

Town of Rangely Conference Room *** February 13th, 2025 ***

Agenda FOLLOWING RDA MEETING

| Keel | y Ellis, Chairman |
|----------------------------|-------------------|
| Ron Granger, Vice Chairman | Jeannie Caldwell |
| Karen Reed | Candra Robie |
| Ryan Huitt | Emma Baker |

1) Call to Order

2) Roll Call

3) Minutes of Meeting

- a) Discussion and Action to approve the December 12th, 2024, minutes.
- 4) Changes to the Agenda

5) Old Business

6) New Business

- a) Discussion and action to accept the resignation of Candra Robie
- b) Discussion and action to appoint Derek Nielson to the RDC Board
- *c)* Discussion and action to approve the Nov/Dec 2024 Financials
- d) Discussion and action to approve the check register Nov/Dec 2024
- e) Update Certified Local Government Rangely Historical Preservation
- f) Update River Project Just Transition

7) Information

8) <u>Adjourn</u>



Town of Rangely Conference Room *** October 10, 2024 ***

Minutes Following RDA meeting

| | Keel | y Ellis, Chairman |
|---|----------------------------|-------------------|
| | Ron Granger, Vice Chairman | Jeannie Caldwell |
| | Karen Reed | Candra Robie |
| | Ryan Huitt | Emma Baker |
| _ | | |

- 1) <u>Call to Order</u> 8:30am
- 2) <u>Roll Call</u> Keely Ellis, Ron Granger, Jeannie Caldwell and Ryan Huitt present. Karen Reed, Candra Robie and Emma Baker absent.

3) Minutes of Meeting

- a) Discussion and Action to approve the October 10th, 2024, minutes. Motion made by Ron Granger to approve the October 10th, 2024, minutes, second by Ryan Huitt. Motion passed
- 4) Changes to the Agenda None

5) Old Business

6) New Business

- a) Discussion and action to approve the Sept/Oct 2024 Financials Motion made by Ron Granger to approve the Sept/Oct 2024 Financials, second by Ryan Huitt. Motion passed.
- *b)* Discussion and action to approve the check register Sept/Oct 2024 Motion made by Jeannie Caldwell to approve the check register Sept/Oct 2024, second by Ron Granger. Motion passed.
- *c)* Update Certified Local Government Rangely Historical Preservation They wanted more specific details of how we will do the evaluations on the property.
- *d)* Update River Project Just Transition Nothing to report
- 7) <u>Information</u> Dark Skies update, received a second grant for technical assistance. The new owner of Buck n Bull wants to buy clear tents for glamping.
- **8**) <u>Adjourn</u> 8:37am

Lisa Piering

From: Sent: To: Subject: Candra Robie <candra.robie17@gmail.com> Tuesday, January 7, 2025 8:27 AM Lisa Piering Resignation

Hi Lisa,

I would like to put in my resignation from the RDA and the RDC Board's. I appreciated being a part of these boards and learning more about my community. I wish everyone the best, thank you for letting me be a part of the team.

Kind regards,

Candra Robie

Derek Nielsen

Director of Marketing & Executive Assistant to the CEO Rangely District Hospital 210 Ridge Rd Rangely, CO 81648 01/09/2024

To the Rangely Development Agency (RDA) and Rangely Development Corporation (RDC) Board

I am writing to express my interest in joining the RDA/RDC Board as a representative of Rangely District Hospital (RDH). Currently, I serve as the Director of Marketing and Executive Assistant to the CEO at RDH, where I have the privilege of collaborating closely with the hospital's leadership to advance its mission of providing exceptional care to our community.

Born and raised in rural western Colorado, I bring a deep understanding of the unique challenges and opportunities facing Rangely and its surrounding areas. My professional experiences have equipped me with a strong background in administration, marketing, and strategic communications skills I believe align well with the goals of the RDA/RDC in fostering economic development and community growth.

Through my role at RDH, I have gained firsthand experience working with stakeholders across diverse sectors to promote initiatives that enhance Rangely's vitality. Whether it's organizing community outreach programs, coordinating events, or crafting marketing strategies, I have consistently sought to highlight and build upon the strengths of our town. As a board member, I would strive to bring innovative ideas and a collaborative spirit to advance Rangely's development while honoring its rich heritage.

In addition to my role at RDH, I currently serve as a Board Member of the Rio Blanco County Farm Bureau and the Rangely Area Chamber of Commerce. These positions have provided valuable insights into the economic and social fabric of our region, as well as opportunities to contribute to initiatives that promote local businesses and agriculture. These experiences further reflect my commitment to supporting rural communities like ours and advocating for their sustained growth.

I am eager to contribute my expertise and dedication to the RDA/RDC Board's mission. I firmly believe that a thriving Rangely is built upon partnerships between its institutions, businesses, and residents, and I am committed to being an active participant in this collaborative effort.

Thank you for considering my application. I would welcome the opportunity to discuss how my experiences and vision align with the board's objectives. Please feel free to contact me at [your phone number] or [your email address].

Sincerely,

Perek Nielsen

Derek Nielsen Director of Marketing & Executive Assistant to the CEO Rangely District Hospital

TOWN OF RANGELY REVENUES WITH COMPARISON TO BUDGET FOR THE 11 MONTHS ENDING NOVEMBER 30, 2024

| | | PERIOD ACTUAL | YTD ACTUAL | BUDGET | UNEARNED | PCNT |
|-----------|--------------------|---------------|------------|------------|---------------|---------|
| | | | | | | |
| | REVENUES | | | | | |
| 76-30-300 | INTEREST INCOME | 947.14 | 10,408.05 | 500 | (9,908.05) | 2081.61 |
| 76-30-400 | MISC INCOME | .00 | 52,406.63 | 10,200,000 | 10,147,593.37 | .51 |
| | TOTAL REVENUES | 947.14 | 62,814.68 | 10,200,500 | 10,137,685.32 | .62 |
| | TOTAL FUND REVENUE | 947.14 | 62,814.68 | 10,200,500 | 10,137,685.32 | .62 |

TOWN OF RANGELY EXPENDITURES WITH COMPARISON TO BUDGET FOR THE 11 MONTHS ENDING NOVEMBER 30, 2024

| | | PERIOD ACTUAL YTD ACTUAL BUDGE | | BUDGET | UNEXPENDED | PCNT |
|-----------|-------------------------------|--------------------------------|-----------|-----------|---------------|-------|
| | | | | | | |
| 76-40-220 | PROF/TECH SERVICES | 27.67 | 319.49 | 500 | 180.51 | 63.90 |
| 76-40-301 | GRANT EXPENSES | .00 | .00 | 67,000 | 67,000.00 | .00 |
| | TOTAL OPERATING EXPENSES | 27.67 | 319.49 | 67,500 | 67,180.51 | .47 |
| | CAPITAL IMPROVEMENTS | | | | | |
| 76-40-800 | CAPITAL IMPROVEMENTS | .00 | 52,846.63 | 10,196,00 | 10,143,153.37 | .52 |
| | TOTAL CAPITAL IMPROVEMENTS | .00 | 52,846.63 | 10,196,00 | 10,143,153.37 | .52 |
| | TOTAL DEPARTMENT 40 | 27.67 | 53,166.12 | 10,263,50 | 10,210,333.88 | .52 |
| | TOTAL FUND EXPENDITURES | 27.67 | 53,166.12 | 10,263,50 | 10,210,333.88 | .52 |
| | NET REVENUE OVER EXPENDITURES | 919.47 | 9,648.56 | 63,000- | (72,648.56) | 15.32 |

TOWN OF RANGELY REVENUES WITH COMPARISON TO BUDGET FOR THE 12 MONTHS ENDING DECEMBER 31, 2024

| | | PERIOD ACTUAL | YTD ACTUAL | BUDGET | UNEARNED | PCNT |
|------------------------|--------------------------------|---------------|------------------------|-------------------|-------------------------------|----------------|
| | REVENUES | | | | | |
| 76-30-300 76-30-400 | INTEREST INCOME MISC INCOME | 211.26 | 10,619.31 52,406.63 | 500 10,200,000 | (10,119.31) 10,147,593.37 | 2123.86 .51 |
| | TOTAL REVENUES | 211.26 | 63,025.94 | 10,200,500 | 10,137,474.06 | .62 |
| | TOTAL FUND REVENUE | 211.26 | 63,025.94 | 10,200,500 | 10,137,474.06 | .62 |

TOWN OF RANGELY EXPENDITURES WITH COMPARISON TO BUDGET FOR THE 12 MONTHS ENDING DECEMBER 31, 2024

| | | PERIOD ACTUAL YTD ACTUAL BUD | | BUDGET | UNEXPENDED | |
|-----------|-------------------------------|------------------------------|-----------|-----------|---------------|-------|
| | | | | | | |
| 76-40-220 | PROF/TECH SERVICES | 32.61 | 352.10 | 500 | 147.90 | 70.42 |
| 76-40-301 | GRANT EXPENSES | .00 | .00 | 67,000 | 67,000.00 | .00 |
| | TOTAL OPERATING EXPENSES | 32.61 | 352.10 | 67,500 | 67,147.90 | .52 |
| | CAPITAL IMPROVEMENTS | | | | | |
| 76-40-800 | CAPITAL IMPROVEMENTS | .00 | 52,846.63 | 10,196,00 | 10,143,153.37 | .52 |
| | TOTAL CAPITAL IMPROVEMENTS | .00 | 52,846.63 | 10,196,00 | 10,143,153.37 | .52 |
| | TOTAL DEPARTMENT 40 | 32.61 | 53,198.73 | 10,263,50 | 10,210,301.27 | .52 |
| | TOTAL FUND EXPENDITURES | 32.61 | 53,198.73 | 10,263,50 | 10,210,301.27 | .52 |
| | NET REVENUE OVER EXPENDITURES | 178.65 | 9,827.21 | 63,000- | (72,827.21) | 15.60 |

Check Register - RDC Check Issue Dates: 11/1/2024 - 12/31/2024

Report Criteria:

Report type: Invoice detail

Invoice Detail.GL account = "7640220","7640301","7640700","7640800"

| GL Period | Pay | yee | Invoice GL Account Title | Check Issue Date | Check Number | Invoice Number | Amount |
|-----------|-------------------------|--------------|--------------------------|------------------|--------------|----------------|--------|
| 11/24 | ALL COPY PRODUCTS INC. |) . I | PROF/TECH SERVICES | 11/15/2024 | 86580 | 37880537 | 13.42 |
| 12/24 | ALL COPY PRODUCTS INC. | C . | PROF/TECH SERVICES | 12/13/2024 | 86781 | 38101895 | 13.42 |
| Total | ALL COPY PRODUCTS INC.: | .: | | | | | 26.84 |
| Gran | d Totals: | | | | | | 26.84 |

Summary by General Ledger Account Number

| GL Account | Debit | Credit | Proof |
|---------------|-------|--------|--------|
| 01-11100 | .00 | .00 | .00 |
| 76-21500 | .00 | 26.84- | 26.84- |
| 76-40-220 | 26.84 | .00 | 26.84 |
| Grand Totals: | 26.84 | 26.84- | .00 |

August 10, 2023 ***APPROVED CHECK REGISTER***

RDC BOARD

TOWN OF RANGELY

Detail Ledger - RDC Period 11/24 (11/30/2024) - 14/24 (12/31/2024)

Report Criteria:

Actual amounts

All accounts

Account.Termination date = IS NULL

Account.Account number = "7630100"-"7640800"

| Reference Journal Number Payee or Description | | | | Debit Credit Amount Amount | | Balance | | |
|--|------------|--|-------------------------|-------------------------------|-------------------|--------------------------------|------------------|--|
| 76-30-300 | INTEREST I | NCOME | | | | | | |
| 0-00-000 | | 10/31/2024 (10/24) Bal | ance | | .00 * | .00 * | 9,460.91- | |
| JE | 101 | INT INCOME | | | 100 | 730.33- | 0,100101 | |
| JE | | INT INCOME | | | | 216.81- | | |
| | | 11/30/2024 (11/24) Per | riod Totals and Balanc | e | .00 * | 947.14- * | 10,408.05- | |
| JE | 74 | INT INCOME | | - | | 211.26- | | |
| | | 12/31/2024 (12/24) Per | riod Totals and Balanc | e | .00 * | 211.26- * | 10,619.31- | |
| | | 12/31/2024 (14/24) Pe | | | .00 * | .00 * | 10,619.31- | |
| YTD Encum | brance | .00 YTD Actual | 10,619.31- Total | 10,619.31- YTD Bu | dget 500.00- | Unearned 10,119.3 ² | - | |
| 76 20 400 | | A = | | | | | | |
| 10-30-400 | MISC INCO | ″⊏ 10/31/2024 (10/24) Bal | ance | | .00 * | .00 * | 52,406.63- | |
| | | 12/31/2024 (14/24) Per | | е | .00 * | .00 * | 52,406.63- | |
| YTD Encum | branco | .00 YTD Actual | 52,406.63- Total | 52 406 62 VTD D | dapt 10.200.000.0 | 0- Unearned 10,147,5 | 03 37 | |
| TID Encun | IDIAIICE | .00 FTD Actual | 52,400.03- Total | 52,406.63- YTD Bu | uget 10,200,000.0 | 0- Offeathed 10,147,5 | 93.37 | |
| 76-40-220 | PROF/TECH | SERVICES | | | 00. t | 00. t | 004.00 | |
| | | 10/31/2024 (10/24) Bal | | | * 00. | .00 * | 291.82 | |
| AP | | ALL COPY PRODUCTS | INC. | | 13.42 | | | |
| JE | 106 | PREPAID WC ACCL | | | 14.25 | 00. * | 040.40 | |
| | 140 | 11/30/2024 (11/24) Per | | e | 27.67 * | .00 * | 319.49 | |
| AP | | ALL COPY PRODUCTS | INC. | | 13.42 | | | |
| JE | 04 | wc adj | riad Tatala and Palana | 0 | 19.19 | 00 * | 252 10 | |
| | | 12/31/2024 (12/24) Per 12/31/2024 (14/24) Per | | | 32.61 * .00 * | .00. * 00. | 352.10 352.10 | |
| | | 12/31/2024 (14/24) FG | | e | .00 | .00 | 552.10 | |
| YTD Encum | brance | .00 YTD Actual | 352.10 Total | 352.10 YTD Budge | et 500.00 Ur | expended 147.90 | | |
| 76-40-301 | GRANT EXF | ENSES | | | | | | |
| | | 10/31/2024 (10/24) Ba | ance | | .00 * | .00 * | .00 | |
| | | 12/31/2024 (14/24) Per | riod Totals and Balanc | е | .00 * | .00 * | .00 | |
| | branco | .00 YTD Actual | 00 Total | .00 YTD Budget | 67.000.00 Unex | pended 67.000.00 | | |
| YTD Encurr | INITICE | .00 TTD Actual | .00 Total | TID Budgel | 07,000.00 Unex | pended 07,000.00 | | |
| 76-40-700 | CAPITAL O | | | | ~ ^ + | ~~ + | 22 | |
| | | 10/31/2024 (10/24) Bal | | _ | .00 * | .00.* | .00 | |
| | | 12/31/2024 (14/24) Pe | riod I otals and Balanc | e | .00 * | .00.* | .00 | |
| | | | | | | | | |

| TOWN OF | RANGELY | | Detail Ledger - RDC Period 11/24 (11/30/2024) - 14/24 (12/31/2024) | | | | | | Feb 11, | Page: 2 2025 8:48AM |
|-----------|---------------------|---------|---|------------------------------|----------------|-----------------|----------------|---------------------|------------------------|------------------------|
| Journal | Reference Number | | Paye | ee or Description | | Debit Amount | | Credit Amount | Balance | |
| 76-40-800 | CAPITAL IN | 10/31 | /2024 (10/24) B | alance eriod Totals and I | Balance | | .00 * .00 * | .00 * .00 * | 52,846.63 52,846.63 | |
| YTD Encu | mbrance | .00 | YTD Actual | 52,846.63 To | otal 52,846.63 | YTD Budget | 10,196,00 | 0.00 Unexpended 10, | 143,153.37 | |
| Numb | er of transact | ions: 7 | Number of acc | ounts: 6 | | Debit | | Credit | Proof | |
| Total | : | | | | | | 60.28 | 1,158.40- | 1,098.12- | |
| Numb | er of transact | ions: 7 | Number of acc | ounts: 6 | | Debit | | Credit | Proof | |
| Grand | d Totals: | | | | | | 60.28 | 1,158.40- | 1,098.12- | |



DEPARTMENT OF THE ARMY U.S. ARMY CORPS OF ENGINEERS ALBUQUERQUE DISTRICT REGULATORY DIVISION NW COLORADO BRANCH, GRAND JUNCTION OFFICE 400 ROOD AVENUE, ROOM 224 GRAND JUNCTION, CO 81501-2520

January 10, 2025

Regulatory Division

SUBJECT: Nationwide Permit Verification (SPA-2024-00139)

Town of Rangely Attn: Lisa Piering 209 E Main St. Rangely, CO 81648 Ipiering@rangelyco.gov

Dear Ms. Piering:

We are responding to your preconstruction notification (PCN) submitted to us on April 3, 2024, for verification of authorization under Nationwide Permit (NWP) for the *Rangely River Access - Boat Ramp* project. The project site is located approximately 8.2 river miles downstream of the Taylor Draw Dam on the south bank (river left) of the White River, in the Town of Rangely, at latitude 40.08994, longitude -108.78665, in Rio Blanco County, Colorado.

Based on the information provided, we have determined that the *Rangely River Access - Boat Ramp* project involves the discharge of fill material into waters of the United States, subject to Section 404 of the Clean Water Act. The specific activity that requires Corps authorization is the construction of crushed gravel boat ramp and terraced boulder bank. The project will permanently impact approximately of 0.02 acre of the White River and will be conducted as described in the referenced PCN.

We have determined that activities associated with the project are authorized by 2021 NWP 36 - Boat Ramps. A summary of this NWP and the 2021 Colorado Regional Conditions are available on our website at <u>www.spa.usace.army.mil/reg/nwp</u>. Failure to comply with all terms and conditions of this NWP may result in the suspension or revocation of this authorization. As required by General Condition 30, you shall sign the enclosed Compliance Certification (Enclosure 1) and return it to this office within 30 days after completion of the authorized work. In addition, the work must comply with the following special condition:

1) To ensure your project complies with the federal Endangered Species Act, you must implement all of the mitigating measures proposed as part of your project description, which are identified in the enclosed U.S. Fish and Wildlife Service letter of concurrence (2024-0092539, dated June 6, 2024). If

you are unable to implement any of the proposed measures, you must immediately notify this office and the U.S. Fish and Wildlife Service so we may consult as appropriate, prior to initiating the work, in accordance with federal law.

Our review of this project addressed its effects on threatened and endangered species and historic properties in accordance with General Conditions 18 and 20. Based on available information, the Corps has determined that the action may effect, but is not likely to adversely affect (NLAA) the federally listed bonytail chub (*Gila elegans*), humpback chub (*Gila cypha*) Colorado pikeminnow (*Ptychocheilus lucius*) and the razorback sucker (*Xyrauchen texanus*). Further the Corps have determined that the action is NLAA designated critical habitat for the Colorado pikeminnow. The Corps initiated informal consultation with the United States Fish and Wildlife Service (Service) in a letter dated May 17, 2024, and the Service provided a concurrence letter on June 6, 2024. Additionally, the project will have *no effect (no historic properties affected)* on any historic properties. The Corps initiated consultation with the Colorado State Historic Preservation Office (SHPO) in a letter dated December 16, 2024, and the SHPO provided a concurrence letter dated January 7, 2025. However, these determinations may be invalidated if the project is not completed as authorized or you did not provide accurate information in your PCN.

This permit verification is valid until March 14, 2026, unless the NWP is modified, suspended, reissued, or revoked prior to that date. Continued confirmation that an activity complies with the terms and conditions, and any changes to the NWP, is the responsibility of the permittee. Activities that have commenced, or are under contract to commence, in reliance on an NWP will remain authorized provided the activity is completed within 12 months of the date of the NWP's expiration, modification, or revocation.

This letter does not constitute approval of the project design features, nor does it imply that the construction is adequate for its intended purpose. This permit does not authorize any injury to property or invasion of rights or any infringement of federal, state, local, or tribal laws or regulations. The permittee and/or any contractors acting on behalf of the permittee must possess the authority and any other approvals required by law, including property rights, to undertake the proposed work.

The landowner must allow Corps representatives to inspect the authorized activity at any time deemed necessary to ensure that it is being, or has been, accomplished in accordance with the terms and conditions of the permit.

We would appreciate your feedback on this permit action including your interaction with our staff or suggestions for improving our program. For more information about our program or to complete our Regulatory Program national customer service survey, visit our website at <u>https://www.spa.usace.army.mil/Missions/Regulatory-Program-and-Permits/</u>.

Please refer to identification number SPA-2024-00139 in any correspondence concerning this project. If you have any questions, please contact me by email at <u>Tyler.R.Adams@usace.army.mil</u>, or telephone at (970) 243-1199 X 1013.

Sincerely,

Tyln adm

Tyler R. Adams Project Manager NW Colorado Branch

Enclosures

cc:

Russel Bair, RiverRestoration LLC, russell.bair@riverrestoration.org

COMPLIANCE CERTIFICATION

Action Number: SPA-2024-00139

Name of Permittee: Town of Rangely, Lisa Piering

Nationwide Permit: 36 - Boat Ramps

Upon completion of the activity authorized by this permit and any mitigation required by the permit, sign this certification and return it to the following address:

U.S. Army Corps of Engineers, Albuquerque District 400 Rood Avenue, Room 224 Grand Junction, Colorado 81501

Or to the following email address: spa-rd-co@usace.army.mil

Please note that your permitted activity is subject to a compliance inspection by a U.S. Army Corps of Engineers representative. If you fail to comply with this permit, you are subject to permit suspension, modification, or revocation.

Please enclose photographs showing the completed project (if available).

I hereby certify that the work authorized by the above-referenced permit has been completed in accordance with the terms and conditions of the said permit, and required mitigation was completed in accordance with the permit conditions.

Date Work Started

Date Work Completed _____

Signature of Permittee

Date

Encl 1



United States Department of the Interior

FISH AND WILDLIFE SERVICE Colorado Ecological Services Field Office 445 W. Gunnison Ave Suite 240 Grand Junction, Colorado 81501-5711



IN REPLY REFER TO: FWS/R6

FWS Project code: 2024-0092539

June 6, 2024

Tyler Adams, Project Manager Department of the Army, U.S. Corps of Engineers NW Colorado Branch, Grand Junction Office 400 Rood Avenue, Room 224 Grand Junction, Colorado 81501-2620

Project Name: Rangely River Access-Boat Ramp project

Dear Tyler Adams:

This letter is in response to the U.S. Army Corps of Engineers (USACE) request under the Endangered Species Act (ESA) of 1973, as amended (16 USC 1531 et seq.) for section 7 consultation on the Rangely River Access- Boat Ramp project, Rio Blanco County, Colorado (Project). You have requested the U.S. Fish and Wildlife Service (Service) concur with your determination that the project **may affect but is not likely to adversely affect (NLAA)** the federally listed bonytail (*Gila elegans*), Colorado pikeminnow (*Ptychocheilus lucius*), and the razorback sucker (*Xyrauchen texanus*), and **NLAA** designated critical habitat for the Colorado pikeminnow. You have also made a **no effect** determination for several other species. Thank you for considering these species and their habitat in USACE's ongoing conservation efforts. The ESA does not require the Service to concur with "no effect" determinations; however, we appreciate receiving the information used to support your conclusions; these species will not be discussed further.

The USACE's action area includes approximately 131 linear feet (0.02 acre) along the west bank of the White River, an upland staging and access area, and 0.06 acre where work will occur below the White River's ordinary high-water mark (OWHM). The Project involves dredged or filled material being discharged into the waters to construct a boat ramp and terraced boulder bank, including earthwork below the OHWM. Fill material will be crushed gravel, native boulder, and slab stone taken from the area. Additionally, staking material, nonwoven filter fabric, and native alluvial cobble will placed as backfill. Finally, all disturbed areas, including the riparian and upland buffer zones, will be revegetated with native species to prevent erosion. All exposed soils, other fills, and any work below the OHWM will be permanently stabilized and backfilled with alluvial gravel to eliminate interstitial spaces created by boulders. The project will be performed in the low-water window between July 16 and November 30, 2024.

Critical habitat for the Colorado pikeminnow includes three primary constituent elements (PCE): (1) *Water, a quantity of water of sufficient quality required for the particular life stages;*

(2) Physical Habitat, areas of a river system that are inhabited or potentially habitable by fish for use in spawning, nursery, feeding, and rearing, or corridors between these areas, including bottom lands, side channels, etc. in the 100-year flood plain; and

(3) Biological Environment, food supply, predation, and competition are important elements and considered component of this PCE (54 FR 13378).

The Project, while creating a potential small increase in turbidity and possible temporary displacement during construction activities, will be performed during low flows to avoid using a coffer dam. The four listed fish evolved with high levels of sediment (turbidity), so effects of adding a small amount of additional sediment are insignificant. There is no spawning nearby, so we do not expect larval fish near Rangely. Adult and sub-adult Colorado pikeminnow may occur near the Project; however, these fish are able to move away—if needed—from the small section of river in the Project area (131 linear feet), which is a fraction of the entire river; therefore, the Project will have a negligible (if any) impact on breeding, feeding, and sheltering, which is also insignificant. Also, by eliminating the creation of habitat for non-native fish species, you help remove the risk of predation.

After evaluating the proposed action and its likely effects, we concur with your determination that the proposed action may affect but is not likely to adversely affect the Colorado pikeminnow and its critical habitat, the razorback sucker, humpback chub, and bonytail.

Based on your request and our response, our joint responsibilities under section 7 of the ESA have been satisfied. However, section 7 consultation must be reinitiated: 1) If the amount or extent of taking specified in the incidental take statement is exceeded; 2) If new information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not previously considered; 3) If the identified action is subsequently modified in a manner that causes an effect to the listed species or critical habitat that was not considered in the biological opinion or written concurrence; or 4) If a new species is listed or critical habitat designated that may be affected by the identified action. (50 CFR 402.16).

We appreciate your efforts to ensure the conservation of threatened and endangered species. If you have questions or comments related to this project, please contact Kathleen Gissing at Kathleen gissing@fws.gov or 970-628-7188.

Sincerely,

DARNALL DARNALL 09:15:45 -06'00'

Nathan Darnall Western Colorado Supervisor Colorado ES Field Office

Reference:

U.S. Fish and Wildlife Service (1994, March 21). Endangered and Threatened Wildlife and Plants; Determination of Critical Habitat for the Colorado River Endangered Fishes; Razorback, Sucker, Colorado Squawfish, Humpback chub and Bonytail Chub. Federal Register. 54 FR 13374-13428.

2