FINDING OF NO SIGNIFICANT IMPACT (FONSI)

FOR THE

DOWNTOWN ESTES LOOP PROJECT – PHASE 1

CO FLAP 34(1) & 36(1) MORAINE AVENUE AND RIVERSIDE DRIVE

TOWN OF ESTES PARK, CO

PREPARED BY:

U.S. DEPARTMENT OF TRANSPORTATION

FEDERAL HIGHWAY ADMINISTRATION

CENTRAL FEDERAL LANDS HIGHWAY DIVISION

LAKEWOOD, COLORADO

U.S. Department of Transportation
Federal Highway Administration
Central Federal Lands Highway Division

Finding of No Significant Impact

for the

Downtown Estes Loop Project – Phase 1 CO FLAP 34(1), 36(1), Moraine Avenue and Riverside Drive – Reconstruction and realignment of Riverside Drive, Town of Estes Park, Colorado

This Finding of No Significant Impact is submitted pursuant to:

42 U. S.C. 4332 (2)(c) and 49 U.S.C. 303

The Federal Highway Administration, Central Federal Lands Highway Division has determined that Phase 1 of the Downtown Estes Loop Project will have no significant impact on the human or natural environment. Principal areas of public controversy have been addressed, and there are no major unresolved issues outstanding. This finding is based on the attached Downtown Estes Loop Project (Roadway, Bridge and Channel/Floodplain Improvements) Environmental Assessment (Environmental Assessment); coordination with local and federal agencies; public involvement; and applicable laws, executive orders, and regulations. The Environmental Assessment, with revisions contained herein, accurately and adequately discusses the need, environmental issues, and impacts of the proposed Federal Highway Administration, Central Federal Lands Highway Division project and appropriate mitigation measures. It lists environmental commitments to be carried out by the FHWA in order to minimize unavoidable impacts. The Environmental Assessment provides sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. The Federal Highway Administration, Central Federal Lands Highway Division takes full responsibility for the accuracy, scope, and content of the following Environmental Assessment.

FHWA-CFLHD
Chief of Engineering

4/19/2017
Date

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LIST OF ACRONYMS AND ABBREVIATIONS

BMPs	Best Management Practices
CAQCC	Colorado Air Quality Control Commission
CDOT	Colorado Department of Transportation
CDPHE	Colorado Department of Public Health and Environment
CFLHD	Central Federal Lands Highway Division
CFR	Code of Federal Regulations
CWCB	Colorado Water Conservation Board
EA	Environmental Assessment
FEMA	Federal Emergency Management Agency
FHWA	Federal Highway Administration
FLAP	Federal Lands Access Program
FONSI	Finding of No Significant Impact
LWCF	Land and Water Conservation Fund
MBTA	Migratory Bird Treaty Act
mph	Miles Per Hour
NAC	Noise Abatement Criteria
NEPA	National Environmental Protection Act
NRHP	National Register of Historic Places
NPS	National Park Service
PDC	Program Decision Committee
RAMP	Responsible Acceleration of Maintenance and Partnerships
RMNP	Rocky Mountain National Park
SAFETEA-LU	Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users
SH	State Highway
SHPO	State Historic Preservation Office
SWMP	Stormwater Management Plan
USC	United States Code
USDOT	U.S. Department of Transportation
US 36	United States Highway 36

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A Federal agency may publish a notice in the Federal Register, pursuant to 23 USC §139(l), indicating that one or more Federal agencies have taken final action on permits, licenses, or approvals for a transportation project. If such notice is published, claims seeking judicial review of those Federal agency actions will be barred unless such claims are filed within 150 days after the date of publication of the notice, or within such shorter time period as is specified in the Federal laws pursuant to which judicial review of the Federal agency action is allowed. If no notice is published, then the periods of time that otherwise are provided by the Federal laws governing such claims will apply.

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1 INTRODUCTION

This Finding of No Significant Impact (FONSI) concerns the improvements of a 0.9 mile loop consisting of Elkhorn Avenue, Moraine Avenue, and Riverside Drives. These improvements consist of "Phase 1" of the proposed action analyzed in the 2016 Environmental Assessment (EA) for the Downtown Estes Loop Project. This document has been prepared in cooperation with CDOT and the Town of Estes Park.

Phase 1 involves the conversion of existing roadways from two-way to a 0.9 mile one-way loop through downtown Estes Park along portions of Elkhorn Avenue, Moraine Avenue, and Riverside Drive. Phase 1 includes pavement rehabilitation on Elkhorn and Moraine Avenues, realignment and reconstruction of Riverside Drive and reconstruction of the Ivy Street bridge.

This project originated through the Town's 2013 application for Federal Lands Access Program (FLAP) funds to explore a one-way couplet along Elkhorn Avenue, Moraine Avenue and Riverside Drive. Approximately $17.2 Million in funds were subsequently awarded through a combination of FLAP funds and CDOT RAMP (Responsible Acceleration of Maintenance and Partnerships). An EA was then initiated in the Fall of 2014. A multi-tiered screening process led to the decision to evaluate the environmental impacts of the No Action and the Proposed Action (One-Way Couplet) in the EA. The proposed action analyzed in the EA included Phase 1, as described above, and future unfunded improvements including reconstruction of the Rockwell and Riverside Bridges and future channel/floodplain improvements. A public meeting was held in March 2015 to present the alternatives analysis findings, followed by Town Board action in April 2015 to continue the EA process. Together, the three agency partners – Central Federal Lands Highway Division (CFLHD), Colorado Department of Transportation (CDOT), and the Town of Estes Park – are committed to delivering a project that helps alleviate congestion and improve overall connectivity between the Town and Rocky Mountain National Park (RMNP).

RMNP, located generally west of the Town of Estes Park in Colorado and managed by the National Park Service (NPS), provides 415 square miles of public recreation opportunities. In 2014, National Geographic named RMNP as one of its best trips in the world. In 2015, RMNP was the 3rd most visited national park in the U.S. based on annual visitation.

The EA analyzed the impacts of a No Action alternative and the Proposed Action (Phase 1 plus future unfunded phases). The future unfunded phases discussed in the EA do not have a funding source or anticipated dates for implementation; in addition these future phases are not included in this FONSI/NEPA decision document. The Downtown Estes Loop EA was released for public review and comment from July 5 through August 5, 2016. A public hearing for the project was held on July 20, 2016 at the Estes Park Events Center (1125 Rooftop Way). A transcript from the Public Hearing is included as Appendix A. Public comments received during the public comment period, along with responses to each comment, are included as Appendix B. Appendix C includes agency coordination since the release of the EA.

2 PURPOSE AND NEED

The project is needed to improve system management and reduce severe congestion of the existing roadway network for both motorized and non-motorized users accessing RMNP and for residents of and visitors to the Town of Estes Park. During the peak summer visitor season, traffic demand at the two main project intersections (Elkhorn/Moraine and Elkhorn/Riverside) used to access the RMNP Beaver Meadows entrance exceeds capacity, which contributes to extensive delay, safety concerns and community impacts.

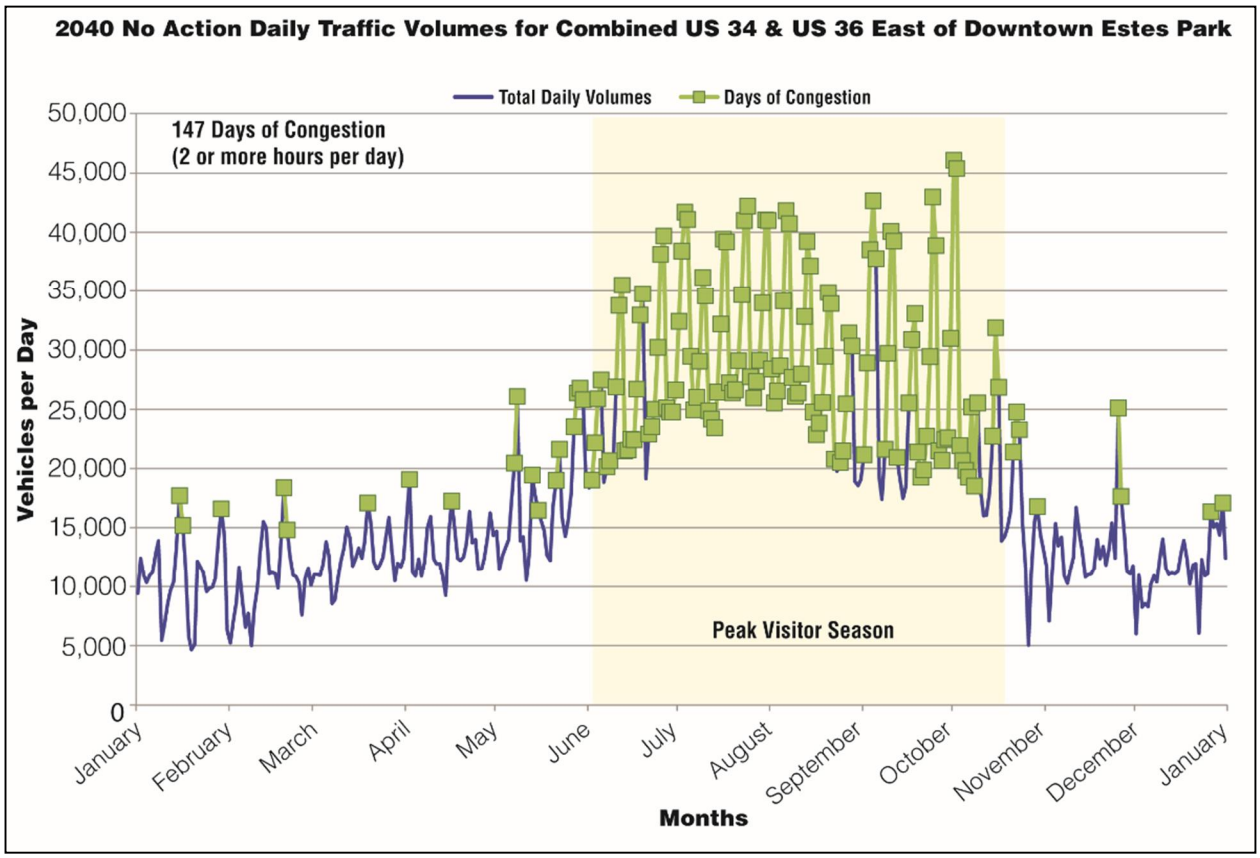
The purpose of the FLAP program, under which the project is primarily funded, is to improve access to Federal land. Projects that provide access to high use recreation sites or economic generators are given preference. The program intent is to provide improved access while maintaining environmental and economic viability of the adjacent communities. The purpose of this project is to improve access to and from RMNP by reducing travel time, congestion, and pedestrian/vehicle conflicts through Downtown Estes Park as well as the associated negative impacts to RMNP visitor and Town visitor and resident experience. The improvements will be developed in a context sensitive manner that will minimize environmental impacts, parking impacts, and support the Town's economic and recreational development objectives through improved guide signs and consideration of possible future projects.

The Federal Highway Administration (FHWA) specific needs addressed by the project include the following:

- For many years, travel into and out of downtown Estes Park combined with traffic to and from RMNP has created severe weekend congestion in downtown Estes Park for several months of the year. This congestion limits access to and from the park's highest use entrance (Beaver Meadows).
- Visitor experience along this corridor is diminished by the extreme congestion which causes increased vehicle/pedestrian conflicts and poor air quality in the business district and heavy delays to visitors of RMNP.
- In the future (2016 – 2040), anticipated traffic increases are expected to worsen delays and cause delays to occur on more days per year and for longer periods of time, as shown on Figure 1.
- In 2014, capacity was exceeded approximately 40 days per year for periods of 2 hours or more creating 262 hours of congestion on those 40 days.
- Traffic forecasts for 2040 indicate that capacity will be exceeded for two hours or more on approximately 147 days per year creating 1,189 hours of congestion on those 147 days.
- On high traffic days, the number of hours of severe congestion in a given day will increase as the peak demand is spread out during the day.
- In 2040, some of the days when congestion is predicted are not associated with peak visitor season. Congestion on these days is caused by growth forecasts in employment and housing. As a result, congestion in 2040 will also occur on weekdays and during off season weekends.

- Existing and future congestion at the Elkhorn/Riverside, Elkhorn/Moraine and Moraine/Crags intersections causes motor vehicle, bicycle and pedestrian safety concerns, restricts access, limits bus transit service efficiency, extends emergency response times for police, fire and ambulance services, and limits future economic growth in Estes Park and the surrounding area by discouraging travel when congestion is occurring or anticipated.

Figure 1: Future (2040) Daily Traffic Volumes for Combined US 34 and US 36 East of Downtown Estes Park (Estimated Days of Congestion in Downtown Estes Park)



Source: FHU
Note: In 2040, the performance of the US 34/US 36 intersection will also be a capacity constraint.

3 SELECTED ALTERNATIVE

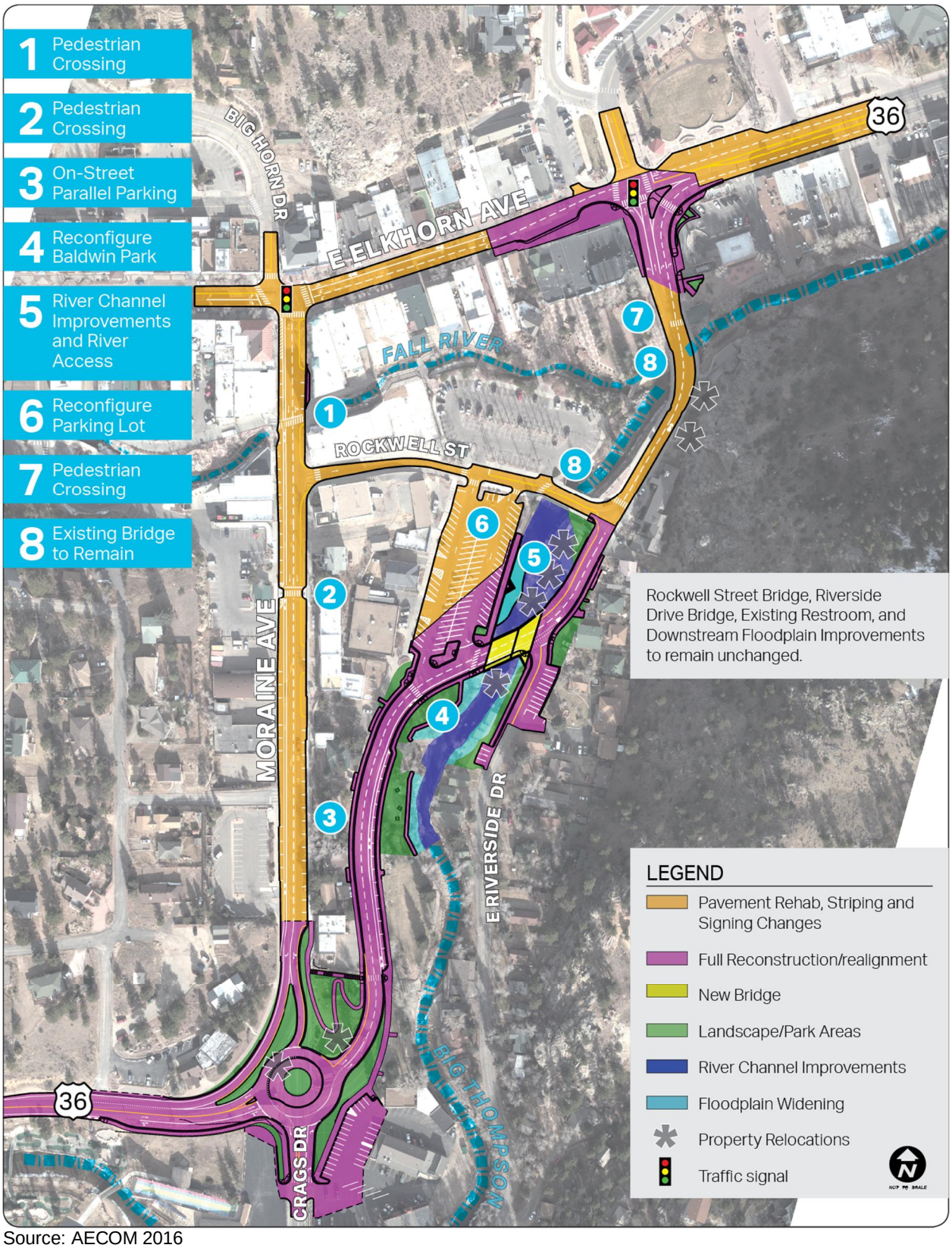
The selected alternative consists of the "Phase 1" improvements of the Proposed Action analyzed in the 2016 EA for the Downtown Estes Loop Project. The selected alternative (Phase 1) consists of the conversion of existing roadways from two-way to a 0.9 mile one-way loop through downtown Estes Park along portions of Elkhorn Avenue, Moraine Avenue, and Riverside Drive. Phase 1 includes pavement rehabilitation on Elkhorn and Moraine Avenues, realignment and reconstruction of Riverside Drive and reconstruction of the Ivy Street Bridge. New traffic signals would be added at the Elkhorn/Riverside and Elkhorn/Moraine intersections. New continuous pedestrian sidewalks, on street bike lanes and trail connection improvements would be installed. Directional and wayfinding signage along the corridors would be installed, as well as landscaping and park replacements. Phase 1 includes the roundabout option at the reconfigured Moraine/Crags/West Riverside Intersection (see Figure 2). The EA analyzed two intersection options in this location and CFLHD has determined that both the roundabout option and the signalized intersection option would result in no significant impacts; the roundabout configuration has been selected for reasons discussed in Chapter 4 of this document.

Phase 1 implementation includes:

- Pavement rehabilitation and signing/striping improvements along East Elkhorn Avenue and Moraine Avenue
- New signalized intersections at Elkhorn Avenue/East Riverside Drive/Virginia Drive and Elkhorn Avenue/Moraine Avenue/Big Horn Drive
- Reconstructed and reconfigured Moraine Avenue/Crags Drive/West Riverside Drive intersection to a new roundabout intersection
- Reconstruction and realignment of West Riverside Drive from the intersection of Moraine Avenue/Crags Drive/West Riverside Drive to 100 feet south of the East Riverside Drive/Rockwell Drive intersection
- Reconstruction of a new Ivy Street Bridge on the Riverside Drives alignment
- Channel and floodplain improvements downstream of Ivy Street to the existing Rockwell Street Bridge
- Pavement rehabilitation and signing/striping improvements along East Riverside Drive from 100 feet south of the East Riverside Drive/Rockwell Intersection to the Elkhorn Avenue/East Riverside Drive/Virginia Drive intersection
- Reconfigured and repaved Post Office Parking Lot
- Park replacements and enhancements along Baldwin Park and the Big Thompson River
- Full right-of-way acquisitions and relocations of the seven properties identified for full acquisition and relocation as described in the EA.

The Proposed Action analyzed in the EA included Phase 1, as described above, as well as future unfunded improvements including: reconstruction of the Rockwell and Riverside Bridges and future channel/floodplain improvements. These future unfunded improvements are not part of the selected alternative and are not covered by this FONSI. Phase 1 has logical termini, independent utility, and does not restrict consideration of alternatives for future phases and other foreseeable improvements.

Figure 2: Downtown Estes Loop Phase 1 Improvements



Source: AECOM 2016

4 CHANGES SINCE THE RELEASE OF THE EA

The following changes and/or revisions have occurred since the release of the EA on July 5, 2016. Anticipated differences in impacts and mitigation measures were disclosed in *Table 3.21-1: Summary of Impacts and Mitigation Measures* in the EA for Phase 1 and the full project (including future phases). *Table 2: Summary of Impacts and Mitigation Measures* (in Chapter 8 of this FONSI) presents the updated impacts and mitigation measures associated with Phase 1 of the project.

4.1 Moraine Avenue/Crags Drive/Riverside Drive Intersection Design

Two intersection options were evaluated in the EA and were found to have similar impacts to right-of-way, costs, and environmental resources. These two options included a signalized intersection option and a roundabout option. CFLHD, in cooperation with the Town of Estes and CDOT, selected the roundabout configuration based on technical review and community input as part of the EA. It was determined that the roundabout option provides improved operational benefits compared to the signalized option when approach delay and queuing lengths are compared. However, it should be noted that CFLHD has determined that there would be no significant impacts under the signalized option or the roundabout option, as both would require the same amount of right-of-way to implement and both would have similar environmental impacts.

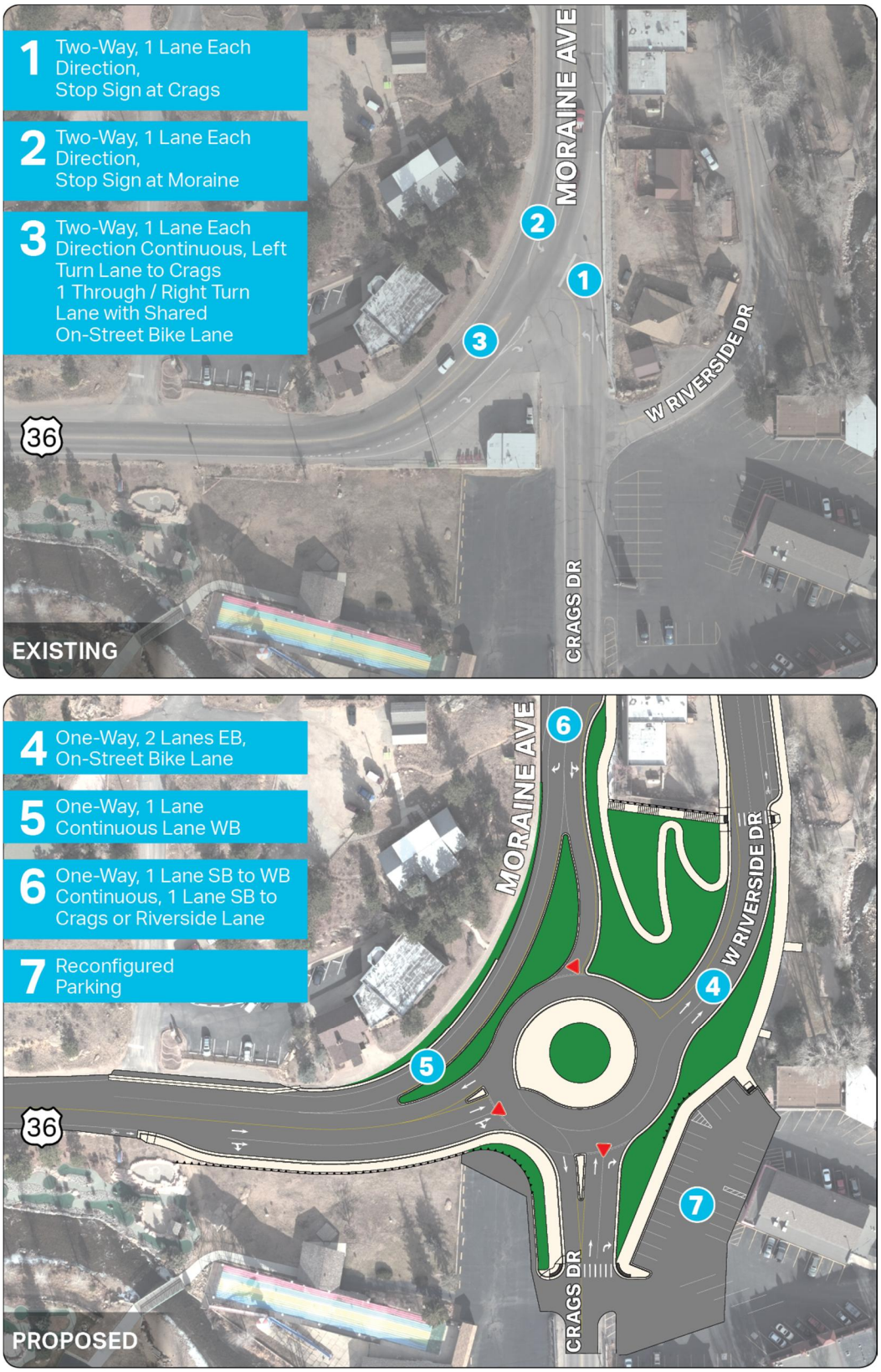
During the EA comment period, pedestrians and cyclists raised safety concerns about roundabouts, including the needs of visually impaired pedestrians, as the intersections do not include pedestrian-only signals at any of the legs of the intersection. Compared to other types of intersections, research has shown roundabouts to improve safety as they provide a 90% reduction in fatalities, a 76% reduction in injuries, and a 35% reduction in the overall number of crashes, as head-on and high-speed right angle collisions are virtually eliminated. Three factors that lead to improved safety including:

- Fewer conflict points – A single lane roundabout has 50% fewer pedestrian-vehicle conflict points than a comparable stop or signal controlled intersection. Conflicts between bicycles and vehicles are reduced as well.
- Shorter crossings set back from roundabout – Pedestrians cross a shorter distance of only one direction of traffic at a time since the entering and exiting flows are separated. Drivers focus on pedestrians apart from entering, circulating and exiting maneuvers.
- Lower speeds at intersection – Traffic speed at any road or intersection is vitally important to the safety of everyone, and especially non-motorized users. Lower speed is associated with better yielding rates, reduced vehicle stopping distance, and lower risk of collision injury or fatality. Also, the speed of traffic through a roundabout is more consistent with comfortable bicycle riding speed.

Roundabouts also reduce congestion (as they are efficient during both peak periods and during other times throughout the day) and reduce pollution and fuel use (with fewer stops and hard accelerations and less time idling). The proposed roundabout at the Moraine/Crags/Riverside intersection in Estes Park would be single lane and would separate the most dominant travel movement from the intersection altogether (southbound Moraine continuing on to the west from

this intersection). Both of these design features add to the overall safety of the roundabout design. Figure 3 shows the proposed Moraine/Crags/Riverside roundabout configuration.

Figure 3: Existing and Proposed Moraine Avenue/Riverside Drive/Crags Drive (Roundabout Option)



4.2 Construction Timeline

The total available funding for this project is $17.2M. The majority of funds ($13M) will be allocated through the FLAP administered by the CFLHD. This project was selected for inclusion in FLAP in 2013.

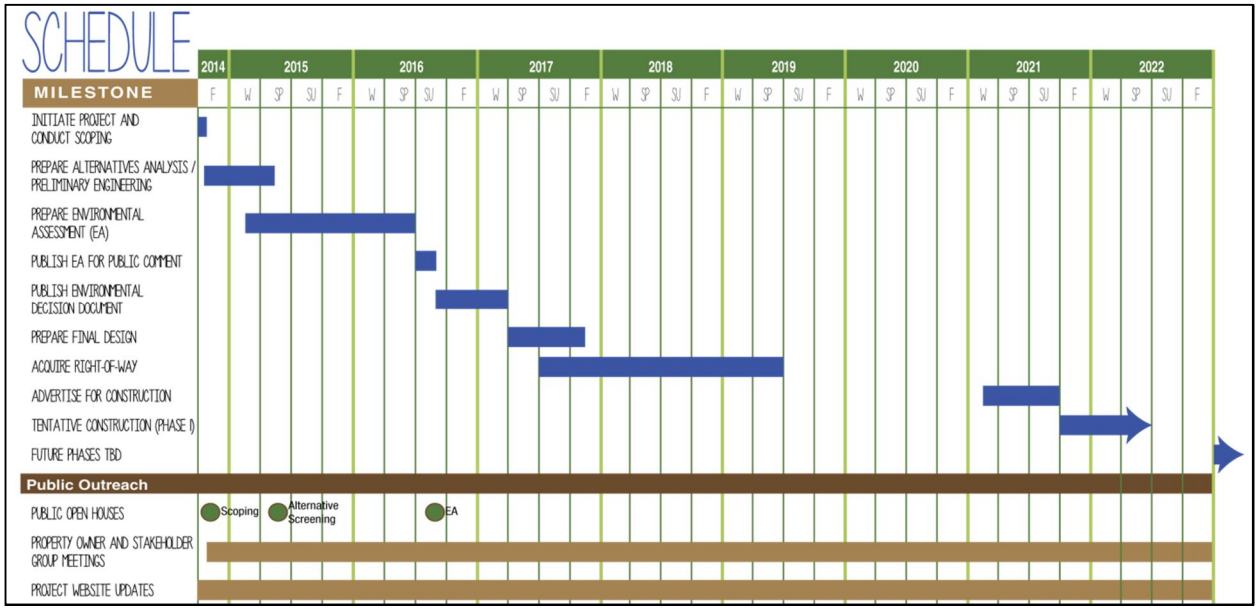
Section 2.6 (Project Implementation) of the EA described the minimum components of Phase 1 implementation. It stated that based on available funding, Phase 1 construction would begin after right-of-way acquisition is complete. The anticipated begin date for construction of Phase 1 was stated as the fall of 2017 or 2018, depending on the final design schedule and property acquisition duration. This assumed that monies would be available from the FLAP program beginning in 2018.

Due to the recent delay in project documentation, the Colorado FLAP Program Decision Committee (PDC), which selects projects for funding, delayed the funding for construction of this project from 2018 to 2021. This action was made so that currently available funds could be directed to other FLAP projects with a higher likelihood of near term advancement and successful completion. The Town was made aware of this action in October of 2016.

Based on the new timeline of fall of 2021 for construction, the following activities are anticipated to occur following issuance of this FONSI:

1. Spring-Summer of 2017: Complete Phase 1 final design.
2. Summer 2017-Spring 2019: Acquire right-of-way necessary to construct the project. This will help to alleviate uncertainty for property owners that need to be acquired.
3. Winter of 2021: Advertise the project for construction bids and award the project.
4. Late Summer/Fall 2021: Initiate construction of Phase 1. Phase 1 construction is anticipated to be 9-12 months.

These dates are subject to change as project activities proceed. Updates to the public will be made over the course of design and construction activities.



4.3 Updated Hydraulic Flow Information

The Town of Estes Park commissioned Wright Water Engineers, Inc. (WWE) to perform a hydrologic study of Fall River, Upper Big Thompson River, Black Canyon Creek, and Dry Gulch. The study was completed in January 2017, after the EA was published. The EA design used peak discharges that the Town provided as best available data. The recently published WWE Study discharges are generally less than the EA design discharges, with Big Thompson River being approximately 62% and the confluence with Fall River being 61%. Fall River would be 110% of the best available peak discharges. Any design modifications will be detailed during final design. Table 1 shows a comparison of the information used during the EA and the newest information from the WWE Study. All flows are measured in cubic feet per second (cfs).

Table 1: Change in Hydaulic Flow Information (100-Year Storm Event)

	Fall River (cfs)	Upstream Big Thompson River (cfs)	Confluence (cfs)
Town Provided Best Available Data	1,669	3,481	4,896
WWE Hydrologic Study	1,860	2,170	3,010

Source: AECOM

4.4 Additional Work on Section 4(f) Since the Release of the EA

The Downtown Estes Loop EA and proposed *de minimis* finding for Section 4(f) resources were released for public comment on July 5, 2016. The public comment period ended on August 5, 2016. During the public comment period, 253 comments from 229 commenters were received. This included about a dozen comments regarding Baldwin and Children's Parks, including eight about the increases in traffic and noise and four about the loss of shade and green space, as well as three additional comments concerning the meaning of the *de minimis* finding. Comments received during the EA comment period with responses to each are included in Appendix B.

A letter to the official with jurisdiction, in this case, the Town of Estes Park Public Works Director, was sent with FHWA's intent to make a *de minimis* impact finding in a letter dated June 20, 2016. On November 16, 2016, CFLHD sent a letter to the Town of Estes Park following up the previous letter with additional information and requesting that the Town, as owner of Baldwin Park and Children's Park, concur with the determination of a *de minimis* effect. A special meeting of the Town Board was held on November 29, 2016 to discuss the project and the *de minimis* finding. Public input was encouraged and nearly 40 individuals provided public comments. New renderings of the Riverside Drive and Riverside/Baldwin Park areas were also presented to better illustrate the Park Replacement plan. At that meeting, the Board voted in concurrence with CFLHD's determination that the impact on Baldwin Park and Children's Park is *de minimis*. The Town of Estes Park provided written concurrence that the project does not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f) on November 30, 2016. A third letter was sent to the Town of Estes Park on April 11, 2017 to clarify the square footage of land required for the project. The initial letter stated that 4,148 square feet of park property is required. This total square footage is correct, but this is Section 6(f) property. The square footage that relates to Section 4(f) is 289 square feet. Copies of these letters are included in Appendix C. The subsections below describe this process in greater detail.

4.4.1 Renderings of Riverside Drive and Riverside/Baldwin Park

Subsequent to the EA public comment period, and in an effort to address public comments received on the project, the project team developed detailed renderings to better illustrate the future condition of Riverside Drive and Baldwin Park. These more clearly demonstrate how the Park Replacement Concept Plan (Figure 10) will be implemented in the future. These renderings support the finding that the impacts to the park are considered *de minimis* under Section 4(f), and that implementation of mitigation measures described in the EA will help alleviate impacts to the park from this project.

The Park Replacement Concept Plan will replace all impacted park features, activities, and attributes, and include buffer plantings to separate Baldwin Park from the road. These enhancements will include improved access to the Big Thompson River (including the addition of steps down to the river) and park amenities. Additionally, implementation of the Proposed Action will offer more contiguous access along the park area.

Figures 4 through 7 illustrate existing versus anticipated views (through renderings) and cross-sections of Riverside Drive near Baldwin Park.

Figure 4: Riverside Drive at Baldwin Park Perspectives

NB Riverside mid-Baldwin Park - EXISTING

NB Riverside mid-Baldwin Park - PROPOSED

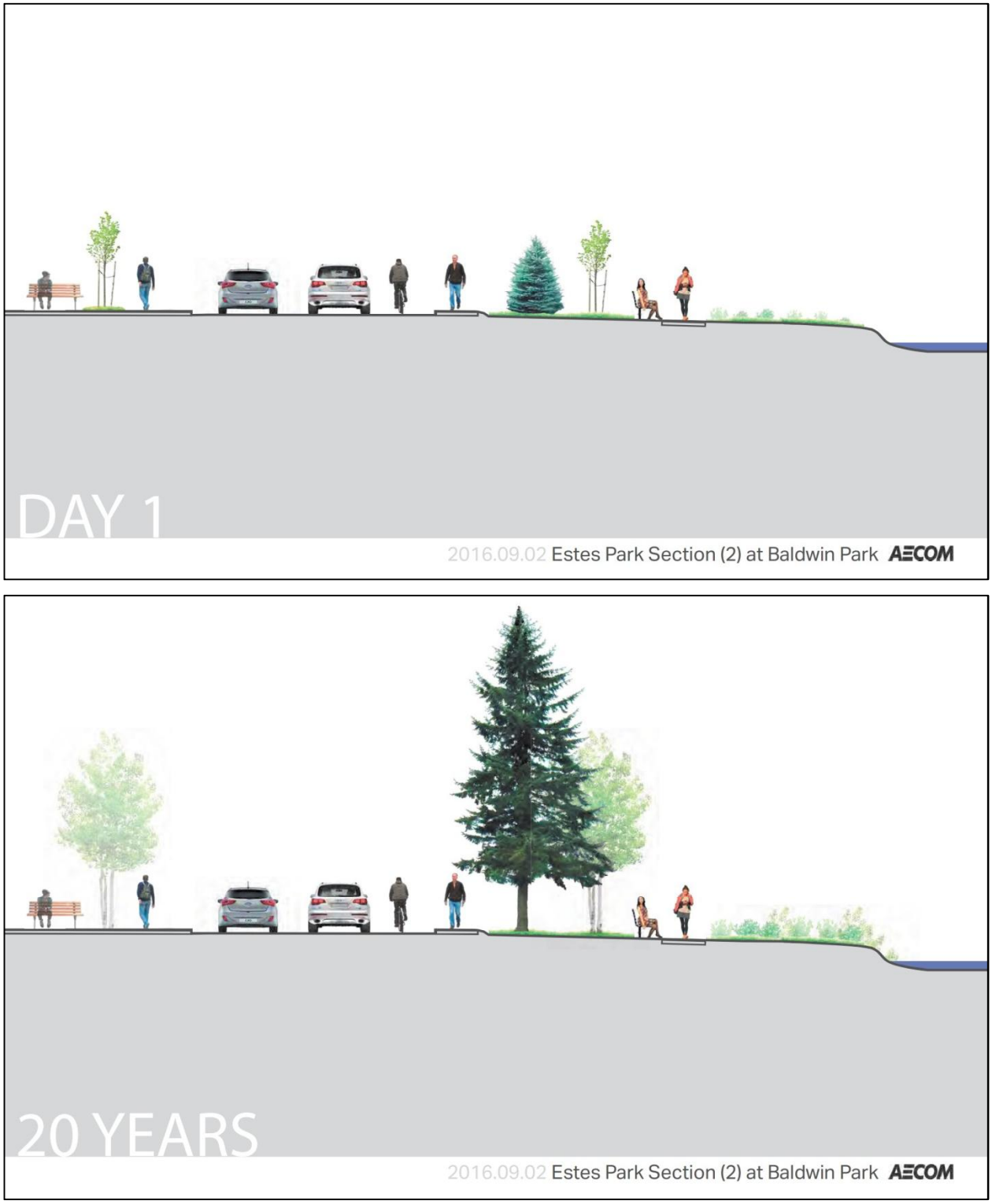
Figure 5: Riverside Drive at Baldwin Park Cross-Sections

Figure 6: Riverside Drive at Baldwin Park Perspectives

NB Riverside approaching Ivy Street - EXISTING

NB Riverside approaching Ivy Street - PROPOSED

Figure 7: Riverside Drive at Baldwin Park Cross Sections



4.4.2 Additional Public Involvement

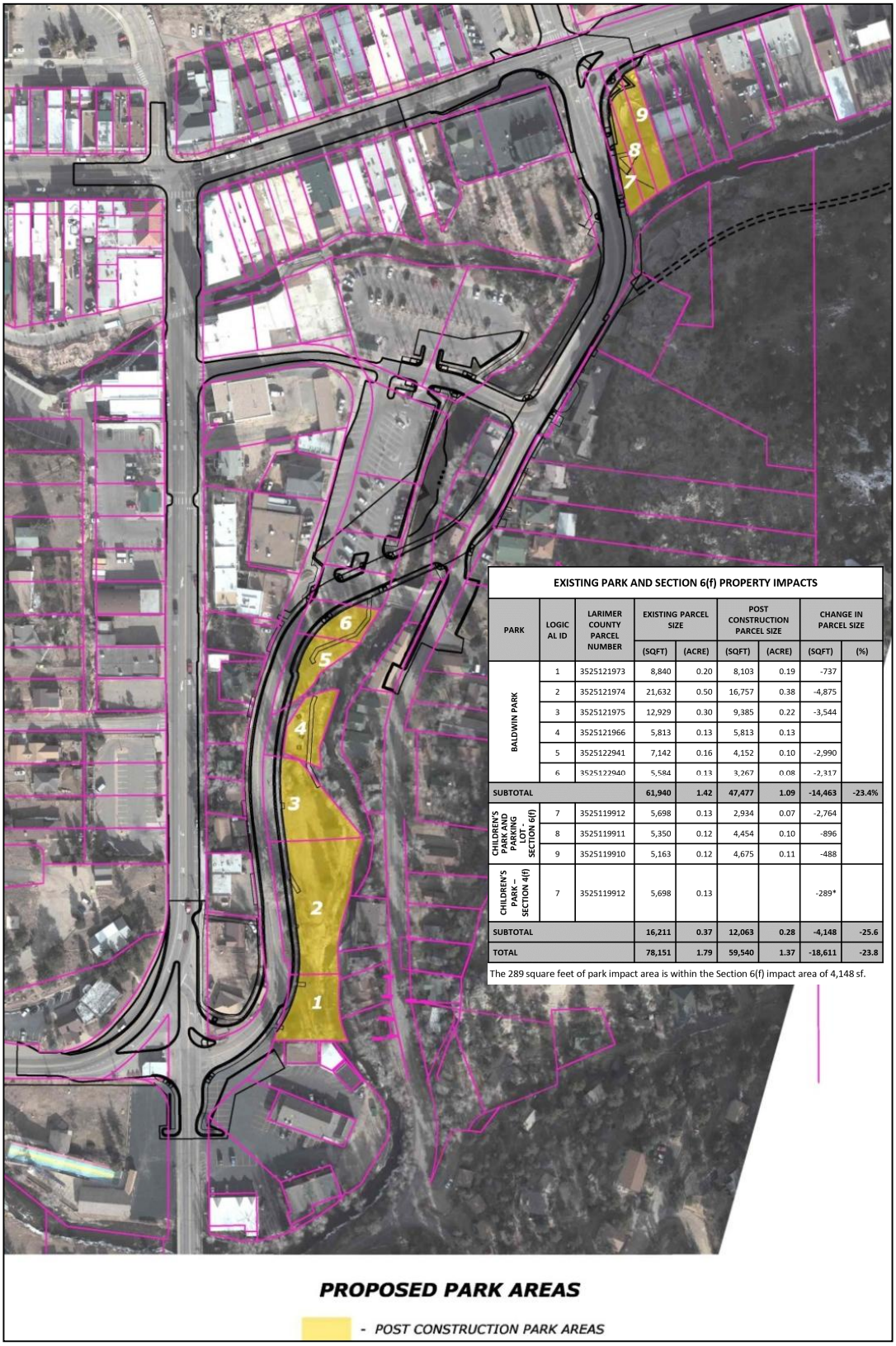
A special meeting of the Estes Park Town Board was held on November 29, 2016. The purpose of the meeting was to discuss the Downtown Estes Loop roadway project. Public input was encouraged and nearly 40 individuals provided public comments.

The Board voted on three different actions related to the project. First, the board voted 4 to 3 in concurrence that there is a "*de minimis* finding of impact" on Baldwin Park and Children's Park after the proposed park enhancements are made as described by the EA. Second, the Board voted to determine if a special election should be held to allow residents to vote on the future of the project. This vote was defeated 3 to 4. Finally, the board voted in favor of continuing the project through design and construction on a 4 to 3 vote.

4.4.3 *De Minimis* Finding

The CFLHD sent a letter to the Town (dated November 16, 2016) that requested that the Town of Estes Park, as owner of the parks, concur with the determination of a *de minimis* effect. The Town of Estes Park provided written concurrence that the project does not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f) on November 30, 2016. The CFLHD, through the release of this FONSI, also determines that there is a *de minimis* finding of impact on Baldwin Park and Children's Park after the proposed park enhancements are made as described by the EA. Figure 8 illustrates the parcels with park property impacts and Figure 9 shows park replacement lands.

Figure 8: Downtown Estes Loop Park and Section 6(f) Property Impacts



EXISTING PARK AND SECTION 6(f) PROPERTY IMPACTS

PARK	LOGICAL ID	LARIMER COUNTY PARCEL NUMBER	EXISTING PARCEL SIZE (SQFT)	EXISTING PARCEL SIZE (ACRE)	POST CONSTRUCTION PARCEL SIZE (SQFT)	POST CONSTRUCTION PARCEL SIZE (ACRE)	CHANGE IN PARCEL SIZE (SQFT)	CHANGE IN PARCEL SIZE (%)
BALDWIN PARK	1	3525121973	8,840	0.20	8,103	0.19	-737	
	2	3525121974	21,632	0.50	16,757	0.38	-4,875	
	3	3525121975	12,929	0.30	9,385	0.22	-3,544	
	4	3525121966	5,813	0.13	5,813	0.13		
	5	3525122941	7,142	0.16	4,152	0.10	-2,990	
	6	3525122940	5,584	0.13	3,267	0.08	-2,317	
SUBTOTAL			61,940	1.42	47,477	1.09	-14,463	-23.4%
CHILDREN'S PARK AND PARKING LOT - SECTION 6(f)	7	3525119912	5,698	0.13	2,934	0.07	-2,764	
	8	3525119911	5,350	0.12	4,454	0.10	-896	
	9	3525119910	5,163	0.12	4,675	0.11	-488	
CHILDREN'S PARK - SECTION 4(f)	7	3525119912	5,698	0.13			-289*	
SUBTOTAL			16,211	0.37	12,063	0.28	-4,148	-25.6
TOTAL			78,151	1.79	59,540	1.37	-18,611	-23.8

The 289 square feet of park impact area is within the Section 6(f) impact area of 4,148 sf.

Source: AECOM, 2016.

4.5 Mitigation and Enhancements

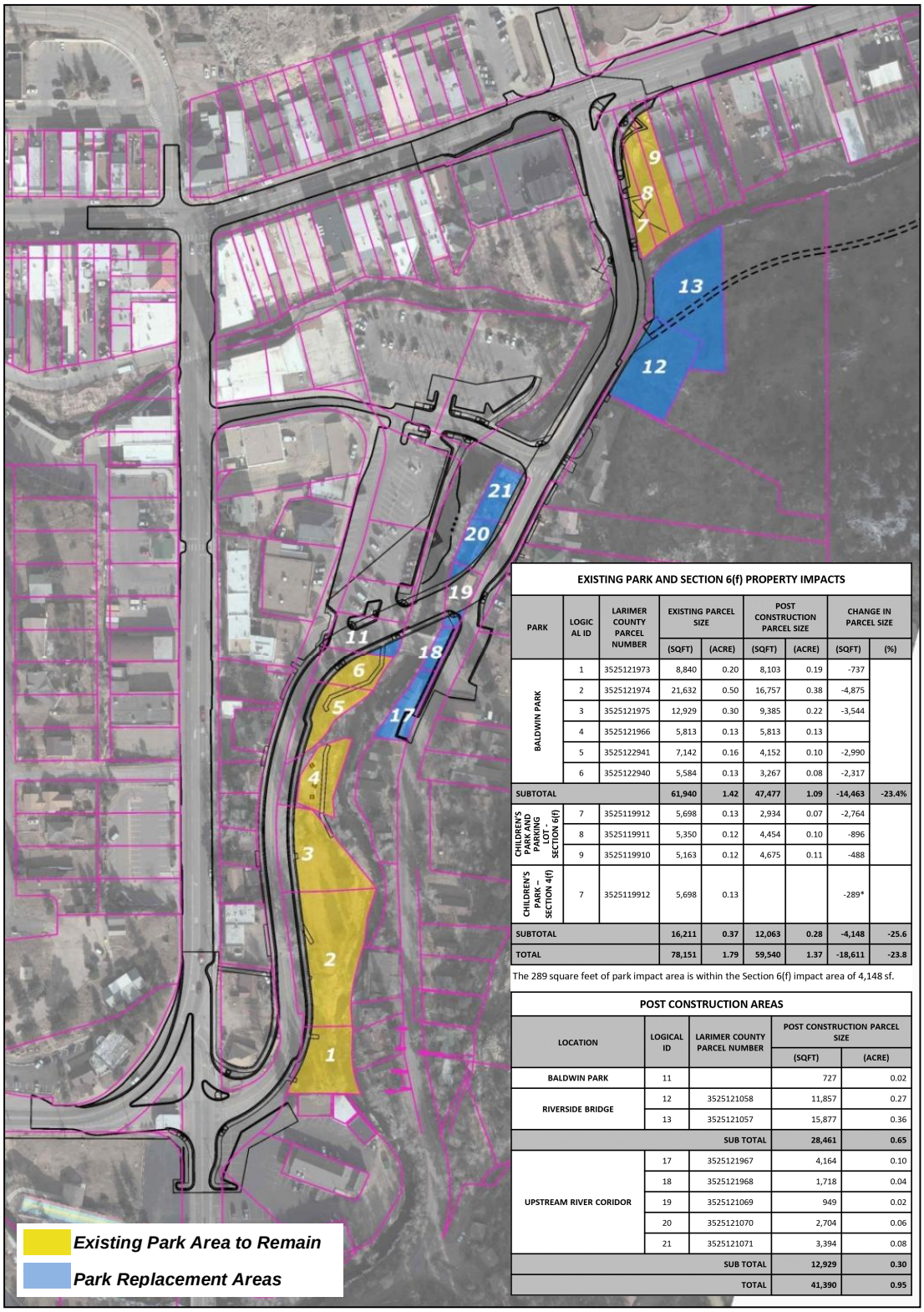
A wide range of measures and environmental commitments have been defined to avoid, minimize, and mitigate potential effects on parks in the project vicinity. To mitigate for the converted park land, restoration improvements at the existing parks, as well as new park land along the Big Thompson River, are proposed. The approach has been developed in cooperation with Town of Estes Park staff.

Conversion of land to park along Riverside Drive would constitute acreage greater than the park lands being impacted by the project. The acreage for new park land under Phase 1 is 41,390 sf/0.95 acre, which represents 22,779 sf/0.52 acre of additional park area (above existing). Conversion of lands to park is shown on Figure 9 and includes the following (from south to north along Riverside Drive):

- Baldwin Park (Parcel 11): The shift in the Riverside Drive alignment would create a triangular shaped parcel of space adjacent to Baldwin Park. This area is recommended to be transferred to park (to become part of Baldwin Park).
- Upstream River Corridor (Parcels 17-21): The relocation of commercial and residential properties along Riverside Drive (east of the River) will create an opportunity for park land conversion, enhanced river access and floodplain mitigation area. With the wider floodplain boundaries assumed under recent flood flow data, the existing buildings are located within the floodplain. Conversion to park/open space area helps restore natural conditions. The intent of the planned design is to improve park land interconnections. An existing sidewalk located along the west edge of the river (along the Post Office lot and across from parcels 20 and 21) would be widened and a new pedestrian access point would be added to provide connectivity to the river. The existing plaza area (with seating) is planned for relocation within Riverside/Baldwin Park to maintain public access and seating areas.
- Riverside Drive (Parcels 12-13): Parcels 12 and 13 are private properties that need to be acquired to reconstruct Riverside Drive. These two parcels will be transferred to the Town for park land. Conversion to park will provide enhanced access to the river, benches, and landscaping for public use, as well as the opportunity to extend a future trail (shown in dashed line on Figure 9) parallel to the river.
- The Park Replacement Concept Plan with associated urban design features is shown in Figure 10. The intent of the planned design is to improve park land interconnections along the Big Thompson River with new pedestrian facilities. Improved at grade crossings will be constructed with pedestrian activated signals. The timing of the pedestrian signal near Children's Park will be linked to the Elkhorn/Riverside intersection traffic signal to streamline pedestrian, bicycle, and motor vehicle operations in this portion of the study area.
- Displaced amenities (such as park benches and picnic tables) and hard surface features (such as sidewalks) will be replaced in a manner that reestablishes existing conditions to the extent practicable. Tree removal and other vegetation displaced as a result of road improvements, channel widening, and construction disruption will be replaced where

practicable. Park planning details will be shared publicly during the project's final design process.

Figure 9: Downtown Estes Loop Replacement Park and Section 6(f) Lands



EXISTING PARK AND SECTION 6(f) PROPERTY IMPACTS

PARK	LOGICAL ID	LARIMER COUNTY PARCEL NUMBER	EXISTING PARCEL SIZE (SQFT)	EXISTING PARCEL SIZE (ACRE)	POST CONSTRUCTION PARCEL SIZE (SQFT)	POST CONSTRUCTION PARCEL SIZE (ACRE)	CHANGE IN PARCEL SIZE (SQFT)	CHANGE IN PARCEL SIZE (%)
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	2	3525121974	21,632	0.50	16,757	0.38	-4,875	
	3	3525121975	12,929	0.30	9,385	0.22	-3,544	
	4	3525121966	5,813	0.13	5,813	0.13		
	5	3525122941	7,142	0.16	4,152	0.10	-2,990	
	6	3525122940	5,584	0.13	3,267	0.08	-2,317	
SUBTOTAL			**61,940**	**1.42**	**47,477**	**1.09**	**-14,463**	**-23.4%**
CHILDREN'S PARK AND PARKING LOT - SECTION 6(f)	7	3525119912	5,698	0.13	2,934	0.07	-2,764	
	8	3525119911	5,350	0.12	4,454	0.10	-896	
	9	3525119910	5,163	0.12	4,675	0.11	-488	
CHILDREN'S PARK – SECTION 4(f)	7	3525119912	5,698	0.13			-289*	
SUBTOTAL			**16,211**	**0.37**	**12,063**	**0.28**	**-4,148**	**-25.6**
TOTAL			**78,151**	**1.79**	**59,540**	**1.37**	**-18,611**	**-23.8**

The 289 square feet of park impact area is within the Section 6(f) impact area of 4,148 sf.

POST CONSTRUCTION AREAS

LOCATION	LOGICAL ID	LARIMER COUNTY PARCEL NUMBER	POST CONSTRUCTION PARCEL SIZE (SQFT)	POST CONSTRUCTION PARCEL SIZE (ACRE)
BALDWIN PARK	11		727	0.02
RIVERSIDE BRIDGE	12	3525121058	11,857	0.27
	13	3525121057	15,877	0.36
		SUB TOTAL	**28,461**	**0.65**
UPSTREAM RIVER CORIDOR	17	3525121967	4,164	0.10
	18	3525121968	1,718	0.04
	19	3525121069	949	0.02
	20	3525121070	2,704	0.06
	21	3525121071	3,394	0.08
		SUB TOTAL	**12,929**	**0.30**
		TOTAL	**41,390**	**0.95**

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Figure 10: Downtown Estes Loop Park Replacement Concept Plan

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5 SECTION 4(f) DE MINIMIS FINDING

In the EA document, CFLHD stated their intent to make a *de minimis* finding determination for impacts to Riverside/Baldwin Park and Children's Park. The park land to be impacted, as well as proposed enhancements, was discussed with Town of Estes Park staff over the course of the project. The proposed enhancements, as described in the section above, will provide access to the various recreation opportunities and would not adversely affect the activities, features, or attributes that make the property eligible for Section 4(f) protection.

A letter to the official with jurisdiction, in this case, the Town of Estes Park Public Works Director, was sent with FHWA's intent to make a *de minimis* impact finding in a letter dated June 20, 2016. A follow up letter with additional information was sent to the Town on November 16, 2016. The Town of Estes Park provided written concurrence that the project does not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f) on November 30, 2016. Finally, a third letter was sent to the Town of Estes Park from CFLHD on April 11, 2017 to clarify the square footage of land required for the project. The initial letter stated that 4,148 square feet of park property is required. This total square footage is correct, but this is Section 6(f) property. The square footage that relates to Section 4(f) is 289 square feet. All three letters are included in Appendix C.

Per requirements of 23 CFR 774.5(a)(2)(ii), the public was notified and had an opportunity for public review and comment on the effects to park lands during the EA and Section 4(f) public comment period, as described in Section 4.3.

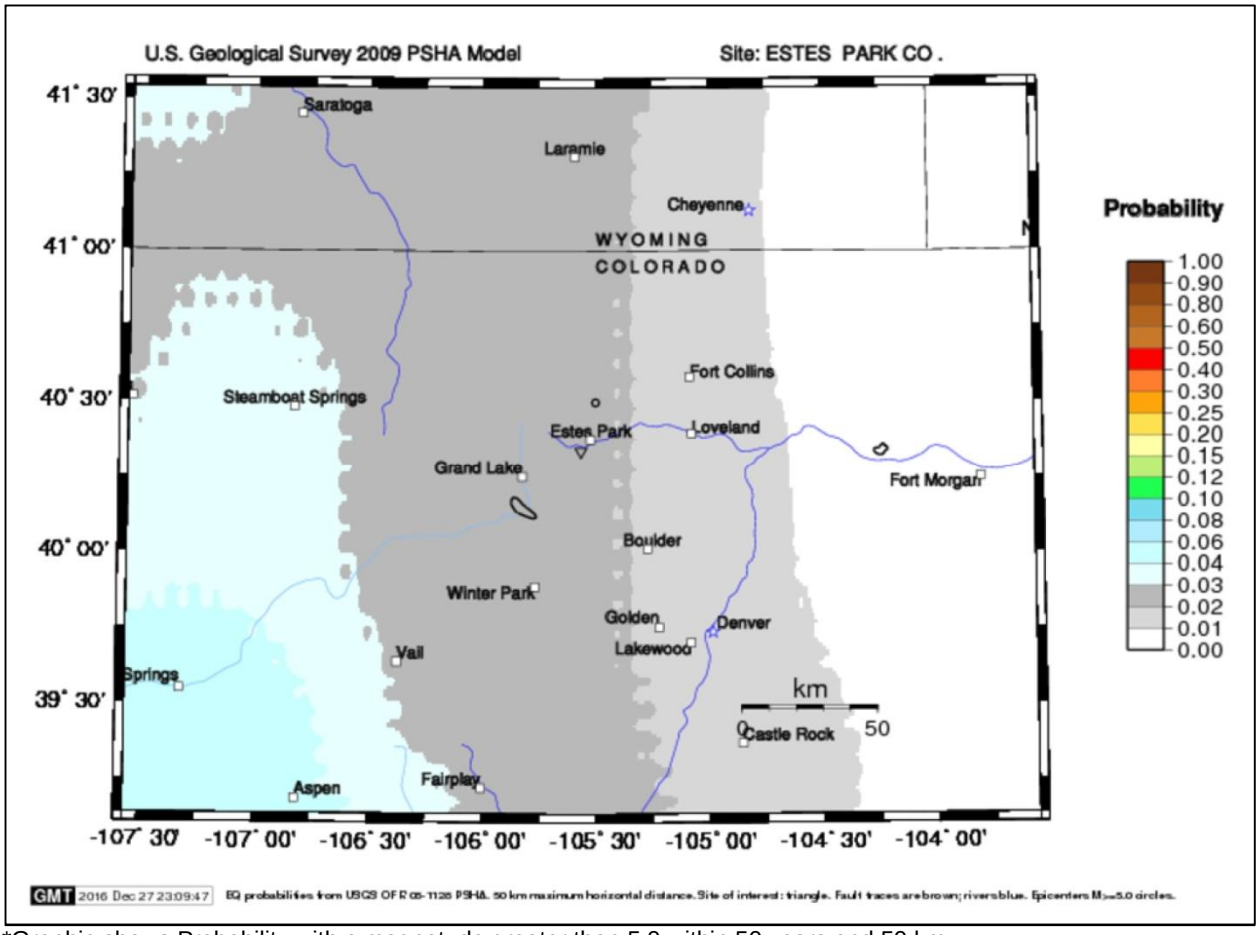
CFLHD has performed all required agency coordination and public involvement, and has received concurrence from the Town of Estes Park. With the approval of this FONSI, CFLHD finds that the effects of the project on Baldwin Park and Children's Park constitute a *de minimis* impact and the requirements of 23 USC 138 and 49 USC 303 are satisfied.

6 CLARIFICATIONS OR CORRECTIONS TO THE EA

The following presents clarifications to the EA. These clarifications were made by the project team, agencies involved, or the public during the EA public comment period. Clarifications are generally presented sequentially from first to last reference in the EA text.

- On Page ii and again on Page 1-1 of the EA in the List of Acronyms and Abbreviations and Introduction (section 1.1), NEPA was defined as the National Environmental Protection Act. It should have been referenced as the National Environmental Policy Act.
- On Page 3-122 of the EA in the Environmental Consequences sub-section of Soils and Geology (section 3.12.2), the geology section should be changed to state "While seismic hazards are ***a minor*** concern, slope instability and flooding may present ***more probable*** potential hazards to the construction and operation of the Proposed Action" (edits shown in ***bold-italicized*** text). There is a very slight potential for earthquake hazards in the area (0.02% probability for an earthquake with M>5.0 within 50 years), as shown in Figure 11.

Figure 11: Probability of an Earthquake*



*Graphic shows Probability with a magnatude greater than 5.0 within 50 years and 50 km
U.S. Geological Survey. 2009. 2009 Earthquake Probability Mapping. Website: https://geohazards.usgs.gov/eqprob/2009/. Accessed, December, 27, 2016.

7 COMMENTS AND COORDINATION

7.1 Public Input on the EA

Provided below is a summary of the activity and comments that occurred during and after the public comment period.

The Downtown Estes Loop EA was released for public review and comment from July 5th through August 5th, 2016. The project team hosted a one-on-one question and answer session on July 14, 2016 from 12:00-4:00 PM at Town Hall. The purpose was to answer technical questions on the EA. A public hearing for the project was held on July 20, 2016 at the Estes Park Event Center (1125 Rooftop Way) from 4:00-8:00 PM. Team members were on hand to answer questions from 4:00-5:00 PM. A presentation was given by the project team from 5:00-5:30 PM. Verbal comments were then taken after the presentation from 5:30-7:00 PM, followed by an open house format from 7:00-8:00 PM and the opportunity for the public to provide comments individually to a court reporter. Public comments could also be submitted in writing at any time during the 30-day comment period. Approximately 75 people signed in at the public hearing. Four comment forms were submitted and fourteen attendees provided verbal comments during the hearing.

Additionally, FHWA solicited comments on the effects that the Downtown Estes Loop Project would have on portions of Riverside/Baldwin Park and Children's Park. FHWA stated their intent to make a determination that the roadway improvements meet the definition of a *de minimis* impact, as defined in 23 CFR 774.17(5).Comments on this finding were taken during the EA comment period. The final determination is described in the Section 4(f) section above.

Copies of the EA and the technical reports were made available for review at the following locations during the 30-day public comment period:

- Estes Park Town Hall (Town Clerk's Office), 170 MacGregor Avenue, Room 130, Estes Park, Colorado 80517
- Estes Valley Library, 335 East Elkhorn Avenue, Estes Park, Colorado 80517
- Estes Park Visitor Center, 500 Big Thompson Avenue, Estes Park, Colorado 80517
- FHWA, Central Federal Lands Highway Office, 12300 West Dakota Avenue, Lakewood, Colorado 80228
- CDOT Region 4, 10601 West 10th Street, Greeley, Colorado 80634
- CDOT Headquarters, 4201 East Arkansas Avenue, Denver, Colorado 80222

Electronic versions of the EA were available on the project website ([redacted]).

Comments were received by CFLHD, The Town of Estes Park, and the public involvement consultant. A total of 229 commenters provided comments on the EA, with 165 coming from the Estes Valley, 18 from Colorado (but outside of the Estes Valley), 16 from out of state, and 30 that were unknown. Comments were submitted in a variety of ways including at the public hearing (16 verbal and 4 comment forms), via email (34), via U.S. Postal Service (3), by hard-copy comment form (12), by on-line comment form (156), letter to trustees (1), and through the EstesTruth website (25). Comments and responses to comments are in included in Appendix B.

There were thirteen frequent topic areas that included:

- RMNP Visitation, Visitor Capacity, and Park Congestion (29 comments)
- Parking (35 comments)
- Out of Direction Travel (4 comments)
- Economic Impacts to Downtown Businesses (6 comments)
- Impacts to Baldwin and Children's Parks, *de minimis* Finding (16 comments)
- Impacts to Wildlife (5 comments)
- Impacts to Riverside Drive (13 comments)
- Small Town Feel (8 comments)
- Not Needed, Do Other Low Cost Solutions (13 comments)
- Funding (2 comments)
- Roundabout (7 comments)
- Will Not Help, It will Shift Traffic Problem to Other Areas (10 comments)
- Focus on Public Transportation (11 comments)

Responses to frequent topic areas are included at the beginning of Appendix B. A draft of the responses to these frequent comments was released to the public in November 2016. Additional information has been added to these responses to frequent comments. In some cases, these responses were used, and other information was added as necessary to fully address the specific comment. It should be noted that the topic areas do not add up to the number of topics as there were individual comments that contained multiple topic areas.

7.2 Stakeholder Involvement Following the NEPA Process

Public and agency coordination will continue as the project transitions from the NEPA phase to the design and construction phases. The CFLHD will continue to serve as the lead agency responsible for design efforts. The CFLHD, working with the Town, CDOT and consultant team, will monitor mitigation commitments, as outlined in Chapter 8, Environmental Commitments and Permit Requirements. CFLHD will work closely with the selected contractor to review opportunities to adapt construction methods to avoid activities that cause impacts. The right-of-way acquisition process will be led by CDOT in coordination with CFLHD.

The CFLHD will manage the project website and will provide updates as the project design and construction phases advance.

8 ENVIRONMENTAL COMMITMENTS AND PERMIT REQUIREMENTS

8.1 Environmental Commitments

The environmental commitments that will be implemented to minimize and/or mitigate the impacts of the Phase 1 Improvements are included in Table 2.

Table 2: Summary of Impacts and Mitigation Measures

EA Section and Resource	Impact	Mitigation Commitment
3.1 Transportation	**Parking:** Displacement of thirteen parking spaces	CFLHD will continue to seek opportunities to minimize the reduction of parking spaces through final design and construction.
3.1 Transportation	**Transit**: shuttle stop near the northbound Moraine Avenue and eastbound Elkhorn Avenue intersection would need to be relocated.	Shuttle stop would be relocated to East Riverside Drive near Children's Park.
3.1 Transportation	**Construction**: Temporary traffic and access impacts during construction along East Elkhorn Avenue, Moraine Avenue, Riverside Drive, and Rockwell Street for milling, resurfacing, and restriping with longer term traffic impacts on Riverside Drive for Ivy Street bridge replacement.	**Detours and Lane Closures**: CFLHD will coordinate with CDOT during construction to ensure that lane closures will be minimized to the greatest extent possible. Temporary lane closures will be required along Elkhorn and Moraine Avenue for milling, resurfacing, and restriping. Lane closures will be required at the Moraine/Riverside/Crags intersection for construction of the roundabout. Lane closures will be required for the reconstruction and realignment of Riverside Drive. Lane closures will be required for the replacement of the Ivy Street bridge. The reconstruction of the most disruptive components that would affect through traffic will take place prior to Memorial Day or after September. However, with the high elevation there will be temperature dependent work that will need to be completed during warmer months. Any work conducted between May and October would be completed during weekdays and no lane closures on US 36 lanes would occur from Friday to Sunday.

EA Section and Resource	Impact	Mitigation Commitment
3.1 Transportation	**Construction**: Temporary traffic and access impacts during construction along East Elkhorn Avenue, Moraine Avenue, Riverside Drive, and Rockwell Street for milling, resurfacing, and restriping with longer term traffic impacts on Riverside Drive for Ivy Street bridge replacement.	**Transit**: CFLHD will coordinate with the Town of Estes Park and RMNP shuttle operators during design and construction to provide adequate detour routing for impacted bus routes and bus stops. Transit operations would be maintained throughout the construction. **TDM**: Voluntary reductions in vehicle trips during peak hours would be encouraged to reduce congestion. This will be accomplished through a public information campaign to educate travelers on TDM measures that may be used to reduce congestion during construction. CDOT and the Town of Estes Park will work with local organizations and employers to help promote the campaign throughout the construction period. The public information campaign will inform the organizations, employers, and the general public about upcoming street closures and how best to plan trips.
3.2 Land Use	Acquisition of park, residential and commercial properties in the project area.	Mitigated through right-of-way (EA Section 3.3), Section 4(f) and Section 6(f) (EA Section 3.16) processes as discussed individually below.
3.3 Right-of-Way/ Acquisitions	Property acquisition and relocation (commercial and private)	All acquisitions and relocations will comply with federal and state requirements, including the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.
3.3 Right-of-Way/ Acquisitions	Property acquisition and relocation (commercial and private)	CDOT will provide all impacted property owners notification of its intent to acquire an interest in their property, including a written offer letter of just compensation specifically describing those property interests being sought. CDOT will provide all displaced persons advisory services and notification of relocation eligibility, as applicable. A Right-of-Way Specialist will be assigned to each property owner to assist them with this process.
3.4 Social Conditions/ Environmental Justice	No impacts	No mitigation required.

EA Section and Resource	Impact	Mitigation Commitment
3.5 Economic Considerations	Acquisition of public and private property and loss of existing parking spaces. Changes in access to properties and change in roadway travel direction along Elkhorn, Moraine and Riverside Drives	· Comply fully with federal and state requirements, including the Uniform Act, for all acquisition and relocation. · Design the project to maintain and, where possible, improve access to existing businesses. · Work with stakeholders to incorporate design features to enhance business and tourism opportunities. · Install signage to guide motorists to the downtown shops, parking, and National Park entrances and direct motorists to less congested routes during peak congestion periods. · Seek to minimize the loss of parking spaces during detailed design. · Initiate a Wayfinding Signage Plan.
3.5 Economic Considerations	Construction disruption	· Conduct regular public outreach to inform residents, business owners, business operators and visitors of construction activities and scheduling, and provide options for travel routes and parking in the area. Include public outreach to let the local community and region know that the downtown is open for business. · Provide pedestrian access to businesses via sidewalks and trails. Provide trail detours. · Maintain availability of vehicle access along Elkhorn, Moraine, Riverside and other local streets to the extent possible through implementation of specific construction phase measures that maintain traffic. If closures are required and considered unavoidable, the process will apply techniques to minimize the duration of the closure. · Incorporate stakeholder involvement at final design to enhance access, parking, and aesthetic features that would contribute to business and tourism potential. · Implement the reconstruction of the Moraine Avenue/Crags Drive intersection, Riverside Drive reconstruction, and bridge construction so that the majority of the work is completed in the fall/winter/spring months. · Implement the resurfacing and traffic signal installations required on Elkhorn and Moraine Avenue with daytime shoulder and single lane closures. · Develop a construction staging plan that minimizes impact to existing parking and business access.

EA Section and Resource	Impact	Mitigation Commitment
3.6 Air Quality	Air pollutants released during construction	CFLHD and its contractors will comply with the fugitive dust permitting and control requirements of the Colorado Air Quality Control Commission (CAQCC) and obtain a general construction Air Pollutant Emission Notice.
3.6 Air Quality	Fugitive dust during construction	· Apply water and chemical stabilizers in active construction areas and on haul roads as necessary to suppress dust. · Post speed limit signs and enforce speeds in active construction areas and on haul roads. · Water, perform soil compaction, and revegetate disturbed areas, as needed and appropriate for site conditions. · Cover haul trucks, as appropriate, to reduce dust. · Require construction contractor to limit the idling equipment time.
3.7 Noise	**With Roundabout Option at Moraine/Riverside**: 30 modeled points, representing 32 receptors would experience levels above the NAC during peak noise hour (compared to 13 in 2014 and 27 in 2040 under the No-Action). No receptors are expected to experience a 10 dBA increase; the largest increase is predicted to be 7 dBA.	None. Noise barriers were evaluated throughout the noise study area and were found to be infeasible. Abatement other than barriers was also evaluated, and was found to be infeasible. Therefore, no mitigation measures are included for noise.

EA Section and Resource	Impact	Mitigation Commitment
3.7 Noise	Temporary noise impacts during construction	· Notify neighbors of timing and duration of construction activities. · Manage construction activities to keep noisy activities as far from sensitive receptors as possible. · Exhaust systems on equipment would be in good working order. Equipment would be maintained on a regular basis, and equipment may be subject to inspection by the CFLHD Project Engineer to ensure maintenance. · Properly designed engine enclosures and intake silencers would be used where appropriate. · New equipment would be subject to new product noise emission standards. · Stationary equipment would be located as far from sensitive receptors as possible. · Perform construction activities during hours that are least disturbing to nearby residents.
3.8 Water Resources, Floodplains and Water Quality	**Construction**: Land disturbances will increase the potential for sediment and other pollutants to enter the rivers.	Implement standard erosion control and sediment control Best Management Practices (BMP's) in accordance with CFLHD Specifications FP 14 and provide sound engineering practices during construction and post construction.

EA Section and Resource	Impact	Mitigation Commitment
3.8 Water Resources, Floodplains and Water Quality	**Construction**: Land disturbances will increase the potential for sediment and other pollutants to enter the Big Thompson River and Fall River due to Ivy Street Bridge Replacement.	· The project's Stormwater Management Plan (SWMP) and future CWQ Section 404/401 permit requirements will include BMPs to protect water quality during construction. · Perform all work in accordance with CFLHD's Specifications FP 14 Section 157 (Soil Erosion and Sediment Control), Section 629 (Rolled erosion control products and Cellular Confinement Systems), and Section 713 (Roadside Improvement Material). · Locate construction staging and materials stockpiling farther than 50 feet from the edge of Big Thompson River or Fall River, when possible. If this buffer is not achievable, placement of materials closer with appropriate additional BMPs is permissible. · Designate refueling containment areas away from the Big Thompson River and Fall River. · CFLHD or its contractor must file a notice of intent with the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division for groundwater dewatering, if dewatering is required for construction. A discharge permit would also be required if groundwater is discharged to a water body (i.e., the Big Thompson River). · Perform final hydraulic analysis with updated hydrology in close coordination with Colorado Water Conservation Board (CWCB), Town of Estes Park, and Federal Emergency Management Agency (FEMA). Prepare a Conditional Letter of Map Revision and follow up Letter of Map Revision for the Ivy Street Bridge and related channel work near the bridge as determined necessary by the Town of Estes Park and FEMA.
3.9 Wetlands and Waters of United States – Wetland impacts and temporary impacts to Waters of the U.S.	Phase 1 would have no permanent impacts to wetlands but would require 0.3 ac of temporary impacts to Other Waters of the U.S.	No mitigation required in Phase 1.

EA Section and Resource	Impact	Mitigation Commitment
3.10 Vegetation, Wildlife and T&E Species	**Vegetation**: Tree removal in Baldwin Park, along the East and West Riverside corridor roadsides and along the river channel (near the Post Office).	· Tree removal will be minimized to the extent practicable.
3.10 Vegetation, Wildlife and T&E Species	**Vegetation**: Weed growth where vegetation is removed during construction.	· Landscaped areas disturbed during construction will be revegetated with native species. Landscaping will be determined during the final design process. · Cleaning and inspection records will be maintained. · Conformance to the Federal Seed Act, the Federal Noxious Weed Act, and applicable State and local seed and noxious weed laws will be maintained.
3.10 Vegetation, Wildlife and T&E Species	**Migratory Birds**: Construction activities occurring during the migratory bird nesting season (February 1 through July 15) may impact individuals by displacing birds from suitable habitat or disrupting breeding activities.	· Tree removal will take place outside of the Migratory Bird Breeding season. · If construction activities will occur during the migratory bird season, a qualified biologist will conduct a preconstruction survey two weeks prior to the start of construction to determine if nesting migratory birds are present. · If bird species protected under the Migratory Bird Treaty Act (MBTA) are actively nesting in the project area during construction, the biologist will identify appropriate conservation measures to protect the species. These measures may include, but are not limited to: establishing a construction-free buffer zone around the breeding site, biological monitoring of the breeding site, delaying construction activities in the vicinity of the breeding site until the young have dispersed, and/or removing vegetation that supports active nest or den sites once the sites are determined to no longer be active (typically by July 15).
3.10 Vegetation, Wildlife and T&E Species	**Wildlife**: Potential Impacts to elk and mule deer habitat	Elk and mule deer move throughout the urban downtown area, particularly along the banks of the Big Thompson River and within Riverside/Baldwin Park. The project will cause a change in the area of green space at Riverside/ Baldwin Park. Although elk may forage within Riverside/Baldwin Park, the project area is surrounded by natural areas that are preferred for foraging and calving. Phase 1 will bring a net increase in the acreage of park and open lands, which would ultimately benefit habitat for elk, mule deer, and other big game wildlife.

EA Section and Resource	Impact	Mitigation Commitment
3.11 Cultural Resources	Determination of no adverse effect to the following resources: RMNP Headquarters, RMNP Museum and Visitor Center, State Highway 262 and Panoramic Point.	No mitigation is required.
3.12 Soils and Geology	No impacts	No mitigation required.
3.13 Hazardous Materials	Possible exposure to potentially hazardous materials.	Requirements will be outlined to address exposure risks as part of the construction plans, specifications, and estimates.
3.13 Hazardous Materials	Excavation and right-of-way acquisition may pose hazardous materials concerns	A full Phase I investigation will be completed for properties required for ROW acquisition. A chain-of-title search to establish ownership history will be conducted along with the property specific Phase I ESA for the seven structures impacted (as detailed in Section 3.13) prior to demolition. Based on Phase 1 ESA Findings, a Phase II ESA investigation may be required for acquisition of specific properties.
3.14 Public Services and Utilities	Construction of the project would have minor impacts on public services and utilities.	· Coordinate construction activities and design details with local public service and utility service providers during final design, to minimize disruptions, maintain traffic and accommodate connectivity requirements. · Replace fire hydrants at reasonably similar location and spacing as existing, if fire hydrant replacement is necessary. · Work with Town staff to explore opportunity to place conduits under the road during construction for existing and future electric facilities. · Remove sanitary services back to the main line for buildings that will be removed/ relocated. · Continue to coordinate with utility service providers to identify existing utility agreements, utilities that may need relocated, and develop designs and plans for relocation. Develop utility agreements detailing the scope and responsibilities for any utility requiring relocation. · Public notice will be required and provided prior to any service disruptions.

EA Section and Resource	Impact	Mitigation Commitment
3.15 Visual Quality	Impacts to lighting within the corridor.	· Incorporate lighting fixtures that minimize nighttime glare and sky glow. Where new light fixtures are added or old fixtures are replaced, use lamps and/or light shields that direct glare away from the street, buildings, or the sky to minimize glare and sky glow, in accordance with local ordinances. These measures will not preclude any aesthetic ambient lighting features that may be included in the project design. · Minimize light glare during any nighttime construction activities by taking measures to direct the light inward toward the construction site and minimize glare for motorists, residents, pedestrians, and visitors in the vicinity of the construction sites. · For the area surrounding the Ivy Street bridge (specifically the Misty Mountain Lodge), landscaping will be used to shield the nighttime headlight glare at this location. Landscaping may also be used in other areas as needed. Further evaluation will be conducted during final design.
3.15 Visual Quality	Impacts on Elkhorn/Moraine Corridor.	Addition of wayfinding signage and landscape features, including gateway signage/special landscaping.
3.15 Visual Quality	Impacts to Riverside Drive Corridor.	Park features such as trails, benches, paths, trees and vegetation will be removed and replaced with new features, park facilities, pathways and vegetation. New connections and facilities will be added and linked to new park land areas creating new visual resources and vantages points. New urban design features will complement existing features and create gateways.

EA Section and Resource	Impact	Mitigation Commitment
3.15 Visual Quality	**Construction**: Construction activities would be highly visible and would result in the removal of existing buildings, park features and vegetation within the construction disturbance area. Construction equipment, materials and vehicles would be visible in staging areas within and potentially outside of the Riverside corridor.	Construction impacts would be temporary, and to the greatest extent possible, CFLHD and its contractors will screen construction equipment and construction materials. Construction phasing will be completed during final design, and final recommendations will be made in consultation with Town officials.
3.15 Visual Quality	**Construction:** Vegetation and soil removal, along with the presence of heavy machinery, would temporarily alter the visual character of the Big Thompson River bank and the hillside from a natural vegetation setting to a bare-earth setting. Views for Riverwalk users and patrons/staff within the commercial buildings would be affected during construction.	Appropriate erosion control and permanent revegetation practices such as use of native seed mixes and landscaping logs.
3.16 Parks, Recreation, Open Space, and Section 4(f) and 6(f)	**Construction**: Construction activities on Elkhorn Avenue would create short term access, air quality, and noise nuisances to Bond Park.	Construction impacts would be temporary, and to the greatest extent possible, CFLHD and its contractors will create alternate access during construction and maintain construction equipment to minimize impacts. Construction phasing will be completed during final design, and final recommendations will be made in consultation with Town officials.

EA Section and Resource	Impact	Mitigation Commitment
3.16 Parks, Recreation, Open Space, and Section 4(f) and 6(f)	**Section 4(f)**: Direct use of 289 sf of Children's Park from park use to roadway use to construct the widening of Riverside Drive as well as associated sidewalk and landscaping.	Conversion of land to park along the Riverside Corridor would offset these impacts. Proposed urban design features would be installed. Improved at grade crossings would be constructed with pedestrian activated signals. Displaced amenities (such as park benches and picnic tables) and hard surface features (such as sidewalks) would be replaced in a manner that reestablishes existing conditions to the extent practicable. Park planning details will be shared publicly during the project's final design process.
3.16 Parks, Recreation, Open Space, and Section 4(f) and 6(f)	**Section 4(f)**: Direct use of 14,463 sf of Riverside/Baldwin Park from park use to roadway use. An existing asphalt pavement area currently utilized for parking will be removed.	Conversion of land to park along the Riverside Corridor would offset these impacts. Proposed urban design features would be installed. Improved at grade crossings would be constructed with pedestrian activated signals. Displaced amenities and hard surface features would be replaced in a manner that reestablishes existing conditions to the extent practicable.
3.16 Parks, Recreation, Open Space, and Section 4(f) and 6(f)	**Section 6(f)**: Phase 1 requires conversion of 4,148 sf of Section 6(f) resource land at or near Children's Park. Section 6(f) impacts to Riverside/Baldwin Park include portions of parcels 3-6, which constitutes 8,851 square feet of the park.	Replacement property includes parcels 11 (727 sf), 12, 13 (total of 27,734 sf), 17, 18, 19, 20, and 21 (12,929 sf), which total 41,390 square feet of replacement land combined. Parcels 11, 12, 13, 17, 18, 19, 20, and 21 will become park parcels maintained in perpetuity by the Town of Estes Park. All replacement parcels will provide the public with river access.
3.16 Parks, Recreation, Open Space, and Section 4(f) and 6(f)	**Construction**: Construction will require earthwork including excavating for bridge foundations, placement of fill materials, and construction of fill slopes or low retaining walls at Riverside/Baldwin Park.	Construction impacts would be temporary, and to the greatest extent possible, CFLHD and its contractors will create alternate access during construction and maintain construction equipment to minimize impacts.

8.2 Permit Requirements

The following permits and approvals may be required to support the construction of the Proposed Action. This list may change as design progresses.

8.2.1 Section 402 National Pollutant Discharge Elimination System (NPDES)

The United States Environmental Protection Agency (EPA) issues stormwater regulations under the National Pollution Discharge System (NPDES). The EPA Construction General Permit is applicable in Colorado for Federal operators and CFLHD meets that definition. For Colorado, EPA's authority to issue NPDES permits has been delegated to the Colorado Department of Public Health and Environment (CDPHE), a state regulatory agency, except projects with a Federal operator or on Indian Lands. CDPHE implements and enforces the NPDES programs through the Colorado Discharge Permit System (CDPS) General Permit for Stormwater Discharges Associated with Construction Activity, commonly called a Stormwater Construction General Permit (CGP). A NPDES permit is required for all projects that impact one acre of land, or are part of a larger common development project. Prior to commencement of construction, coverage under all applicable permits (EPA, CDOT, and possibly CDPHE) for NPDES will be obtained. Under the permit stipulations, CFLHD will prepare a site-specific Stormwater Erosion and Sediment Control Plan) including the required stormwater pollution prevention plan(s) (SWPPP) that ensures that the water quality of receiving waters is protected during construction. The SWPPP will outline in detail the specific BMPs in the project plan for implementation in the field. Included in the plans are such aspects as BMP locations, monitoring requirements, seed mix, concrete wash-out provisions, good housekeeping requirements, and other relevant information that is provided to the contractor.

8.2.2 Section 401 Water Quality Certification

A Section 401 Water Quality Certification is required in conjunction with a nationwide 404 Permit (dredge and fill permit) for any transportation construction project or maintenance activity where work occurs below the Ordinary High Water Mark (OHWM) or adjacent to wetlands. As part of its 401 Certification, Regulation No. 82 states requirement to notify the CDPHE and the owners and operators of municipal and domestic water treatment intakes or diversions downstream if potential impacts to nearby receiving waters may occur during construction. Unless specified by the Water Quality Control Division of CDPHE, in-stream turbidity monitoring is not typically required. The 401 Certification must be obtained from the Water Quality Control Division of the CDPHE.

8.2.3 Section 404 Permit

A Section 404 Nationwide Permit issued by the US Army Corps of Engineers (USACE) is required because the construction of Phase 1 will require filling below the OHWM in a body of water considered a Water of the U.S. (navigable Waters of the U.S. and adjacent wetlands; all tributaries to navigable waters and adjacent wetlands; interstate waters and their tributaries and adjacent wetlands). An individual permit is required if an excess of 0.5 acre or 300 linear feet of waterway are to be filled; a nationwide permit is required where lesser amounts of waterway are to be filled.

8.2.4 Dewatering Permit

If dewatering is required for construction, CFLHD or its contractor will file a notice of intent with the Colorado Department of Public Health and Environment (CDPHE) Water Quality Control Division for groundwater dewatering. A discharge permit would also be required if groundwater is discharged to a water body (i.e., the Big Thompson River).

8.2.5 Conditional Letter of Map Revision (CLOMR) and Letter of Map Revision (LOMR)

Modifications of the 100-year floodplain require coordination with the Federal Emergency Management Agency (FEMA) via the submission of a CLOMR and LOMR. The Ivy Street Bridge improvements and nearby channel work will require a CLOMR in Phase 1. With the significant changes in flood flows on the Fall Rivers and Big Thompson River and overall timing of regulatory changes to Flood Insurance Studies and Flood Insurance Rate Maps, a CLOMR and LOMR may be necessary depending on the timing of the revised FIRM's and final design. Close coordination with CWCB and FEMA will take place during final design to determine documentation requirements.

8.2.6 CDOT Encroachment Permit

A CDOT Encroachment Permit will be required for construction work within existing State right-of-way on Elkhorn Avenue and Moraine Avenue.

8.2.7 State Access Permit

A State Access Permit is required for all new or modified access to US 34 and US 36. Any existing accesses adversely affected by the Proposed Action will be notified of the proposed changes.

8.2.8 Other Local Permits

Other permits may be required by the Town of Estes Park, as needed, such as building demolition, utility, or survey permits needed to support project construction requirements. A floodplain development permit will be required from the Town for any work done within the floodplain.

9 FINDING OF NO SIGNIFICANT IMPACT

CFLHD has determined that the Selected Alternative (Phase 1 of the Action Alternative) as described in this document will have no significant impact on the environment given the project's environmental benefits and committed mitigation measures, and the project's context and the intensity of environmental impacts. This FONSI is based on the analysis presented in the Downtown Estes Loop EA and consideration of public and agency comments on the EA. The EA has been independently evaluated by CFLHD and determined to adequately and accurately describe the Proposed Action and discuss the purpose and need for the project, identify environmental issues and evaluate impacts of the proposed project, and develop and commit to appropriate mitigation measures as included in this FONSI. Responses to public and agency comments are included in Appendix B of this FONSI; some of the comments resulted in clarifications to the EA analysis, as presented in Chapter 6 of this FONSI. The EA and consideration of comments provide sufficient evidence and analysis for determining that an Environmental Impact Statement is not required. CFLHD takes full responsibility for the accuracy, scope, and content of the EA and the information presented in this FONSI.

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