

APPENDIX E AGENCY COORDINATION

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United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
P.O. Box 25486, DFC (65412)
Denver, Colorado 80225-0486

IN REPLY REFER TO:

ES/CO: T&E/*Spiranthes*/Jefferson County

ES/CO: T&E/Preble's/Jefferson County

TAILS: 65412-2007-I-0246

02-05-07A11:35 RCVD

FEB - 1 2007

Jane Hann
Colorado Department of Transportation
2000 South Holly Street
Denver, Colorado 80222

Dear Ms. Hann:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed the Preble's meadow jumping mouse, *Zapus hudsonius preblei* (Preble's), Ute ladies'-tresses orchid, *Spiranthes diluvialis* (orchid), and Colorado butterfly plant, *Gaura neomexicana* ssp. *coloradensis* (butterfly plant) habitat survey report dated October 19, 2005, and received October 24, 2005, regarding the **Clear Creek between I-70 and McIntyre Street**, in Jefferson County, Colorado. The Colorado Department of Transportation (CDOT) is proposing to construct a multi-lane access road (tentatively named Cabela's Drive) and associated interchanges to connect 32nd Avenue just west of I-70 with State Highway 58 on the north. This activity will affect potential Preble's, orchid, and butterfly plant habitat. On November 1, 2005, we agreed with your finding that a population of Preble's is not likely to be present within the study area and that the impacts resulting from the proposed project were not likely to adversely affect the continued existence of the species. On November 10, 2005, we agreed that neither the orchid nor the butterfly plant are present within the study area and that the project is not likely to adversely affect the continued existence of these species.

On January 25, 2007, the Service received a request from you for an extension on the October and November 2005, clearances. Given that the project description has not changed since that time, the Service still finds your determination acceptable and agrees that these species will not likely be adversely affected by the project.

Please note that this clearance is valid for one year from the date of this letter. Should project plans change or if additional information regarding listed or proposed species becomes available, this determination may be reconsidered under the ESA. If the proposed project has not commenced within one year, please contact the Colorado Field Office to request an extension.

Ms. Jane Hann, Cabela's mouse, orchid, butterfly plant extension

Page 2

We appreciate your submitting this report to our office for review and comment. If the Service can be of further assistance, please contact Alison Deans Michael of my staff at (303) 236-4758.

Sincerely,



Susan C. Linner
Colorado Field Supervisor

pc: CDOT (J. Peterson).
Michael

Ref: Alison\H:\My Documents\CDOT 2005\Region 6\Cabela's\Cabelas mouse, orchid, bp extension.doc



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:
ES/CO: T&E/PMJM/other
Mail Stop 65412

NOV - 1 2005

Steve C. Johnson
Senior Ecologist
Natural Resource Services
P.O. Box 19332
Boulder, Colorado, 80308-2332

Dear Steve Johnson:

This responds to your report of October 14, 2005 requesting site disqualification under the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). The Service has reviewed the Preble's Meadow Jumping Mouse habitat evaluation for the I-70/32nd Avenue Interchange Study Area, City of Wheatridge, Jefferson County, Colorado.

Based on the information provided, the Service finds the report acceptable and agrees that a population of Preble's is not likely to be present within the subject area. The Service concludes that a project on this site should not have adverse affects to Preble's or Preble's habitat. Thus, this site is disqualified for consideration under provisions of the ESA.

Please note that this clearance is valid for one year from the date of this letter. Should additional information regarding listed or proposed species become available, this determination may be reconsidered under the ESA. If the project has not commenced within one year, please contact the Colorado Field Office to request a clearance extension.

If we can be of further assistance, please contact Adam Misztal of my staff at (303) 275-2377 or at email adam_misztal@fws.gov.

Sincerely,


Susan C. Linner
Colorado Field Supervisor

cc: Misztal
H:\Exclusion-NRS-Wheatridge.wpd



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:

ES/CO: T&E/*Spiranthes*/Jefferson County
Mail Stop 65412

NOV 10 2005

Steve Johnson
Natural Resources Services, Inc.
P.O. Box 19332
Boulder, Colorado 80308-2332

Dear Mr. Johnson,

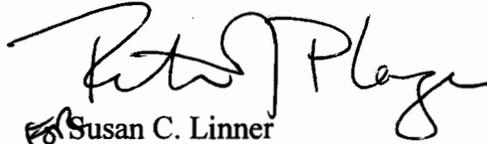
Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed your Ute ladies'-tresses orchid, *Spiranthes diluvialis* (orchid) and Colorado butterfly plant, *Gaura neomexicana* ssp. *coloradensis* (butterfly plant) survey report dated October 19, 2005, and received October 24, 2005. This report regards the **Clear Creek between I-70 and McIntyre Street** area in Jefferson County, Colorado. The Colorado Department of Transportation (CDOT) is proposing to construct a multi-lane access road (tentatively named Cabela's Drive) and associated interchanges to connect 32nd Avenue just west of I-70 with State Highway 58 on the north. This activity will affect potential orchid and butterfly plant habitat.

Given your survey of the area, the Service finds the report acceptable and agrees that neither the orchid nor the butterfly plant are present within the surveyed area. Thus, the Service concurs with the determination that the impacts resulting from the proposed project are not likely to adversely affect the continued existence of these species.

Please note that this clearance is valid for one year from the date of this letter. Should project plans change or if additional information on listed or proposed species becomes available, this determination may be reconsidered under the ESA. If the proposed project has not commenced within one year, please contact the Colorado Field Office to request an extension.

We appreciate your submitting this report to our office for review and comment. If the Service can be of further assistance, please contact Alison Deans Michael of my staff at (303) 275-2370.

Sincerely,

A handwritten signature in black ink, appearing to read "Susan C. Linner". The signature is fluid and cursive, with the first name "Susan" and last name "Linner" clearly visible.

 Susan C. Linner
Colorado Field Supervisor

pc: FWS, GJ (Ellen Mayo)
CDOT (Jane Hann, Jeff Peterson)
Michael

Ref: Alison\H:\My Documents\CDOT 2005\Region 6\Cabela's\Cabela's orchid & CBP.wpd