

**U.S. Department of the Interior
FISH AND WILDLIFE SERVICE
Region 6, Denver, Colorado**

ENVIRONMENTAL ACTION STATEMENT

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA) and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and have determined that the action of making minor adjustments to the management direction and strategies found in the Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan as necessary to better implement wildlife-dependent recreational opportunities:

- X is a categorical exclusion as provided by 516 DM 8.5(B)(7) covering minor changes in the amounts or types of public use on Service or State-managed lands, in accordance with existing regulations, management plans, and procedures; 516 DM 8.5(B)(9) covering minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated; and 516 DM 8.5(B)(10) covering the issuance of new or revised site, unit, or activity-specific management plans for public use, land use, or other management activities when only minor changes are planned.
- is found not to have significant environmental effects as determined by the attached Finding of No Significant Impact and Environmental Assessment.
- is found to have special environmental conditions as described in the attached environmental assessment. The attached Finding of No Significant Impact will not be final nor any actions taken pending a 30-day period for public review [40 CFR 1501.4(e)(2)].
- is found to have significant effects and, therefore, a notice of intent will be published in the *Federal Register* to prepare an environmental impact statement before the project is considered further.
- is denied because of environmental damage, Service policy, or mandate.
- is an emergency situation. Only those actions necessary to control the immediate impacts of the emergency will be taken. Other related actions remain subject to NEPA review.

Other supporting documents:

- U.S. Fish and Wildlife Service. 2004. Final Comprehensive Conservation Plan and Environmental Impact Statement. Division of Refuge Planning. Lakewood, CO.*
- _____. 2005. *Comprehensive Conservation Plan for the Rocky Flats National Wildlife Refuge. Division of Refuge Planning. Lakewood, CO.*

Project Leader
Colorado Front Range NWR Complex

Date

**U.S. FISH AND WILDLIFE SERVICE, REGION 6
ENVIRONMENTAL COMPLIANCE CERTIFICATE**

PROJECT: **Minor adjustments to CCP for wildlife-dependent recreation @ RFNWR**
 STATE: **Colorado**

ACTION (indicate if not applicable)	DATE
NEPA (NATIONAL ENVIRONMENTAL POLICY ACT) (INDICATE ONE)	
Categorical Exclusion.....	3/23/2018
Environmental Assessment/Finding of No Significant Impact.....	N/A
Environmental Impact Statement/Record of Decision.....	N/A
Executive Order 11593, Protection of Historical, Archaeological, and Scientific Properties.....	3/23/2018
Executive Order 11988, Floodplain Management.....	N/A
Executive Order 11990, Protection of Wetlands.....	3/23/2018
Executive Order 12372, Intergovernmental Review of Federal Programs.....	3/23/2018
Executive Order 12898, Federal Actions to Address Environmental Justice in Minority and Low-Income Populations.....	3/23/2018
Executive Order 12996, Management and General Public Use of the National Wildlife Refuge System.....	3/23/2018
Endangered Species Act, Section 7.....	3/23/2018
Coastal Zone Management Act, Section 307.....	N/A

I hereby certify that all requirements of the law, rules, and Service regulations or policies applicable to planning for the above project have met with compliance. I approve making minor adjustments to the management direction and strategies found in the Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan as necessary to better implement wildlife-dependent recreational opportunities.

 Project Leader
 Colorado Front Range NWR Complex

 Date

STATEMENT OF COMPLIANCE

The following Executive Orders and legislative acts have been reviewed as they apply to making minor modifications to the CCP for the Rocky Flats National Wildlife Refuge:

1. **Executive Order 11593. Protection of Historical, Archaeological, and Scientific Properties.** The proposed action of making minor modifications to the CCP will not impact historical artifacts. Service archaeologist have consulted with the SHPO on an approach and have conducted visual inspection(s) prior to implementation.
2. **Executive Order 11988. Floodplain Management.** No structures that could be damaged by or that would significantly influence the movement of floodwater are planned for construction by the Fish and Wildlife Service or its cooperators as a part of this project.
3. **Executive Order 11990. Protection of Wetlands.** This action does not include trail connections in the Rock Creek and Woman Creek drainages that may occur in the future. This action will generally occur on land at higher elevations and following existing roads at the Rocky Flats National Wildlife Refuge where no wetlands exists. No destruction, loss or degradation of wetlands will occur and will not require further notifications. If required in the future (based on detailed planning; further revalidation of wetlands information; and/or if any other new information becomes available), additional notifications can and will be completed (FWS 2017).
4. **Executive Order 12372. Intergovernmental Review.** No further consultation with Native American tribes will be required for this action.
5. **Executive Order 12898. Federal Actions to Address Environmental Justice in Minority and Low-Income Populations.** The proposed work will not have a disproportionately high or adverse human health or environmental effect on minority or low-income populations. Therefore, this action complies with this Executive Order.
6. **Executive Order 12996. Management and General Public Use of the National Wildlife Refuge System.** The proposed action is covered by current compatibility determinations.
7. **Endangered Species Act, section 7.** The proposed action will have no effect on the majority of endangered, threatened, proposed species or species considered as candidates for listing under the Endangered Species Act of 1973. The proposed action may affect, but is not likely to adversely affect the Preble's Meadow Jumping Mouse or designated critical habitat(s) of the Preble's Meadow Jumping Mouse.
8. **Coastal Zone Management Act.** Due to the location of the project area, compliance of this Act was determined not to be needed.

I hereby certify that the Service has complied with all requirements of law, rules, or regulations applicable to planning for the above project. I approve making minor adjustments to the management direction and strategies found in the Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan as necessary to better implement wildlife-dependent recreational opportunities.

Project Leader
Colorado Front Range NWR Complex

Date

U. S. FISH AND WILDLIFE SERVICE
ENVIRONMENTAL ACTION STATEMENT FOR
CATEGORICAL EXCLUSION

Within the spirit and intent of the Council on Environmental Quality's regulations for implementing the National Environmental Policy Act (NEPA), and other statutes, orders, and policies that protect fish and wildlife resources, I have established the following administrative record and determined that the following proposed action is categorically excluded from NEPA documentation requirements consistent with 40 CFR 1508.4, 516 DM 8.5(B)(7) covering minor changes in the amounts or types of public use on Service or State-managed lands, in accordance with existing regulations, management plans, and procedures; 516 DM 8.5(B)(9) covering minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated; and 516 DM 8.5(B)(10) covering the issuance of new or revised site, unit, or activity-specific management plans for public use, land use, or other management activities when only minor changes are planned.

Proposed Action and Alternatives.

Rocky Flats National Wildlife Refuge (RFNWR or “the refuge”) sits about 2 miles from the foothills of the Front Range at the interface of the Great Plains and Rocky Mountains. The refuge has a somewhat unusual history. It was established in 2001 and came into U.S. Fish and Wildlife Service (Service) stewardship in 2007 following the closure and subsequent cleanup of a nuclear weapons plant operated by the Department of Energy (DOE).

The planning for the refuge began in 2001 with the passage of the Rocky Flats National Wildlife Refuge Act of 2001 (Pub. L. No. 107-107 §§ 3171-3182), though Rocky Flats did not come into Service stewardship until 2007 after the Environmental Protection Agency (EPA) issued certification of the cleanup of the former DOE Rocky Flats Environmental Technology Site (Roberts 2007). A thorough Comprehensive Conservation Plan (CCP) was drafted for the then-future refuge in 2005 (U.S. Fish and Wildlife Service 2005). The planning process for the CCP included the drafting of an Environmental Impact Statement (EIS) to assess the impacts of conservation and management alternatives for the refuge (U.S. Fish and Wildlife Service 2004) . This EIS included an analysis of the impacts of various alternatives to construct any infrastructure needed to support future public visitation of the refuge. A Record of Decision

(ROD) was issued 2005 that selected “Alternative B – Wildlife, Habitat, and Public Use” for future implementation by the Service.¹

The Service began public tours of the Rocky Flats National Wildlife Refuge in 2014, but space has been limited. Beginning in early 2018, the Service will begin steps to allow larger numbers of visitors to enjoy the refuge. Consistent with the CCP, work will include installation of signs and gates, repairs to existing facilities, and development of several locations for the public to access the refuge (see Table 1). Any further improvements to the refuge’s visitor amenities (e.g., whether or not to construct a slightly larger visitor facility than proposed in the CCP; whether or not to construct an additional vault toilet; and/or whether or not to construct additional trail connections to the north and east of the refuge) *may* occur in the future and would be subject to future NEPA determinations.

Table 1. Summary of access points to the Rocky Flats National Wildlife Refuge, 2018

Location	Description	FWS Route Number
East Woman Creek trailhead	Public access (Trailhead)	n/a
West Woman Creek trailhead	Public access (Trailhead)	n/a
Southeast gate (Indiana St)	Emergency access only	451 (Red)
Southeast gate (Indiana St)	Administrative access	400 (Brown)
<i>Indiana Street trailhead</i>	<i>Public access (Trailhead)</i>	<i>n/a</i>
Northeast gate (Indiana St)	Access to monitoring station	301 (Brown)
Main entrance	Public access	010 (Brown)
<i>Rock Creek trailhead (Hwy 128)</i>	<i>Public access (Trailhead)</i>	<i>n/a</i>
Rock Creek gates (Hwy 128)	Emergency access only	498B & 498C (Red)
Northwest gate (behind Trinity)	Emergency access only	497 (Red)
West gate	Administrative access	300 (Brown)
West gate (behind Church McKay)	Emergency access only	497 (Red)
Section 16 gate (Hwy 93)	Administrative access	416 (Brown)
Rocky Flats Lake gate	Administrative access	416 (Brown)
<i>Rocky Flats Lake trailhead</i>	<i>Public access (Trailhead)</i>	<i>n/a</i>

Notes: Locations listed in *Italic* will not be fully developed in 2018 and may be available at some point in the future. Administrative roads are roads that are maintained and frequently used by Service personnel compared to Emergency Access roads are posted with “red” signs; may or may not be maintained; and are only used when needed for an emergency situation (e.g., wildfire, medical emergencies, etc.).

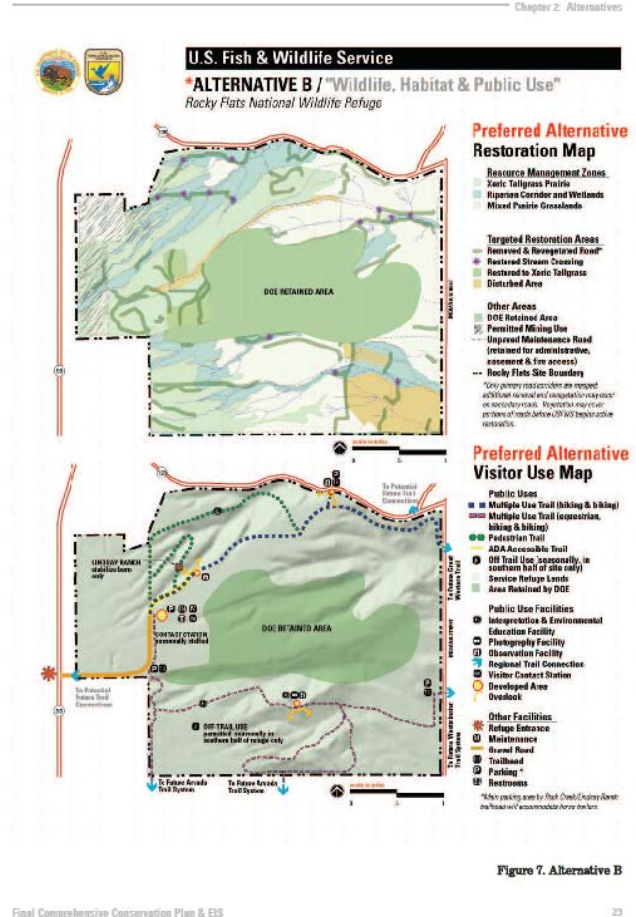
¹ The complete Record of Decision is included as Appendix H of the Comprehensive Conservation Plan. Appendices to the final CCP can be found at < https://www.fws.gov/mountain-prairie/refuges/completedPlanPDFs_M-S/rfl_2005_ccpfinal_appendix.pdf>.

The CCP states that “approximately 12.8 miles of multi-use trails and 3.8 miles of pedestrian-only trails will be developed. The majority of the trails will follow converted road corridors.” (See Figure 7 of CCP)

Current plans remain consistent with this goal and also provide a total of 17 miles of trails (see Table 2). To limit any habitat disturbance or degradation, these trails also seek to follow existing roadway corridors. Consistent with the CCP, the Service plans to open the majority of these trails in the summer of 2018.

Additional trail connections leading to adjacent municipal open space lands may be needed for trail connectivity. The locations of these proposed connections remains very similar to what was proposed in 2005. These two trail connections are proposed by adjacent local governments, *may* or *may not* occur in the future, and are not included with this determination thus requiring a future NEPA determination(s).

The Rocky Mountain Greenway Trail has been granted additional external funding through the Federal Lands Access Program (FLAP) and Federal Lands Transportation Program (FLTP). If these projects proceed, they will improve the surface of the portion of this trail that crosses the refuge and includes improved trail connections to the Westminster Open Space to the east of the refuge and Boulder County Open Space to the north of the refuge. Initial scoping for these programs was conducted in the summer of 2017. Detailed planning would occur in 2018 and, if approved, construction would begin in 2019. These two trail connections are proposed by adjacent local governments, *may* or *may not* occur in the future, and are not included with this determination thus requiring a future NEPA determination(s).



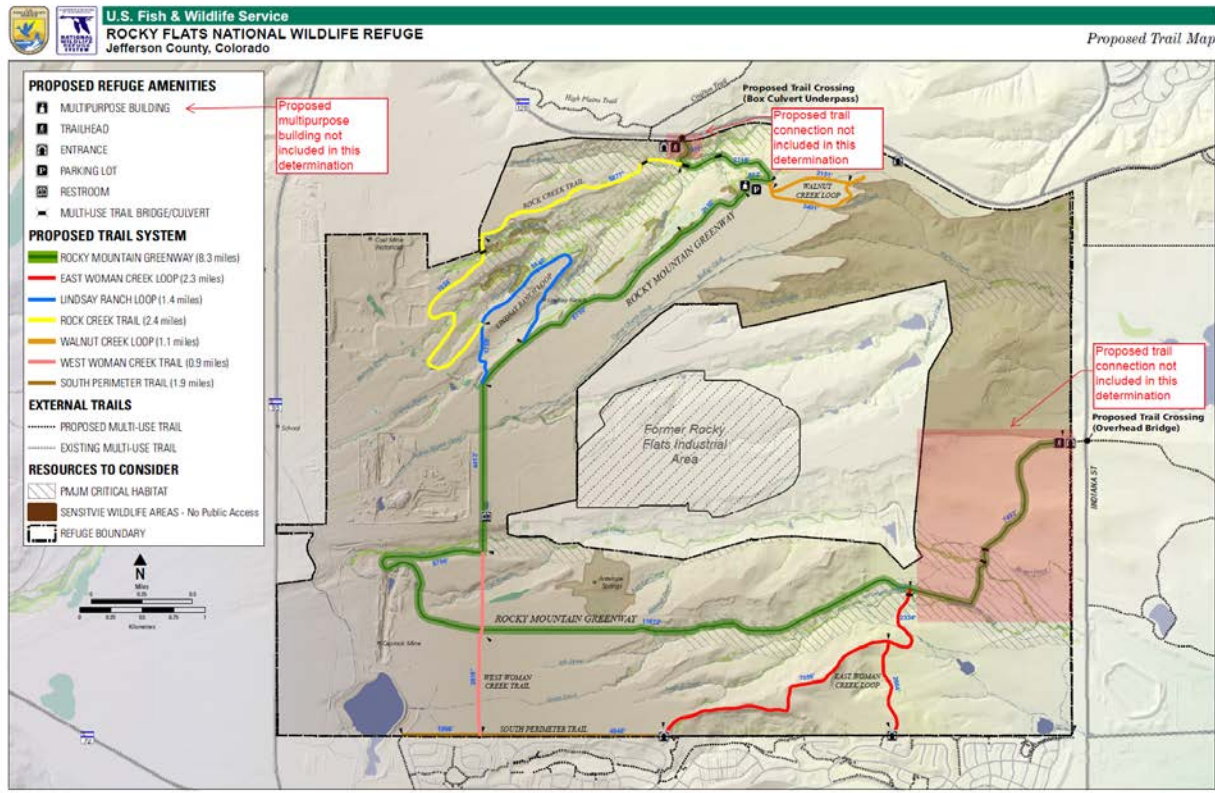


Table 2. Summary of multiple use trails located on the Rocky Flats National Wildlife Refuge, 2018

Lindsay Ranch Loop (1.4 miles)	No change from CCP; existing road (FWS404) converted to multiple use trail
East Woman Creek Loop Trail (1.8 miles)	No change from CCP; existing road (FWS451, 452 & 453) converted to multiple use trail
Rocky Mountain Greenway Trail (~ 8.0 miles)	No change from CCP to the majority of the trail: <ul style="list-style-type: none"> • existing road (FWS400, 402, 403 & 498) converted to multiple use trail; • minor change to CCP: per public recommendation, the trail route would be adjusted to follow FWS401 to the south of DOE retained lands and no longer follow FWS450; • minor change to CCP: approximately 1 mile of multiple-use trail would be constructed to provide access to the historic Caprock Mine located on Section 16; and • <i>the portion of multiple use trail constructed between the Westminster Hills Open Space and existing road (FWS400) would be shifted away from the Jefferson Parkway right-of-way.</i>

East Woman Creek Connector (0.4 miles)	No change from CCP; existing road (FWS452) converted to multiple use trail
South Perimeter Trail (1.3 miles) & West Woman Creek Trail (0.5 miles)	No change from CCP for the majority of the trail; approximately 1.2 miles of trail would not be constructed on the refuge, because this trail was constructed by the adjacent developer on their property and provides an identical experience; 1.3 miles of existing road (FWS402 & 405) would be converted to multiple use trail to provide lessor difficulty trail experience
Rock Creek Trail (2.5 miles)	No change from CCP for the majority of the trail; existing road (FWS498 & 499) converted to multiple use trail; a slightly different trail alignment would be used to avoid and minimize crossings of Rock Creek tributaries
<i>Walnut Creek Loop Trail (1.1 miles)</i>	<i>Existing road FWS497 may be improved to be a pedestrian trail that is fully accessible by all visitors; approximately 1/2 of this trail will be newly constructed to provide a loop</i>

Notes: Locations listed in *Italic* will not be fully developed in 2018 and may be available at some point in the future. If these items proceed, an additional NEPA determination will be required.

There are several other minor procedural modifications:

- ✓ The CCP includes a proposal to “Allow off-trail use in the southern portion of the Refuge (south of Woman Creek) between October and April.” The minor change to the CCP is that the Service will no longer allow off-trail use due to the emergence and spread of non-native plant species.
- ✓ One minor change to the CCP is that the Service will establish Sensitive Wildlife Areas in Walnut Creek, Rock Creek, and Antelope Springs drainages in order to further protect sensitive habitat areas for elk and other species. Public use will not be allowed in these areas.

Proposed action: Minor adjustments to the management direction and strategies found in the Rocky Flats National Wildlife Refuge Comprehensive Conservation Plan as necessary to better implement wildlife-dependent recreational opportunities

The proposed action is covered by current compatibility determinations.²

² See “Compatibility Determination – Wildlife Observation and Photography, Including Public Use Facility Development to support those uses (expires September 8, 2019)” and “Compatibility Determination – Interpretation

Other alternatives considered include: no action – continue to implement the CCP without modification(s). The Service believes the minor modifications discussed in this document represent improvements gained through further discussions with the public and stakeholders. These improvements will improve the quality of public’s experience and these minor modifications will have no or minor effects.

Categorical Exclusion(s)

In addition to the actions listed in the Departmental categorical exclusions outlined in Appendix 1 of 516 DM 2, the following Service actions are designated categorical exclusions:

- ✓ 516 DM 8.5(B)(7) covering minor changes in the amounts or types of public use on Service or State-managed lands, in accordance with existing regulations, management plans, and procedures;
- ✓ 516 DM 8.5(B)(9) covering minor changes in existing master plans, comprehensive conservation plans, or operations, when no or minor effects are anticipated; and
- ✓ 516 DM 8.5(B)(10) covering the issuance of new or revised site, unit, or activity-specific management plans for public use, land use, or other management activities when only minor changes are planned.

The Responsible Official must review actions eligible for categorical exclusion to determine whether any extraordinary circumstances are involved. Extraordinary circumstances are listed below:

The proposed action is known or expected to have potentially significant environmental impacts on the quality of the human environment either individually or cumulatively over time.	No
The proposed action is known or expected to have disproportionately high and adverse human health or environmental effects on any community, including minority communities, low-income communities, or federally-recognized Indian tribal communities.	No
The proposed action is known or expected to significantly affect federally listed threatened or endangered species or their critical habitat.	No

and Environmental Education (expires September 8, 2019).” These documents are included as Appendix B of the Comprehensive Conservation Plan. Appendices to the final CCP can be found at < https://www.fws.gov/mountain-prairie/refuges/completedPlanPDFs_M-S/rfl_2005_ccpfinal_appendix.pdf>.

The proposed action is known or expected to significantly affect national natural landmarks or any property with nationally significant historic, architectural, prehistoric, archeological, or cultural value, including but not limited to, property listed on or eligible for the National Register of Historic Places.	No
The proposed action is known or expected to significantly affect environmentally important natural resource areas such as wetlands, floodplains, significant agricultural lands, aquifer recharge zones, coastal zones, barrier islands, wild and scenic rivers, and significant fish or wildlife habitat.	No
The proposed action is known or expected to cause significant adverse air quality effects.	No
The proposed action is known or expected to have a significant effect on the pattern and type of land use (industrial, commercial, agricultural, recreational, residential) or growth and distribution of population including altering the character of existing residential areas, or may not be consistent with state or local government, or federally-recognized Indian tribe approved land use plans or federal land management plans.	No
The proposed action is known or expected to cause significant public controversy about a potential environmental impact of the proposed action. ³	No
The proposed action is known or expected to be associated with providing financial assistance to a federal agency through an interagency agreement for a project that is known or expected to have potentially significant environmental impacts.	No
The proposed action is known or expected to conflict with federal, state or local government, or federally-recognized Indian tribe environmental, resource-protection, or land-use laws or regulations.	No

Therefore, the proposed activity is covered by existing categorical exclusions and there are no extraordinary circumstances involved.

Permits/Approvals.

Endangered Species, Section 7 – the proposed action will have no effect on the majority of endangered, threatened, proposed species or species considered as candidates for listing under the Endangered Species Act of 1973. The proposed action may affect, but is not likely to adversely affect the Preble’s Meadow Jumping Mouse or designated critical habitat(s) of the Preble’s Meadow Jumping Mouse.

³ A small and often vocal group contends everything and anything concerning the former Rocky Flats site is controversial. The Service does not expect there to be actual controversy over potential environmental impacts of the very minor changes proposed to the CCP.

National Historic Preservation Act – The proposed action of making minor modifications to the CCP will not impact historical artifacts. Service archaeologist have consulted with the SHPO on an approach and have conducted visual inspection(s) prior to implementation.

Clean Water Act – No destruction, loss or degradation of wetlands will occur and will not require further notifications. If required in the future (based on detailed planning; further revalidation of wetlands information; and/or if any other new information becomes available), additional notifications can and will be completed.

Public Involvement/Interagency Coordination.

Refuge staff presented initial plans on April 4, 2016, to the Rocky Flats Stewardship Council which includes both public and government representatives interested in the former Rocky Flats site. The Service conducted a series of four public forums between October 6, 2017 and May 15, 2017 to solicit input from the public and stakeholders on how to shape the future of visitor experiences and ensure transparency with regard to our plans to improve and open the refuge. Refuge staff is in contact with Colorado Parks and Wildlife (CPW), the Department of Energy (DOE), and neighboring local jurisdictions.

David Lucas, Project Leader

Date

Supporting Documents/Literature Cited. Supporting documents for this determination include relevant office file material and the following key references:

- [FWS] U.S. Fish and Wildlife Service. 2004. Final Comprehensive Conservation Plan and Environmental Impact Statement. Division of Refuge Planning. Lakewood, CO.
- _____. 2005. Comprehensive Conservation Plan for the Rocky Flats National Wildlife Refuge. Division of Refuge Planning. Lakewood, CO.
- _____. 2017. National wetlands inventory: Wetlands mapper. Website: <https://www.fws.gov/wetlands/data/Mapper.html>. Accessed: 21 December 2017.