

**ENVIRONMENTAL ASSESSMENT SUMMARY REPORT
RIVER DANCE RV RESORT
GYPSUM, COLORADO**



PREPARED FOR:

**Land Design Partnership
Attn: Ron Liston
918 Cooper Ave.
Glenwood Springs, CO 81601**

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1.0 Introduction

This report presents a summary of environmental investigations pertaining to the proposed expansion of the River Dance RV Resort (the “Property”) west of Gypsum, Colorado. Specifically, direct effects of the proposed project to vegetation, soils and wildlife are addressed, along with indirect effects from increased human activity in and around remaining wildlife habitats. Detailed analyses specific to these resources are contained in the following stand-alone reports:

- a. Wetland Delineation Report, River Dance RV Resort, Eagle County, Colorado
- b. Biological Evaluation, River Dance RV Resort, Gypsum, Colorado

This document presents an abbreviated summary of the findings of all environmental investigations on the Property and provides suggested conservation measures where appropriate.

2.0 Current Conditions

The Property is located approximately 2.5 miles west of the Town of Gypsum, Colorado and is situated between I-70 and the Eagle River (Figure 1). The entire Property consists of approximately 70 acres extending to both sides of the Eagle River, but the proposed action will only affect approximately 44 acres, all of which is north of the Eagle River. The site currently hosts 40 RV pads, an office and bathhouse, along with attendant roads, utilities and a few old outbuildings on the Property. The main developed area currently encompasses approximately 10.5 acres, of which about half is actively used and operable.

3.0 Proposed Action

River Dance RV Resort (the “Proponent”) has proposed to expand the developed portion of the Property in three phases, which will ultimately result in the addition of 230 active RV pads to the Property. Part of Phase I will involve redevelopment of the eastern half of the existing pad areas along with the office and bathhouse areas, and as such will not result in any new development footprint in those locations. Construction of the rest of the proposed pads along with attendant road access and utility line installation across remaining phases would result in a new development footprint of approximately 10.7 acres of the Property.

The proposal also calls for a public parking and boat ramp area on the far east end of the project area, which will impact approximately 1.1 acres. In total, the development footprint on the Property will expand from 10.5 acres to 22.3 acres, which is an 11.8-acre increase. Work will consist of vegetation clearing, some excavation, fill, compaction and construction of driveway access, pads, necessary parking areas and attendant utilities.

The proposed work locations and the areas of the Property to be impacted during each phase of construction are shown in Figure 2.

4.0 Direct Effects

Direct effects are caused by the proposed action and occur at the same time and place. These are elements of the environment that are immediately altered upon implementation of the proposed action. Effects vary in both context and intensity, and can be temporary or permanent, minor or significant.

4.1 Vegetation and Soils

Construction will directly affect vegetation and soils on the Property via vegetation clearing, excavation for utilities and infrastructure, and placement and compaction of fill for roads, RV pads and parking features. Much of this impact will be permanent.

Uplands

Nearly all the proposed disturbances will occur in upland locations, with the exception of the boat ramp itself, which is addressed in the next section. Upland communities vary slightly from very dry, greasewood-dominated flats, containing an understory of crested wheatgrass (*Agropyron cristatum*), Russian knapweed (*Salsola kali*), basin wildrye (*Leymus cinereus*) and whitetop (*Cardaria draba*), to mixed shrub communities consisting of sagebrush (*Artemisia tridentata*), rubber rabbitbrush (*Chrysothamnus nauseosus*) and skunkbush sumac (*Rhus trilobata*), with an herbaceous understory of smooth brome (*Bromus inermis*), quackgrass (*Elymus repens*), western wheatgrass (*Pascopyrum smithii*) and cheatgrass (*Bromus tectorum*). Range condition is moderate to poor, primarily owing to the dry, southern exposure and presence of noxious weeds throughout the site, in particular, cheatgrass.

The proposed project would permanently alter approximately 11.8 acres of existing upland shrub vegetation community, converting it to RV pads, driveway surfaces and landscaped areas.

Wetlands

A wetland delineation was conducted on the project area in 2016, and a narrow band of scrub-shrub wetlands was identified and mapped along the Eagle River. The wetland is composed of dense stands of coyote willow (*Salix exigua*), with a sparse understory of reed canarygrass (*Phalaris arundinacea*), Solomon's seal (*Maianthemum racemosum*), showy milkweed (*Asclepias speciosa*), Kentucky bluegrass (*Poa pratensis*) and Canada thistle (*Cirsium arvense*). Detailed descriptions are contained in the Wetland Delineation report.

Construction of the public boat ramp will obviously require a small area of disturbance to the bed and banks of the Eagle River below the ordinary high water mark. This impact will affect a small area (< 0.1 acre) defined as Waters of the U.S. and which falls under the jurisdiction of the Clean Water Act, administered by the U.S. Army Corps of Engineers (USACE). The proposed boat ramp location, however, is located on an eroded cutbank with no wetlands to be affected in that area, so the environmental effects of the ramp are de minimis.

Noxious Weeds

Noxious weeds of various kinds occur throughout most habitat types in Eagle County, and can be particularly problematic where vectors such as rivers and transportation corridors aid in the dispersal of seeds. Another key characteristic defining noxious weeds is their ability to proliferate in the presence of disturbance. Since these species are robust, adaptable and able to out-compete native vegetation, they warrant special consideration and planning, particularly given the proposed disturbance and presence of seed vectors in this case.

Noxious weeds have been identified on the Property, and include Bull thistle (*Cirsium vulgare*), plumeless thistle (*Carduus acanthoides*), musk thistle (*Carduus nutans*), Russian knapweed (*Salsola kali*), cheatgrass (*Bromus tectorum*) and whitetop (*Cardaria draba*). These species should be subjected to an aggressive control program throughout all phases of construction, including pre-construction treatments, and then closely monitored until the site is fully stabilized and re-vegetated with desirable species.

4.2 Wildlife and Habitat

The majority of habitat to be effected by the proposal is mainly composed of greasewood flats, mixed sagebrush/rabbitbrush shrublands, and some manicured grass areas, all of which occur upslope of the band of shrub-dominated wetlands along the river. The habitat is more generally classified as a cold desert ecosystem and is largely characterized by a gently-sloping upland terrace with a southern exposure.

The shrubland habitats are suitable for a variety of common, adaptable wildlife species such as cottontail rabbit, coyote, skunk and other small mammals as well as a number of bird species. Of primary concern in the project area are effects to big game (mule deer and elk), potential effects to threatened or endangered species, and potential effects to migratory birds.

Big Game

Colorado Parks and Wildlife (CPW) includes the entire project area in its mapped winter range areas for mule deer. Southern portions of the Property are also mapped as elk winter range. No critical habitats such as winter concentration areas or migration corridors occur on or near the Property for either species. Given the open nature of the habitat (lacking in security cover), relatively poor range condition and presence of existing development and human activity in the vicinity of the RV Resort, it would be expected that big game utilization of the Property would be minimal and transient.

Direct effects of the proposal to big game habitat include conversion of 11.8 acres of mixed shrubland habitat classified as winter range for deer, and a portion also classified as winter range for elk. Based on current site conditions noted above, the direct effect of this habitat change for big game would be minimal, particularly when viewed in the regional context.

Threatened & Endangered Species

The Biological Evaluation report addresses threatened and endangered species that potentially occur or have habitat within the project area. The U.S. Fish and Wildlife

Service (USFWS) was consulted on this project via their Environmental Conservation Online System and Information for Planning and Consultation (ECOS-IPAC) website. The query returned a list of 10 species potentially occurring or having suitable habitat in the project area. Detailed results of that consultation and analysis are included in the Biological Evaluation report.

In summary, no threatened or endangered species were found during field surveys, and potentially suitable habitat is not present for 8 of the 10 species. Two species required further analysis, including yellow-billed cuckoo and Ute ladies' tress orchid.

In the case of the cuckoo, habitat availability is severely limited in size to the extent that it is unsuitable. For the Ute Ladies' tresses, the presence of tall, robust competitor species make the potential habitat unsuitable. Neither species was found during extensive searches of the project area.

Given the lack of suitable habitat and lack of occurrence of any of the species listed in the USFWS IPAC report, the proposed project will have no effect to any of the species listed.

Migratory birds

The protection of birds is regulated by the Migratory Bird Treaty Act (MBTA) and the Bald and Golden Eagle Protection Act (BGEPA). Any activity, intentional or unintentional, resulting in take of migratory birds, including eagles, is prohibited unless otherwise permitted by the USFWS.

Project proponents are responsible for complying with the appropriate regulations protecting birds when planning and developing a project, and are encouraged to identify potential or existing project-related impacts to migratory birds and their habitat and develop and implement conservation measures that avoid, minimize, or compensate for these impacts.

To meet these conservation obligations, the USFWS IPAC system was consulted to identify species, subspecies, and populations of all migratory nongame birds in that database which might be found utilizing habitats in the affected project area. The USFWS data is based on the Birds of Conservation Concern report (2008), which tracks those bird species, "that without additional conservation actions, are likely to become listed under the Endangered Species Act." The query returned a list of 27 potential species to evaluate.

This list was screened against actual habitat types to be affected on the project site, the size of habitat patches, relative abundance of similar habitats in the local and regional context, seasonal occurrence of the species in the project area and field surveys documenting known occurrence and use of affected habitats in the project area. Based on these screening results, the list was reduced to 8 species for further analysis (Table 1).

As noted in Table 1, of the eight-species analyzed, only two are likely to occur in the dry shrubland habitats to be affected by the proposed project, and would do so during the breeding season (i.e. they likely nest in the greasewood/mixed sagebrush habitats to be

affected). Three others possibly occur in the breeding season within those same habitats. The remaining three species are unlikely to be found on the Property but could potentially visit the affected habitats in the winter months.

It is important to note the size of the proposed effect in context of available and preferred habitats in the larger local and regional scales. The proposed project will impact 11.8 acres of dry, mixed-shrubland habitats, but this represents a very minor habitat conversion in the local valley and certainly in a regional context for the geographical ranges of these species. However, since some of these species could occur during the breeding season, conservation measures are appropriate and are discussed in the next section.

Table 1: Migratory Birds of Conservation Concern potentially occurring in the project area.

Species Name	Seasonal Occurrence	Notes
Black Rosy-Finch (<i>Leucosticte atrata</i>)	Year-Round	Unlikely occurrence; winter most common
Brewer's Sparrow (<i>Spizella breweri</i>)	Breeding	Likely to occur and utilize affected dry shrubland habitats
Brown-capped Rosy Finch (<i>Leucosticte australis</i>)	Wintering	Unlikely occurrence; winter only
Cassin's Finch (<i>Carpodacus cassinii</i>)	Year-Round	Unlikely occurrence; winter only
Juniper Titmouse (<i>Baeolophus ridgwayi</i>)	Year-Round	Possible occurrence, though not preferred habitat
Loggerhead Shrike (<i>Lanius ludovicianus</i>)	Breeding	Possible occurrence in affected dry shrubland habitats
Sage Thrasher (<i>Oreoscoptes montanus</i>)	Breeding	Likely to occur and utilize affected dry shrubland habitats
Virginia's Warbler (<i>Vermivora virginiae</i>)	Breeding	Possible occurrence, though not preferred habitat

Conservation Measures

The USFWS has developed a list of nationwide standard conservation measures to protect avian species and offset impacts common to human-induced habitat changes. A copy of that list is included in the appendix to this report.

Specific to the shrubland habitat impacts in the proposed project, the following conservation measures are most appropriate for implementation.

Measure 2. Habitat Protection

- a. Minimize project creep by clearly delineating and maintaining project boundaries (including staging areas).
- b. Consult all local, State, and Federal regulations for the development of an appropriate buffer distance between development site and any wetland or waterway. For more information on wetland protection regulations see the Clean Water Act sections [401](#) and [404](#).

- c. Maximize use of disturbed land for all project activities (i.e., siting, lay-down areas, and construction).
- d. Implement standard soil erosion and dust control measures. For example:
 - i. Establish vegetation cover to stabilize soil
 - ii. Use erosion blankets to prevent soil loss
 - iii. Water bare soil to prevent wind erosion and dust issues

Measure 3. Stressor Management

Stressor: Vegetation Removal

Conservation Goal: Avoid direct take of adults, chicks, or eggs.

Conservation Measure 1: Schedule all vegetation removal, trimming, and grading of vegetated areas outside of the peak bird breeding season to the maximum extent practicable. Use available resources, such as internet-based tools (e.g., the FWS's Information, Planning and Conservation system and Avian Knowledge Network) to identify peak breeding months for local bird species; or, contact local Service Migratory Bird Program Office for breeding bird information.

Conservation Measure 2: When project activities cannot occur outside the bird nesting season, conduct surveys prior to scheduled activity to determine if active nests are present within the area of impact and buffer any nesting locations found during surveys.

- 1) Generally, the surveys should be conducted no more than five days prior to scheduled activity.
- 2) Timing and dimensions of the area to be surveyed vary and will depend on the nature of the project, location, and expected level of vegetation disturbance.
- 3) If active nests or breeding behavior (e.g., courtship, nest building, territorial defense, etc.) are detected during these surveys, no vegetation removal activities should be conducted until nestlings have fledged or the nest fails or breeding behaviors are no longer observed. If the activity must occur, establish a buffer zone around the nest and no activities will occur within that zone until nestlings have fledged and left the nest area. The dimension of the buffer zone will depend on the proposed activity, habitat type, and species present and should be coordinated with the local or regional Service office.
- 4) When establishing a buffer zone, construct a barrier (e.g., plastic fencing) to protect the area. If the fence is knocked down or destroyed, work will suspend wholly, or in part, until the fence is satisfactorily repaired.
- 5) When establishing a buffer zone, a qualified biologist will be present onsite to serve as a biological monitor during vegetation clearing and grading activities to ensure no take of migratory birds occurs. Prior to vegetation clearing, the monitor will ensure that the limits of construction have been properly staked and are readily identifiable. Any associated project activities that are inconsistent with the applicable conservation measures, and activities that may result in the take of migratory birds will be immediately halted and reported to the appropriate Service office within 24 hours.
- 6) If establishing a buffer zone is not feasible, contact the Service for guidance to minimize impacts to migratory birds associated with the proposed project or removal of an active nest. Active nests may only be removed if you receive a permit from your local Migratory Bird Permit Office. A permit may authorize active nest removal

by a qualified biologist with bird handling experience or by a permitted bird rehabilitator.

Implementation of these conservation measures will minimize project impacts to migratory birds to the extent possible.

5.0 Indirect Effects

Indirect effects are caused by the proposed action but occur later in time or farther removed in distance, but are still reasonably foreseeable. In this case, the most likely indirect effects will accrue from increased human presence and activity on and around the project itself.

Two aspects of the proposed action will likely result in indirect effects to wildlife, specifically the construction of the public boat ramp, and the increased human density in the RV Resort itself.

The opening of a public boat access will invariably increase the volume of traffic on the Frontage Road and boat traffic on the Eagle River, which will also result in increased fishing pressure on the lowest reach of the Eagle River. This phenomena has been consistently witnessed for the past 15 years on the entire reach of the Lower Colorado River from State Bridge to Dotsero with the opening of several new boat access points, which have made day-floats possible in previously inaccessible sections of the river. The proximity of this new boat access point to a robust recreational fishery and its ability to tie the lowest reach of the Eagle to the Colorado River will unquestionably result in an increase in fishing-related boat access, and likely other recreational boating activities.

Second, increased numbers of people residing in the RV Resort will almost certainly equate to an increase in local recreational activities including walking, jogging, bike riding, fishing, boating and other human presence along this segment of the Eagle River and the bike path following the frontage road. Increased human activity has been shown to effect wildlife behavior and habitat selection in a wide variety of contexts.

Making a precise determination of the magnitude and distal reach of such indirect effects is difficult, but it is reasonable to expect that the bulk of effects will be focused on river front access in proximity to the new RV pad locations, putting most of the pressure on the north bank of the river, and within easy walking distance of the RV Resort.

These effects will be most prevalent during summer months when migratory birds, including ground-nesting waterfowl and shorebirds will be present in the wetland and riparian habitats along the river. Some of these shrub-dominated habitats are dense tangles of vegetation which are very difficult for humans to navigate, and as such some of the area is self-mitigating against increased human presence. However, the more open areas will be natural travel corridors for people, particularly at low-water flows, and those open habitats will experience increased human visitation during the breeding season.

Big game animals are less likely to be affected by the increase in human activity for two reasons. First, most big game occurrence in and around the project area occurs during winter months when outdoor human activity is generally minimized; certainly, boat traffic is almost non-existent during this timeframe. While snowshoeing and cross-country skiing are exceptions in the regional context, the valley floor in the area seldom has enough snow to consistently provide for such activities. Second big game use of this area is noted to be minimal and transient with moderate-to-poor habitat condition relative to big game needs on the Property itself. Since most of that habitat will be permanently modified, there will be yet less attraction to big game and it is expected the bulk of big game winter use will remain on the south side of the river.

Given the open nature of the habitat and ice formation that commonly occurs in this reach of the Eagle River, increased human activity that may expand to the southern bank and the BLM lands there could be problematic for wintering big game. This is particularly true of people walking dogs or searching for shed antlers with dogs off-leash. Mitigation for this potential could take the form of Resort rules prohibiting dogs off-leash and perpetual or seasonal access restrictions to the southern bank.

6.0 Conclusion

The River Dance RV Resort parcel provides limited open space and habitat capability for a variety of common, adaptable wildlife species such as cottontail rabbit, coyote, skunk and other small mammals as well as a number of bird species. Lands adjacent to the Property are very similar in nature, and generally undeveloped. Habitat connectivity to the Property is somewhat impeded to the north by high-volume transportation corridors, including I-70 and the Frontage Road. There are no significant connectivity impediments in any other direction.

Big game habitat is limited in both quantity and quality of forage, and lacks adequate security cover. As such it is a marginal habitat that is sporadically utilized mainly during winter months. The proposed action will have minimal impacts to big game in the local and regional context, and those potential impacts can largely be mitigated with education of Resort residents and seasonal access rules.

Specific to threatened or endangered species, the habitat capability is either absent entirely or is severely limited, and none of the species analyzed have actually been documented on or near the Property. The proposed action will have no effect to T&E species.

Migratory birds are known to utilize the dry shrubland habitats that will be affected by the proposed action. Specifically, 11.8 acres of this habitat type will be permanently altered by the Resort expansion. A list of conservation measures are provided herein to prevent accidental take of protected migratory bird species during construction, and to minimize long-term effects of the development.

Appendix A