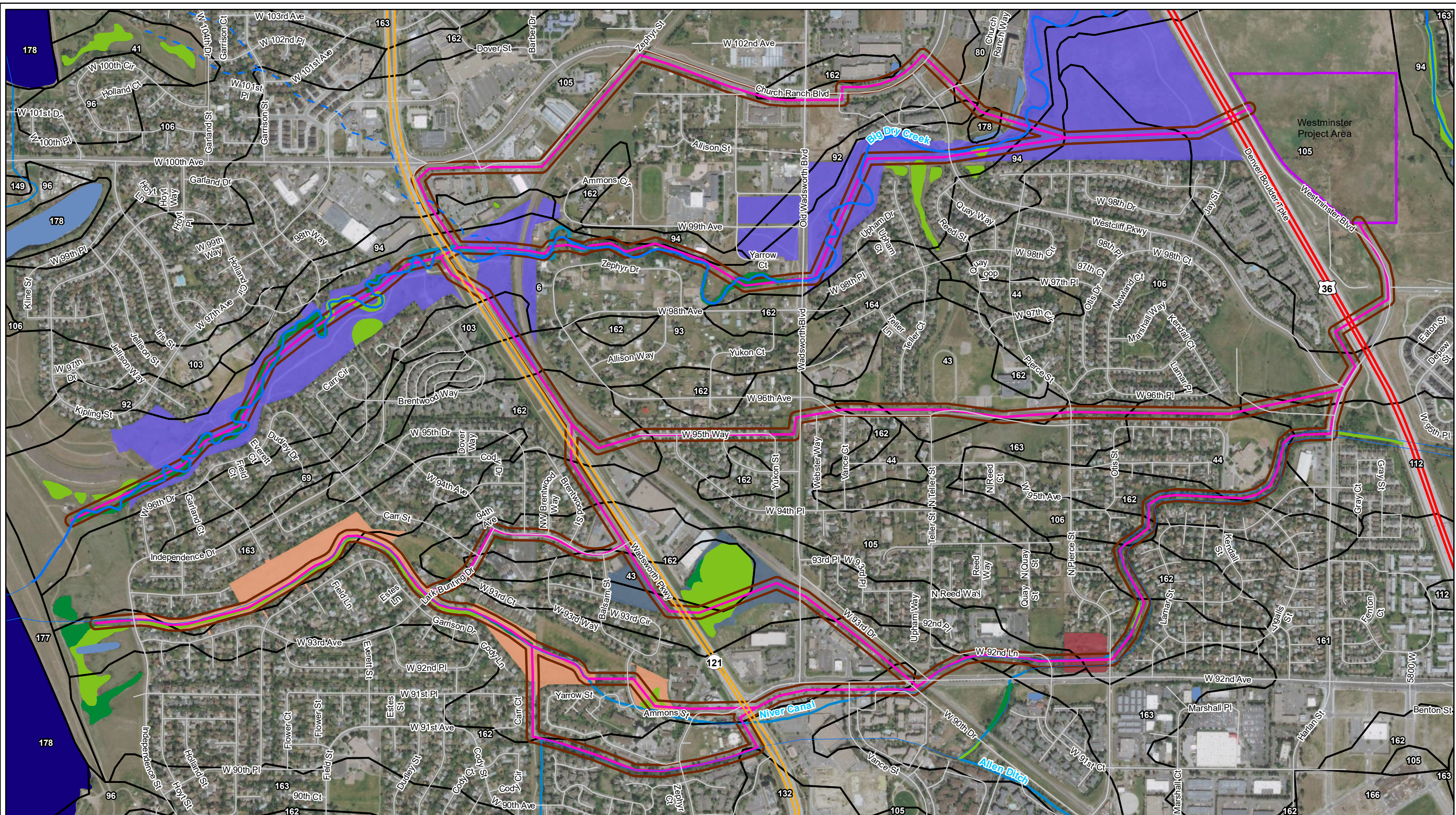
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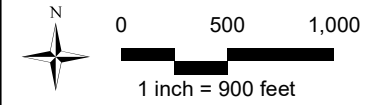
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## FIGURES

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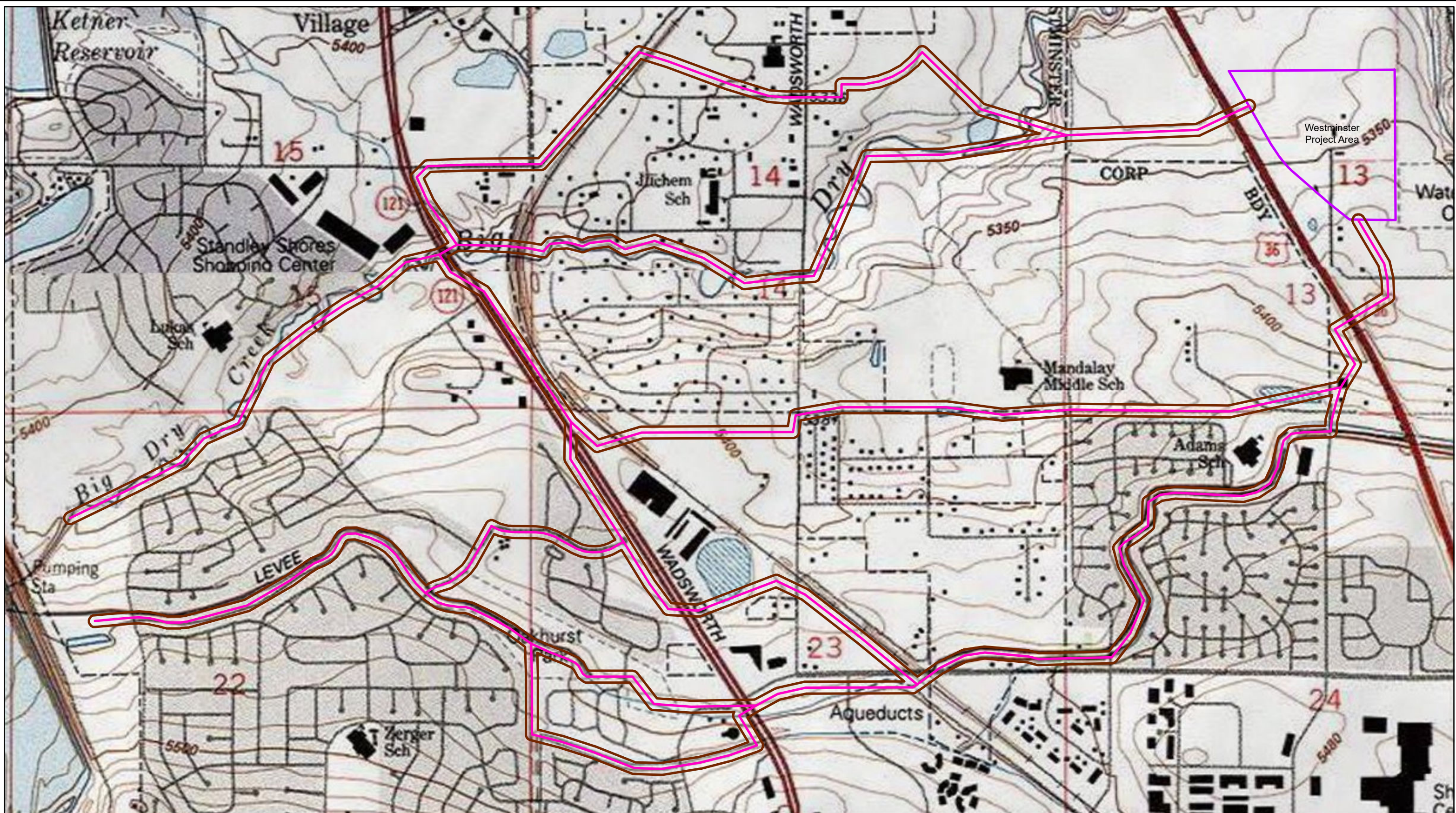


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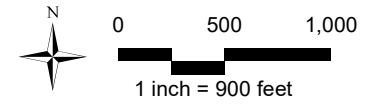
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|-------------------------|------------|---------------------|-----------------------------------|-------------------------------|
| Proposed 42" Water Line | US Hwy     | Intermittent Stream | Freshwater Forested/Shrub Wetland | Big Dry Creek Open Space      |
| 60' Pipeline Easement   | State Hwy  | Perennial Stream    | Freshwater Emergent Wetland       | Niver Canal Open Space        |
| Proposed WTP Site       | Local Road | Other Flowlines     | Freshwater Pond/Waterbody         | Semper Farm Open Space        |
| SSURGO Soils            |            |                     | Riverine Habitat                  | Wadsworth Wetlands Open Space |
|                         |            |                     | Deepwater Habitat                 |                               |

**Westminster Water 2025 Preliminary Design Project**  
 Westminster, Jefferson County, Colorado  
 Olsson Project # 019-1378  
**Aerial Planning Map**  
 Figure 1



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Data Source: ESRI - World Imagery



**olsson**

- Proposed 42" Water Line
- Proposed WTP Site
- 60' Pipeline Easement

**Westminister Water 2025 Preliminary Design Project**  
 Westminister, Jefferson County, Colorado  
 Olsson Project # 019-1378  
**Topographic Planning Map**  
 Figure 2

## **ATTACHMENT A**





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
Colorado Ecological Services Field Office  
Denver Federal Center  
P.O. Box 25486  
Denver, CO 80225-0486  
Phone: (303) 236-4773 Fax: (303) 236-4005  
<http://www.fws.gov/coloradoES>  
<http://www.fws.gov/platteriver>

In Reply Refer To:

February 11, 2021

Consultation Code: 06E24000-2020-SLI-0639

Event Code: 06E24000-2021-E-01241

Project Name: Westminster Water 2025 Preliminary Design Project and Associated Pipeline Routes

Subject: Updated list of threatened and endangered species that may occur in your proposed project location or may be affected by your proposed project

To Whom It May Concern:

The enclosed species list identifies threatened, endangered, proposed and candidate species, as well as proposed and final designated critical habitat, that may occur within the boundary of your proposed project and/or may be affected by your proposed project. The species list fulfills the requirements of the U.S. Fish and Wildlife Service (Service) under section 7(c) of the Endangered Species Act (Act) of 1973, as amended (16 U.S.C. 1531 *et seq.*).

New information based on updated surveys, changes in the abundance and distribution of species, changed habitat conditions, or other factors could change this list. Please feel free to contact us if you need more current information or assistance regarding the potential impacts to federally proposed, listed, and candidate species and federally designated and proposed critical habitat. Please note that under 50 CFR 402.12(e) of the regulations implementing section 7 of the Act, the accuracy of this species list should be verified after 90 days. This verification can be completed formally or informally as desired. The Service recommends that verification be completed by visiting the ECOS-IPaC website at regular intervals during project planning and implementation for updates to species lists and information. An updated list may be requested through the ECOS-IPaC system by completing the same process used to receive the enclosed list.

The purpose of the Act is to provide a means whereby threatened and endangered species and the ecosystems upon which they depend may be conserved. Under sections 7(a)(1) and 7(a)(2) of the Act and its implementing regulations (50 CFR 402 *et seq.*), Federal agencies are required to utilize their authorities to carry out programs for the conservation of threatened and endangered

species and to determine whether projects may affect threatened and endangered species and/or designated critical habitat.

A Biological Assessment is required for construction projects (or other undertakings having similar physical impacts) that are major Federal actions significantly affecting the quality of the human environment as defined in the National Environmental Policy Act (42 U.S.C. 4332(2)(c)). For projects other than major construction activities, the Service suggests that a biological evaluation similar to a Biological Assessment be prepared to determine whether the project may affect listed or proposed species and/or designated or proposed critical habitat. Recommended contents of a Biological Assessment are described at 50 CFR 402.12.

If a Federal agency determines, based on the Biological Assessment or biological evaluation, that listed species and/or designated critical habitat may be affected by the proposed project, the agency is required to consult with the Service pursuant to 50 CFR 402. In addition, the Service recommends that candidate species, proposed species and proposed critical habitat be addressed within the consultation. More information on the regulations and procedures for section 7 consultation, including the role of permit or license applicants, can be found in the "Endangered Species Consultation Handbook" at:

<http://www.fws.gov/endangered/esa-library/pdf/TOC-GLOS.PDF>

Please be aware that bald and golden eagles are protected under the Bald and Golden Eagle Protection Act (16 U.S.C. 668 *et seq.*), and projects affecting these species may require development of an eagle conservation plan ([http://www.fws.gov/windenergy/eagle\\_guidance.html](http://www.fws.gov/windenergy/eagle_guidance.html)). Additionally, wind energy projects should follow the wind energy guidelines (<http://www.fws.gov/windenergy/>) for minimizing impacts to migratory birds and bats.

Guidance for minimizing impacts to migratory birds for projects including communications towers (e.g., cellular, digital television, radio, and emergency broadcast) can be found at: <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/towers.htm>; <http://www.towerkill.com>; and <http://www.fws.gov/migratorybirds/CurrentBirdIssues/Hazards/towers/comtow.html>.

We appreciate your concern for threatened and endangered species. The Service encourages Federal agencies to include conservation of threatened and endangered species into their project planning to further the purposes of the Act. Please include the Consultation Tracking Number in the header of this letter with any request for consultation or correspondence about your project that you submit to our office.

Attachment(s):

- Official Species List
  - USFWS National Wildlife Refuges and Fish Hatcheries
  - Migratory Birds
  - Wetlands
-

## Official Species List

This list is provided pursuant to Section 7 of the Endangered Species Act, and fulfills the requirement for Federal agencies to "request of the Secretary of the Interior information whether any species which is listed or proposed to be listed may be present in the area of a proposed action".

This species list is provided by:

**Colorado Ecological Services Field Office**

Denver Federal Center  
P.O. Box 25486  
Denver, CO 80225-0486  
(303) 236-4773

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## Project Summary

Consultation Code: 06E24000-2020-SLI-0639

Event Code: 06E24000-2021-E-01241

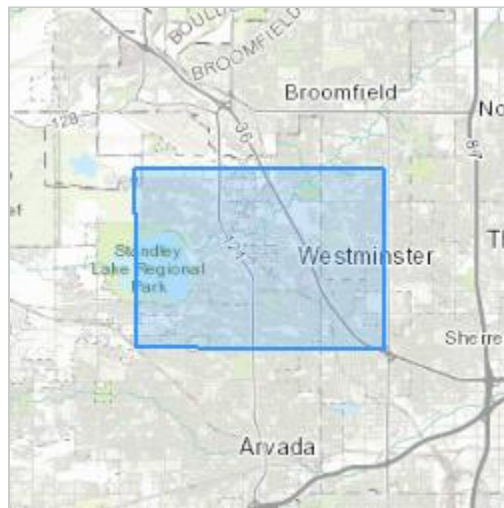
Project Name: Westminster Water 2025 Preliminary Design Project and Associated Pipeline Routes

Project Type: WATER SUPPLY / DELIVERY

Project Description: Proposed 42" water line and associated Water Treatment Facility.

Project Location:

Approximate location of the project can be viewed in Google Maps: <https://www.google.com/maps/@39.866922667585875,-105.07890564247157,14z>



Counties: Adams, Broomfield, and Jefferson counties, Colorado

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## Endangered Species Act Species

There is a total of 8 threatened, endangered, or candidate species on this species list.

Species on this list should be considered in an effects analysis for your project and could include species that exist in another geographic area. For example, certain fish may appear on the species list because a project could affect downstream species. Note that 4 of these species should be considered only under certain conditions.

IPaC does not display listed species or critical habitats under the sole jurisdiction of NOAA Fisheries<sup>1</sup>, as USFWS does not have the authority to speak on behalf of NOAA and the Department of Commerce.

See the "Critical habitats" section below for those critical habitats that lie wholly or partially within your project area under this office's jurisdiction. Please contact the designated FWS office if you have questions.

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1. [NOAA Fisheries](#), also known as the National Marine Fisheries Service (NMFS), is an office of the National Oceanic and Atmospheric Administration within the Department of Commerce.

## Mammals

NAME	STATUS
Canada Lynx <i>Lynx canadensis</i> Population: Wherever Found in Contiguous U.S. There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/3652">https://ecos.fws.gov/ecp/species/3652</a>	Threatened
Preble's Meadow Jumping Mouse <i>Zapus hudsonius preblei</i> There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/4090">https://ecos.fws.gov/ecp/species/4090</a>	Threatened

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## Birds

NAME	STATUS
<p>Mexican Spotted Owl <i>Strix occidentalis lucida</i></p> <p>There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. Species profile: <a href="https://ecos.fws.gov/ecp/species/8196">https://ecos.fws.gov/ecp/species/8196</a></p>	Threatened
<p>Piping Plover <i>Charadrius melodus</i></p> <p>Population: [Atlantic Coast and Northern Great Plains populations] - Wherever found, except those areas where listed as endangered. There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/6039">https://ecos.fws.gov/ecp/species/6039</a></p>	Threatened
<p>Whooping Crane <i>Grus americana</i></p> <p>Population: Wherever found, except where listed as an experimental population There is <b>final</b> critical habitat for this species. The location of the critical habitat is not available. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/758">https://ecos.fws.gov/ecp/species/758</a></p>	Endangered

## Fishes

NAME	STATUS
<p>Pallid Sturgeon <i>Scaphirhynchus albus</i></p> <p>No critical habitat has been designated for this species. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/7162">https://ecos.fws.gov/ecp/species/7162</a></p>	Endangered

## Flowering Plants

NAME	STATUS
<p>Ute Ladies'-tresses <i>Spiranthes diluvialis</i></p> <p>No critical habitat has been designated for this species. Species profile: <a href="https://ecos.fws.gov/ecp/species/2159">https://ecos.fws.gov/ecp/species/2159</a></p>	Threatened
<p>Western Prairie Fringed Orchid <i>Platanthera praeclara</i></p> <p>No critical habitat has been designated for this species. This species only needs to be considered under the following conditions:</p> <ul style="list-style-type: none"> <li>▪ Project includes water-related activities and/or use in the N. Platte, S. Platte, and Laramie River Basins which may affect listed species in Nebraska.</li> </ul> <p>Species profile: <a href="https://ecos.fws.gov/ecp/species/1669">https://ecos.fws.gov/ecp/species/1669</a></p>	Threatened

## Critical habitats

THERE ARE NO CRITICAL HABITATS WITHIN YOUR PROJECT AREA UNDER THIS OFFICE'S JURISDICTION.

## USFWS National Wildlife Refuge Lands And Fish Hatcheries

Any activity proposed on lands managed by the [National Wildlife Refuge](#) system must undergo a 'Compatibility Determination' conducted by the Refuge. Please contact the individual Refuges to discuss any questions or concerns.

The following FWS National Wildlife Refuge Lands and Fish Hatcheries lie fully or partially within your project area:

FACILITY NAME	ACRES
TWO PONDS NATIONAL WILDLIFE REFUGE <a href="https://www.fws.gov/refuges/profiles/index.cfm?id=61171">https://www.fws.gov/refuges/profiles/index.cfm?id=61171</a>	69.955

## Migratory Birds

Certain birds are protected under the Migratory Bird Treaty Act<sup>1</sup> and the Bald and Golden Eagle Protection Act<sup>2</sup>.

Any person or organization who plans or conducts activities that may result in impacts to migratory birds, eagles, and their habitats should follow appropriate regulations and consider implementing appropriate conservation measures, as described [below](#).

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1. The [Migratory Birds Treaty Act](#) of 1918.
  2. The [Bald and Golden Eagle Protection Act](#) of 1940.
  3. 50 C.F.R. Sec. 10.12 and 16 U.S.C. Sec. 668(a)

The birds listed below are birds of particular concern either because they occur on the [USFWS Birds of Conservation Concern](#) (BCC) list or warrant special attention in your project location. To learn more about the levels of concern for birds on your list and how this list is generated, see the FAQ [below](#). This is not a list of every bird you may find in this location, nor a guarantee that every bird on this list will be found in your project area. To see exact locations of where birders and the general public have sighted birds in and around your project area, visit the [E-bird data mapping tool](#) (Tip: enter your location, desired date range and a species on your list). For projects that occur off the Atlantic Coast, additional maps and models detailing the relative occurrence and abundance of bird species on your list are available. Links to additional information about Atlantic Coast birds, and other important information about your migratory bird list, including how to properly interpret and use your migratory bird report, can be found [below](#).

For guidance on when to schedule activities or implement avoidance and minimization measures to reduce impacts to migratory birds on your list, click on the PROBABILITY OF PRESENCE SUMMARY at the top of your list to see when these birds are most likely to be present and breeding in your project area.

NAME	BREEDING SEASON
Bald Eagle <i>Haliaeetus leucocephalus</i> This is not a Bird of Conservation Concern (BCC) in this area, but warrants attention because of the Eagle Act or for potential susceptibilities in offshore areas from certain types of development or activities. <a href="https://ecos.fws.gov/ecp/species/1626">https://ecos.fws.gov/ecp/species/1626</a>	Breeds Oct 15 to Jul 31
Burrowing Owl <i>Athene cunicularia</i> This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA <a href="https://ecos.fws.gov/ecp/species/9737">https://ecos.fws.gov/ecp/species/9737</a>	Breeds Mar 15 to Aug 31

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NAME	BREEDING SEASON
<p>Cassin's Sparrow <i>Aimophila cassinii</i>  This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA  <a href="https://ecos.fws.gov/ecp/species/9512">https://ecos.fws.gov/ecp/species/9512</a></p>	Breeds Aug 1 to Oct 10
<p>Chestnut-collared Longspur <i>Calcarius ornatus</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds May 1 to Aug 10
<p>Golden Eagle <i>Aquila chrysaetos</i>  This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA  <a href="https://ecos.fws.gov/ecp/species/1680">https://ecos.fws.gov/ecp/species/1680</a></p>	Breeds Jan 1 to Aug 31
<p>Lark Bunting <i>Calamospiza melanocorys</i>  This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA</p>	Breeds May 10 to Aug 15
<p>Lesser Yellowlegs <i>Tringa flavipes</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/9679">https://ecos.fws.gov/ecp/species/9679</a></p>	Breeds elsewhere
<p>Lewis's Woodpecker <i>Melanerpes lewis</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/9408">https://ecos.fws.gov/ecp/species/9408</a></p>	Breeds Apr 20 to Sep 30
<p>Mccown's Longspur <i>Calcarius mccownii</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/9292">https://ecos.fws.gov/ecp/species/9292</a></p>	Breeds May 1 to Aug 15
<p>Semipalmated Sandpiper <i>Calidris pusilla</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds elsewhere
<p>Sprague's Pipit <i>Anthus spragueii</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.  <a href="https://ecos.fws.gov/ecp/species/8964">https://ecos.fws.gov/ecp/species/8964</a></p>	Breeds elsewhere
<p>Willet <i>Tringa semipalmata</i>  This is a Bird of Conservation Concern (BCC) throughout its range in the continental USA and Alaska.</p>	Breeds Apr 20 to Aug 5
<p>Willow Flycatcher <i>Empidonax traillii</i>  This is a Bird of Conservation Concern (BCC) only in particular Bird Conservation Regions (BCRs) in the continental USA  <a href="https://ecos.fws.gov/ecp/species/3482">https://ecos.fws.gov/ecp/species/3482</a></p>	Breeds May 20 to Aug 31

## Probability Of Presence Summary

The graphs below provide our best understanding of when birds of concern are most likely to be present in your project area. This information can be used to tailor and schedule your project activities to avoid or minimize impacts to birds. Please make sure you read and understand the FAQ "Proper Interpretation and Use of Your Migratory Bird Report" before using or attempting to interpret this report.

### Probability of Presence (■)

Each green bar represents the bird's relative probability of presence in the 10km grid cell(s) your project overlaps during a particular week of the year. (A year is represented as 12 4-week months.) A taller bar indicates a higher probability of species presence. The survey effort (see below) can be used to establish a level of confidence in the presence score. One can have higher confidence in the presence score if the corresponding survey effort is also high.

How is the probability of presence score calculated? The calculation is done in three steps:

1. The probability of presence for each week is calculated as the number of survey events in the week where the species was detected divided by the total number of survey events for that week. For example, if in week 12 there were 20 survey events and the Spotted Towhee was found in 5 of them, the probability of presence of the Spotted Towhee in week 12 is 0.25.
2. To properly present the pattern of presence across the year, the relative probability of presence is calculated. This is the probability of presence divided by the maximum probability of presence across all weeks. For example, imagine the probability of presence in week 20 for the Spotted Towhee is 0.05, and that the probability of presence at week 12 (0.25) is the maximum of any week of the year. The relative probability of presence on week 12 is  $0.25/0.25 = 1$ ; at week 20 it is  $0.05/0.25 = 0.2$ .
3. The relative probability of presence calculated in the previous step undergoes a statistical conversion so that all possible values fall between 0 and 10, inclusive. This is the probability of presence score.

### Breeding Season (■)

Yellow bars denote a very liberal estimate of the time-frame inside which the bird breeds across its entire range. If there are no yellow bars shown for a bird, it does not breed in your project area.

### Survey Effort (|)

Vertical black lines superimposed on probability of presence bars indicate the number of surveys performed for that species in the 10km grid cell(s) your project area overlaps. The number of surveys is expressed as a range, for example, 33 to 64 surveys.

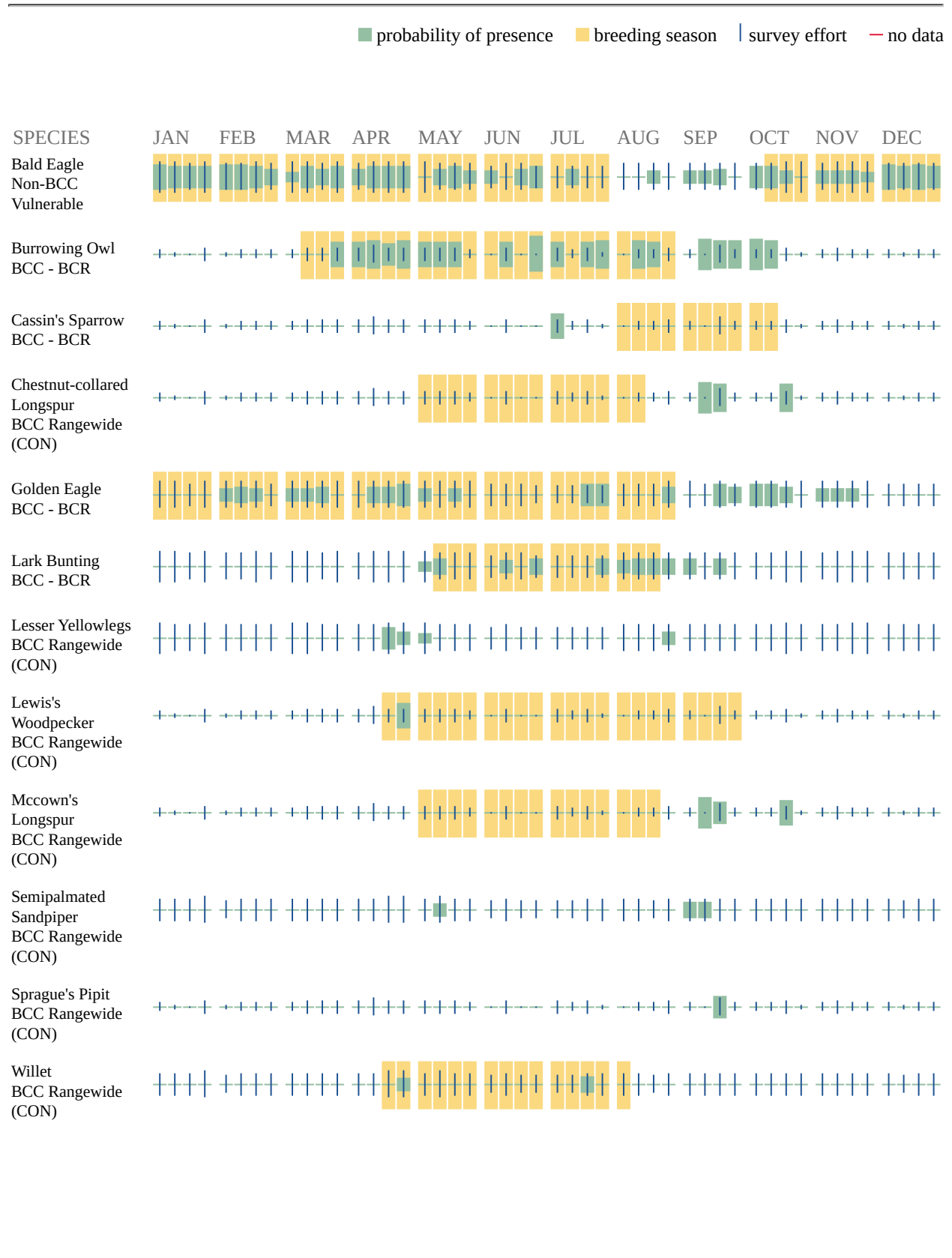
### No Data (—)

A week is marked as having no data if there were no survey events for that week.

### Survey Timeframe

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Surveys from only the last 10 years are used in order to ensure delivery of currently relevant information. The exception to this is areas off the Atlantic coast, where bird returns are based on all years of available data, since data in these areas is currently much more sparse.





Additional information can be found using the following links:

- Birds of Conservation Concern <http://www.fws.gov/birds/management/managed-species/birds-of-conservation-concern.php>
- Measures for avoiding and minimizing impacts to birds <http://www.fws.gov/birds/management/project-assessment-tools-and-guidance/conservation-measures.php>
- Nationwide conservation measures for birds <http://www.fws.gov/migratorybirds/pdf/management/nationwidestandardconservationmeasures.pdf>

## Migratory Birds FAQ

**Tell me more about conservation measures I can implement to avoid or minimize impacts to migratory birds.**

[Nationwide Conservation Measures](#) describes measures that can help avoid and minimize impacts to all birds at any location year round. Implementation of these measures is particularly important when birds are most likely to occur in the project area. When birds may be breeding in the area, identifying the locations of any active nests and avoiding their destruction is a very helpful impact minimization measure. To see when birds are most likely to occur and be breeding in your project area, view the Probability of Presence Summary. [Additional measures](#) or [permits](#) may be advisable depending on the type of activity you are conducting and the type of infrastructure or bird species present on your project site.

**What does IPaC use to generate the migratory birds potentially occurring in my specified location?**

The Migratory Bird Resource List is comprised of USFWS [Birds of Conservation Concern \(BCC\)](#) and other species that may warrant special attention in your project location.

The migratory bird list generated for your project is derived from data provided by the [Avian Knowledge Network \(AKN\)](#). The AKN data is based on a growing collection of [survey, banding, and citizen science datasets](#) and is queried and filtered to return a list of those birds reported as occurring in the 10km grid cell(s) which your project intersects, and that have been identified as warranting special attention because they are a BCC species in that area, an eagle ([Eagle Act](#) requirements may apply), or a species that has a particular vulnerability to offshore activities or development.

Again, the Migratory Bird Resource list includes only a subset of birds that may occur in your project area. It is not representative of all birds that may occur in your project area. To get a list of all birds potentially present in your project area, please visit the [AKN Phenology Tool](#).

**What does IPaC use to generate the probability of presence graphs for the migratory birds potentially occurring in my specified location?**

The probability of presence graphs associated with your migratory bird list are based on data provided by the [Avian Knowledge Network \(AKN\)](#). This data is derived from a growing collection of [survey, banding, and citizen science datasets](#).

Probability of presence data is continuously being updated as new and better information becomes available. To learn more about how the probability of presence graphs are produced and how to interpret them, go the Probability of Presence Summary and then click on the "Tell me about these graphs" link.

### **How do I know if a bird is breeding, wintering, migrating or present year-round in my project area?**

To see what part of a particular bird's range your project area falls within (i.e. breeding, wintering, migrating or year-round), you may refer to the following resources: [The Cornell Lab of Ornithology All About Birds Bird Guide](#), or (if you are unsuccessful in locating the bird of interest there), the [Cornell Lab of Ornithology Neotropical Birds guide](#). If a bird on your migratory bird species list has a breeding season associated with it, if that bird does occur in your project area, there may be nests present at some point within the timeframe specified. If "Breeds elsewhere" is indicated, then the bird likely does not breed in your project area.

### **What are the levels of concern for migratory birds?**

Migratory birds delivered through IPaC fall into the following distinct categories of concern:

1. "BCC Rangewide" birds are [Birds of Conservation Concern](#) (BCC) that are of concern throughout their range anywhere within the USA (including Hawaii, the Pacific Islands, Puerto Rico, and the Virgin Islands);
2. "BCC - BCR" birds are BCCs that are of concern only in particular Bird Conservation Regions (BCRs) in the continental USA; and
3. "Non-BCC - Vulnerable" birds are not BCC species in your project area, but appear on your list either because of the [Eagle Act](#) requirements (for eagles) or (for non-eagles) potential susceptibilities in offshore areas from certain types of development or activities (e.g. offshore energy development or longline fishing).

Although it is important to try to avoid and minimize impacts to all birds, efforts should be made, in particular, to avoid and minimize impacts to the birds on this list, especially eagles and BCC species of rangewide concern. For more information on conservation measures you can implement to help avoid and minimize migratory bird impacts and requirements for eagles, please see the FAQs for these topics.

### **Details about birds that are potentially affected by offshore projects**

For additional details about the relative occurrence and abundance of both individual bird species and groups of bird species within your project area off the Atlantic Coast, please visit the [Northeast Ocean Data Portal](#). The Portal also offers data and information about other taxa besides birds that may be helpful to you in your project review. Alternately, you may download the bird model results files underlying the portal maps through the [NOAA NCCOS Integrative Statistical Modeling and Predictive Mapping of Marine Bird Distributions and Abundance on the Atlantic Outer Continental Shelf](#) project webpage.

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Bird tracking data can also provide additional details about occurrence and habitat use throughout the year, including migration. Models relying on survey data may not include this information. For additional information on marine bird tracking data, see the [Diving Bird Study](#) and the [nanotag studies](#) or contact [Caleb Spiegel](#) or [Pam Loring](#).

**What if I have eagles on my list?**

If your project has the potential to disturb or kill eagles, you may need to [obtain a permit](#) to avoid violating the Eagle Act should such impacts occur.

**Proper Interpretation and Use of Your Migratory Bird Report**

The migratory bird list generated is not a list of all birds in your project area, only a subset of birds of priority concern. To learn more about how your list is generated, and see options for identifying what other birds may be in your project area, please see the FAQ "What does IPaC use to generate the migratory birds potentially occurring in my specified location". Please be aware this report provides the "probability of presence" of birds within the 10 km grid cell(s) that overlap your project; not your exact project footprint. On the graphs provided, please also look carefully at the survey effort (indicated by the black vertical bar) and for the existence of the "no data" indicator (a red horizontal bar). A high survey effort is the key component. If the survey effort is high, then the probability of presence score can be viewed as more dependable. In contrast, a low survey effort bar or no data bar means a lack of data and, therefore, a lack of certainty about presence of the species. This list is not perfect; it is simply a starting point for identifying what birds of concern have the potential to be in your project area, when they might be there, and if they might be breeding (which means nests might be present). The list helps you know what to look for to confirm presence, and helps guide you in knowing when to implement conservation measures to avoid or minimize potential impacts from your project activities, should presence be confirmed. To learn more about conservation measures, visit the FAQ "Tell me about conservation measures I can implement to avoid or minimize impacts to migratory birds" at the bottom of your migratory bird trust resources page.

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# Wetlands

Impacts to [NWI wetlands](#) and other aquatic habitats may be subject to regulation under Section 404 of the Clean Water Act, or other State/Federal statutes.

For more information please contact the Regulatory Program of the local [U.S. Army Corps of Engineers District](#).

Please note that the NWI data being shown may be out of date. We are currently working to update our NWI data set. We recommend you verify these results with a site visit to determine the actual extent of wetlands on site.

## LAKE

- [L1UBH](#)
- [L1UBHh](#)
- [L1UBHx](#)

## FRESHWATER POND

- [PABFx](#)
- [PABG](#)
- [PABGx](#)
- [PUBF](#)
- [PUBFx](#)
- [PUBG](#)
- [PUBGx](#)
- [PUSC](#)

## FRESHWATER EMERGENT WETLAND

- [PEM1A](#)
- [PEM1Ax](#)
- [PEM1C](#)
- [PEM1Ch](#)
- [PEM1Cx](#)
- [PEM1F](#)
- [PEM1Fx](#)

## FRESHWATER FORESTED/SHRUB WETLAND

- [PSS1A](#)
- [PSS1C](#)

## RIVERINE

- [R2UBG](#)
-

- [R4SBA](#)
  - [R4SBAx](#)
  - [R4SBC](#)
  - [R4SBCx](#)
  - [R5UBFx](#)
  - [R5UBH](#)
-



**ATTACHMENT B**

## COLORADO PARKS &amp; WILDLIFE



## Threatened and Endangered List

COMMON NAME	SCIENTIFIC NAME	STATUS*
<b>AMPHIBIANS</b>		
Boreal Toad	<i>Bufo boreas boreas</i>	SE
Couch's Spadefoot	<i>Scaphiopus couchii</i>	SC
Great Plains Narrowmouth Toad	<i>Gastrophryne olivacea</i>	SC
Northern Cricket Frog	<i>Acris crepitans</i>	SC
Northern Leopard Frog	<i>Rana pipiens</i>	SC
Plains Leopard Frog	<i>Rana blairi</i>	SC
Wood Frog	<i>Rana sylvatica</i>	SC
<b>BIRDS</b>		
American Peregrine Falcon	<i>Falco peregrinus anatum</i>	SC
Bald Eagle	<i>Haliaeetus leucocephalus</i>	SC
Burrowing Owl	<i>Athene cunicularia</i>	ST
Columbian Sharp-Tailed Grouse	<i>Tympanuchus phasianellus columbianus</i>	SC
Ferruginous Hawk	<i>Buteo regalis</i>	SC
Greater Sage Grouse	<i>Centrocercus urophasianus</i>	SC

Greater Sandhill Crane	<i>Grus canadensis tabida</i>	SC
Gunnison Sage-Grouse	<i>Centrocercus minimus</i>	FT, SC
Least Tern	<i>Sterna antillarum</i>	FE, SE
Lesser Prairie-Chicken	<i>Tympanuchus pallidicinctus</i>	ST
Long-Billed Curlew	<i>Numenius americanus</i>	SC
Mexican Spotted Owl	<i>Strix occidentalis lucida</i>	FT, ST
Mountain Plover	<i>Charadrius montanus</i>	SC
Plains Sharp-Tailed Grouse	<i>Tympanuchus phasianellus jamesii</i>	SE
Piping Plover	<i>Charadrius melodus circumcinctus</i>	FT, ST
Southwestern Willow Flycatcher	<i>Empidonax traillii extimus</i>	FE, SE
Western Snowy Plover	<i>Charadrius alexandrinus</i>	SC
Western Yellow-Billed Cuckoo	<i>Coccyzus americanus</i>	SC
Whooping Crane	<i>Grus americana</i>	FE, SE
<b>FISH</b>		
Arkansas Darter	<i>Etheostoma cragini</i>	ST
Bonytail	<i>Gila elegans</i>	FE, SE
Brassy Minnow	<i>Hybognathus hankinsoni</i>	ST
Colorado Pikeminnow	<i>Ptychocheilus lucius</i>	FE, ST
Colorado River Cutthroat Trout	<i>Oncorhynchus clarki pleuriticus</i>	SC
Colorado Roundtail Chub	<i>Gila robusta</i>	SC
Common Shiner	<i>Luxilus cornutus</i>	ST
Flathead Chub	<i>Platygobio gracilis</i>	SC

Greenback Cutthroat Trout	<i>Oncorhynchus clarki stomias</i>	FT, ST
Humpback Chub	<i>Gila cypha</i>	FE, ST
Iowa Darter	<i>Etheostoma exile</i>	SC
Lake Chub	<i>Couesius plumbeus</i>	SE
Mountain Sucker	<i>Catostomus playtrhynchus</i>	SC
Northern Redbelly Dace	<i>Phoxinus eos</i>	SE
Plains Minnow	<i>Hybognathus placitus</i>	SE
Plains Orangethroat Darter	<i>Etheostoma spectabile</i>	SC
Rio Grande Chub	<i>Gila pandora</i>	SC
Rio Grande Cutthroat Trout	<i>Oncorhynchus clarki virginalis</i>	SC
Rio Grande Sucker	<i>Catostomus plebeius</i>	SE
Razorback Sucker	<i>Xyrauchen texanus</i>	FE, SE
Southern Redbelly Dace	<i>Phoxinus erythrogaster</i>	SE
Stonecat	<i>Noturus flavus</i>	SC
Suckermouth Minnow	<i>Phenacobius mirabilis</i>	SE
<b>MAMMALS</b>		
Black-Footed Ferret	<i>Mustela nigripes</i>	FE, SE
Black-Tailed Prairie Dog	<i>Cynomys ludovicianus</i>	SC
Botta's Pocket Gopher	<i>Thomomys bottae rubidus</i>	SC
Gray Wolf	<i>Canis lupus</i>	FE, SE
Grizzly Bear	<i>Ursus arctos</i>	FT, SE
Kit Fox	<i>Vulpes macrotis</i>	SE

Lynx	<i>Lynx canadensis</i>	FT, SE
Northern Pocket Gopher	<i>Thomomys talpoides macrotis</i>	SC
Preble's Meadow Jumping Mouse	<i>Zapus hudsonius preblei</i>	FT, ST
River Otter	<i>Lontra canadensis</i>	ST
Swift fox	<i>Vulpes velox</i>	SC
Townsend's Big-Eared Bat	<i>Corynorhinus townsendii pallescens</i>	SC
Wolverine	<i>Gulo gulo</i>	SE
<b>REPTILES</b>		
Triploid Checkered Whiptail	<i>Cnemidophorus neotesselatus</i>	SC
Midget Faded Rattlesnake	<i>Crotalus viridis concolor</i>	SC
Longnose Leopard Lizard	<i>Gambelia wislizenii</i>	SC
Yellow Mud Turtle	<i>Kinosternon flavescens</i>	SC
Common King Snake	<i>Lampropeltis getula</i>	SC
Texas Blind Snake	<i>Leptotyphlops dulcis</i>	SC
Texas Horned Lizard	<i>Phrynosoma cornutum</i>	SC
Roundtail Horned Lizard	<i>Phrynosoma modestum</i>	SC
Massasauga	<i>Sistrurus catenatus</i>	SC
Common Garter Snake	<i>Thamnophis sirtalis</i>	SC
<b>MOLLUSKS</b>		
Rocky Mountain Capshell	<i>Acroloxus coloradensis</i>	SC
Cylindrical Papershell	<i>Anodontoides ferussacianus</i>	SC

## \*Status Codes

- FE = Federally Endangered
- FT = Federally Threatened
- SE = State Endangered
- ST = State Threatened
- SC = State Special Concern (not a statutory category)

## Resources

- [Species Profiles](#)

## Colorado's State Wildlife Action Plan (SWAP)



The approved [State Wildlife Action Plan](#) identifies priority species & habitats that need conservation efforts in the state, & potential conservation actions that can address threats these species & habitats face.

[>>Read More](#)

**ATTACHMENT C**



## Application Supplement for COLORADO DISCHARGE PERMIT SYSTEM (CDPS) General Permits:

- Construction Dewatering (COG070000)
- Remediation Activities Discharging To Surface Water (COG315000), or
- Remediation Activities Discharging To Groundwater (COG316000)

This combined permit application supplement is designed to streamline the application process for the three types of discharge permits listed above. An [Application Guidance Document](#) is available on the Water Quality Control Division website to help applicants complete the application and this application supplement, and to select the right permit coverage for their activity. Please note that **one** application is intended to cover **one** project and **one** type of permit. Where multiple projects or types of permits are required, please submit an appropriate number of permit applications.

The online application and this application supplement must be submitted to the division at least 30 days (for Construction Dewatering ) or 45 days (for Remediation) prior to the anticipated date of discharge, and must be considered complete by the division before the review and approval process begins. The division will notify the applicant if additional information is needed to complete the application. If more space is required to answer any question, please attach additional sheets to this application supplement form. **Applications must be submitted via the:**

[Colorado Environmental Online Services](#)

**IMPORTANT:** Please read the *Application Guidance Document* for this permit application prior to completing this application supplement. The *Guidance* provides specific and important instructions required for completing the application correctly.

### 1. PERMIT INFORMATION

Application is for the following discharge permit (select ONE). See Guidance.

- Construction Dewatering (COG070000)
- Remediation Activities Discharging to Surface Water (COG315000)
- Remediation Activities Discharging to Groundwater (COG316000)

*Note: This application supplement is designed for processing each of the three permit types listed above. The division may request additional characterization of the proposed discharge to ensure that the appropriate permit coverage is requested and the appropriate permit certification is issued. The division may deny or change the requested type of discharge permit after review of the submitted application and will notify the applicant of the changes. Coverage under the "Subterranean Dewatering or Well Development" General Permit COG6030000 is not available using this application supplement form.*

To complete the application process, you must:

- ✓ Sign in to the [Colorado Environmental Online Services](#) and fill out an application;
- ✓ Attach a location map(s) for outfalls to the online application that shows the location of the project/facility, the limits of the construction activity, the approximate location of the requested discharge points/outfalls, and the location of potential receiving water(s). If known, the map should also include the approximate location(s) where dewatering is to occur and the location of proposed BMPs to be used. A north arrow must be shown;
- ✓ Attach this completed application supplement to the online application; and
- ✓ Attach any additional information (e.g., source water analytical results, MSDS sheets for chemical additions) to the online application (as needed).





2. FACILITY INFORMATION

a) Facility Name: \_\_\_\_\_

3. DEWATERING AND DISCHARGE DESCRIPTION

Note: For discharges of uncontaminated groundwater to land, please review and consider the applicability of the division's [Low Risk Discharge Guidance: Discharges of Uncontaminated Groundwater to Land](#) before submitting a permit application to the division.

a) Is the dewatering and discharge in-stream? (The dewatering operation is considered in-stream where **all** dewatering activity is conducted within approximately the ordinary high water mark of the stream and/or on the bank of the stream and the discharge is back to the same water body.)

Yes \*       No

*\*If yes, you must provide a description of how your project meets this definition in the box below. If no description is provided, the work will not be considered in-stream. Please note that in-stream work activities may also require a separate Clean Water Act Section 404 Permit and Colorado 401 Certification.*

b) Will the project involve a temporary stream diversion (e.g., diversion channel, pump-around, piped diversion, coffer dam) to reroute water around the construction area?

Yes \*       No

*\*By checking yes, the applicant understands that temporary water diversions are not covered under the permit certification and may require coverage under a Clean Water Act Section 404 Permit. Only dewatering discharge outfalls associated with construction-related activities may be covered under the permit certification.*

c) Will dewatering be conducted in areas that involve work on (e.g., replacing, repairing, making connections to, etc...) existing sanitary sewer lines, conveyances, or vessels, or in proximity to septic disposal systems?

Yes       No

If yes, is there the potential that sewage or septage could be in the effluent to be discharged?

Yes       No \*

*\*If no, you must provide a description of the control measures that will be implemented to prevent sewage or septage from entering the discharge (use the box below). The division may add effluent limits for E. coli and/or Total Coliform if the applicant does not demonstrate that adequate measures will be in place.*



- d) Is the discharge to an impoundment?  Yes  No
- e) Upon completion of construction phase dewatering (if applicable), will there be long-term subterranean dewatering at the site (e.g. foundation, footer, toe drains, etc...)?  
 Yes\*  No

*\*If yes, note that construction phase dewatering and long-term subterranean dewatering cannot be covered under the same permit certification. A separate permit application must be submitted for long-term subterranean dewatering.*

#### 4. NEARBY SOURCES OF POTENTIAL GROUNDWATER CONTAMINATION

- a) Has the proposed dewatering area been reviewed for possible groundwater contamination, such as plumes from leaking underground storage tanks (LUSTs), hazardous waste sites, or additional sources other than what is normally encountered at excavation and construction sites? *Applicants are required to exercise due diligence in evaluating their project sites prior to applying for a discharge permit.*

Yes  No

- b) Is an open LUST located within one-quarter mile of the site?

Yes\*  No

*\*If yes, Benzene, Toluene, Ethylbenzene and Xylenes analytical data for a source water sample representative of the proposed discharge at the site must be included with the permit application. Failure to include this data may result in delays in processing the permit application until such data is submitted to the Division. See Guidance.*

- c) Is a Superfund site or National Priorities List (NLP) site located within one mile of the site?

Yes\*  No

*\*If yes, analytical data for all parameters shown in Attachment 1 of this application supplement (or an alternate list of constituents approved by the division) for a source water sample representative of the proposed discharge must be included with the permit application. Failure to include this data may result in delays in processing the permit application until such data is submitted to the Division. See Guidance.*

- d) Is any other (non-LUST, non-Superfund, non-NPL site) known source of contamination, such as a Voluntary Cleanup (VCUP), Environmental Covenant, open RCRA Corrective Action site, or brownfields site located within one-half mile of the site?

Yes\*  No

*\*If yes, analytical data for all parameters shown in Attachment 1 of this application supplement (or an alternate list of constituents approved by the division) for a source water sample representative of the proposed discharge must be included with the permit application. Failure to include this data may result in delays in processing the permit application until such data is submitted to the Division. See Guidance.*

- e) If known sources of contamination are located near the site, provide an overview of the source and nature of contamination in the box below, including:

- The nature of the contamination of the groundwater, alluvial water, stormwater, and/or surface water (the source water) for which treatment and/or remedial activities will occur,
- The primary industrial activities which resulted in the source water contamination,
- The source of the contamination (pipes, leaking underground storage tank, up gradient sources, etc.) or state "unknown."



## 5. ASSOCIATED PERMITS

- a) Does the applicant have a Stormwater Permit for Construction Activities?  YES  NO  PENDING

If Yes, Stormwater Construction Permit Number: COR-\_\_\_\_\_

- b) Does the applicant have a Clean Water Act Section 404 Permit?  YES  NO  PENDING

### Water Rights

The State Engineers Office (SEO) has indicated that any discharge that does not return water directly to surface waters (i.e. land application, rapid infiltration basins, etc.) has the potential for material injury to a water right. As a result, the SEO needs to determine that material injury to a water right will not occur from such activities. To make this judgment, the SEO requests that a copy of all documentation demonstrating that the requirements of Colorado water law have been met, be submitted to their office for review. The submittal should be made as soon as possible to the following address:

**Colorado Division of Water Resources • 1313 Sherman Street, Room 818 • Denver, Colorado 80203**

Should there be any questions on the issue of water rights; the SEO can be contacted at (303) 866-3581. It is important to understand that any CDPS permit issued by the division does not constitute a water right. Issuance of a CDPS permit does not negate the need to also have the necessary water rights in place. It is also important to understand that even if the activity has an existing CDPS permit, there is no guarantee that the proper water rights are in place.



## Attachment 1

Please Submit the Laboratory Data Package for any Required Analysis with the Permit Application  
(See Important Table Notes)

Required Water Quality Data			
<u>Metals</u>	<u>PQL (ug/l) <sup>1</sup></u>	<u>Metals</u>	<u>PQL (ug/l) <sup>1</sup></u>
Aluminum-Trec	15	Lead-PD	0.5
Antimony-Trec	2	Manganese-PD	2
Arsenic-Trec	1	Manganese-Diss	2
Arsenic-PD	1	Molybdenum-Trec	0.5
Barium-Trec	1	Nickel-Trec	1
Beryllium-Trec	2	Nickel-PD	1
Cadmium-Trec	0.5	Selenium-Trec	1
Cadmium-PD	0.5	Selenium-PD	1
Chromium III-Trec	20	Silver-Trec	0.5
Chromium III-PD	20	Silver-PD	0.5
Chromium VI-Diss	20	Thallium-Trec	0.5
Chromium-Trec	20	Thallium-PD	0.5
Copper-Trec	2	Uranium-PD	1
Copper-PD	2	Uranium-Trec	1
Iron-Trec	20	Zinc-Trec	10
Iron-Diss	20	Zinc-PD	10
Lead-Trec	0.5		
<u>Volatiles</u>	<u>PQL (ug/l) <sup>1</sup></u>	<u>Volatiles</u>	<u>PQL (ug/l) <sup>1</sup></u>
acrolein	15	ethylbenzene	75
benzene	3	methyl bromide	5
bromoform	3	methyl chloride	4.5
carbon tetrachloride	3	1,1,2,2-tetrachloroethane	2
chlorobenzene	60	tetrachloroethylene	2.3
chlorodibromomethane	3	toluene	60
2-chloroethylvinyl ether	0.65 *	1,2-trans-dichloroethylene	0.5 *
chloroform	3	1,1,1-trichloroethane	5
1,2-dichloroethane	3	1,1,2-trichloroethane	2.0
1,1-dichloroethylene	5	trichloroethylene	2.3
1,2-dichloropropane	2	vinyl chloride	3
1,3-dichloropropylene	2 *	1,4-Dioxane	0.15 *
<u>Semi-Volatile Organic Compounds</u>	<u>PQL (ug/l) <sup>1</sup></u>	<u>Semi-Volatile Organic Compounds</u>	<u>PQL (ug/l) <sup>1</sup></u>
acenaphthene	20	1,2-diphenylhydrazine (as azobenzene)	5 *
acenaphthylene	30	fluorene	20
anthracene	20	fluoranthene	25
benzidine	170	hexachlorobenzene	16
benzo(a)anthracene	12	hexachlorobutadiene	9
benzo(a)pyrene	20	hexachlorocyclopentadiene	50
benzo(b)fluoranthene	35	hexachloroethane	16
benzo(ghi)perylene	20	indeno(1,2,3-cd)pyrene	20
benzo(k)fluoranthene	25	isophorone	25
bis(2-chloroethyl)ether (or Dichloroethyl ether)	15	naphthalene	20
bis(2-chloroisopropyl)ether (or 2,2-dichloroisopropyl ether)	60	nitrobenzene	19
bis(2-ethylhexyl)phthalate	25	N-nitrosodimethylamine	30

<u>Semi-Volatile Organic Compounds</u>	<u>PQL (ug/l) <sup>1</sup></u>	<u>Semi-Volatile Organic Compounds</u>	<u>PQL (ug/l) <sup>1</sup></u>
Butyl benzyl phthalate	25	N-nitrosodi-n-propylamine	30
2-chloronaphthalene	20	N-nitrosodiphenylamine	19
chrysene	18	pyrene	10
dibenzo(a,h)anthracene	20	1,2,4-trichlorobenzene	20
1,2-dichlorobenzene	2.5	2-chlorophenol	35
1,3-dichlorobenzene	2.5	2,4-dichlorophenol	30
1,4-dichlorobenzene	3.5	2,4,-dimethylphenol	30
3,3-dichlorobenzidine	18	4,6-dinitro-o-cresol	17
diethyl phthalate	20	2,4-dinitrophenol	100
dimethyl phthalate	20	4-nitrophenol	25
di-n-butyl phthalate	25	pentachlorophenol	36
2,4-dinitrotoluene	17	phenol	15
2,6-dinitrotoluene	20	2,4,6-trichlorophenol	25
xylene	10 *	1,4-Dioxane	0.15 *

<sup>1</sup> PQLs are as listed in the division's Practical Quantitation Limits Policy (CW 6) unless noted otherwise.

\* This is a recommended PQL based on EPA approved methods. The division's Practical Quantitation Limits Policy (CW 6) does not provide a 40 CFR 136 based PQL for this parameter.

Trec = Total Recoverable

PD = Potentially Dissolved

Diss = Dissolved

PQL = Practical Quantitation Limit

#### Important table notes:

- 1) Please refer to the [Permit Application Guidance](#) to determine whether analytical data is required with the permit application, and if so, what specific type of data is required.
- 2) Parameter names match the names as they appear in the general permit or, as italicized, as they appear in the division's *Practical Quantitation Limits Policy (CW-6)*.
- 3) The division may require analytical data for additional parameters where the project site is located in close proximity to potential sources of contamination for parameters not included in this Attachment 1, including but not limited to pesticide, PCB, radionuclide contamination.
- 4) Applicants applying under the General Permit for Remediation Activities Discharging to Groundwater (COG316000) are encouraged to contact the division prior to sample collection to ensure that the correct metal speciation is included in the sample analysis.
- 5) For the permit application, all sampling should be performed according to specified methods in 40 CFR 136, methods approved by EPA pursuant to 40 CFR 136, or methods approved by the division in the absence of a method specified in or approved pursuant to 40 CFR 136. In addition, the PQLs listed in the table should be met unless otherwise approved by the division.