

Section 4(f) Evaluation

Section 4(f) of the U.S. Department of Transportation Act of 1966, as amended, and codified in 40 United States Code Section 303, declares that “[I]t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites.” These types of resources are protected under Section 4(f) and are often called Section 4(f) resources.

The Section 4(f) resources identified in the reliever route study area and the historic resources APE include the eight historic properties identified in Table 3-16. No publicly owned parks, recreation areas, or wildlife or waterfowl refuges occur in the reliever route study area.

The “use” of a Section 4(f) property that is minor in extent can be determined to be a *de minimis* impact. For historic properties, FHWA can make a *de minimis* impact finding if the SHPO concurs that the transportation program or project would have No Adverse Effect on the historic property or there would be No Historic Properties Affected. For projects on historic roads and bridges, use only occurs if there is an Adverse Effect to the historic transportation facility.

A total of ten potentially historic resources were evaluated within the project APE, including two segments of the Lamar Canal and two segments of the Atchison, Topeka, and Santa Fe Railroad. CDOT determined that the project would result in *No Adverse Effect* to any of these ten historic properties, and submitted this determination to the SHPO on April 21, 2011 and on March 29, 2013, along with notification of the intent to make a *de minimis* finding. The SHPO concurred with the determination of effects in correspondence dated May 10, 2011 and April 3, 2013 (see Appendix A, Agency Correspondence). Of the ten resources, three are historic segments of U.S. 287, U.S. 50, and U.S. 385, which would not experience adverse effects under Section 106, and therefore, would have no use under Section 4(f). The seven remaining historic resources are described below in Table 4-1. New information about effects to these historic properties has resulted in additional consultation with the SHPO. This consultation is ongoing. FHWA anticipates making a *de minimis* finding for these resources. Section 4(f) will be completed prior to or as part of the decision document. The *de minimis* impacts are summarized in Table 4-1.

TABLE 4-1
Summary of *De Minimis* Impacts to Section 4(f) Historic Resources

Site Number	Description	NRHP Eligibility	Criteria for Eligibility	Summary of Anticipated Use
5PW152.5	Segment of Atchison, Topeka, and Santa Fe Railroad	Eligible/ non-supporting segment.	Does not support eligibility of the resource.	The impact to this railroad segment would be the demolition of an area approximately 250 feet long by 36 feet wide (9,000 square feet) where it is crossed by the reliever route in the ultimate phase. Demolition of a portion of the segment would not diminish potential significance of the entire linear resource. There would be <i>No Adverse Effect</i> to the historic property.
5PW152.6	Segment of Atchison, Topeka, and Santa Fe Railroad	Eligible/supporting segment.	Criteria A.	This railroad segment would be impacted by the installation of four new bridge crossings over the railroad ROW. Four structures constructed over the railroad would not diminish potential significance of the entire linear resource. There would be <i>No Adverse Effect</i> to the historic property.
5PW191.1	Segment of Lamar Canal	Eligible/ non-supporting segment.	Does not support eligibility of the resource.	Under the interim phase, the reliever route mainline would consist of two 12-foot lanes and two 10-foot shoulders on a single bridge structure over the canal. Under the ultimate phase, the reliever route mainline would be expanded to include two additional 12-foot lanes, one 10-foot exterior shoulder, and one 4-foot interior shoulder crossing the canal on a second bridge structure. The construction of structures over the canal would not diminish the potential significance of the entire linear resource. There would be <i>No Adverse Effect</i> to the historic property.

TABLE 4-1
Summary of *De Minimis* Impacts to Section 4(f) Historic Resources

Site Number	Description	NRHP Eligibility	Criteria for Eligibility	Summary of Anticipated Use
5PW191.2	Segment of Lamar Canal	Eligible/ non-supporting segment.	Does not support eligibility of the resource.	This segment of the Lamar Canal would be impacted by the integration of the ditch into a box culvert that would be a maximum of 200 feet long by 12 feet wide (2,400 square feet) to carry Olive Street and the access ramps over the canal. The integration of the canal into a box culvert would not diminish the potential significance of the entire linear resource. There would be <i>No Adverse Effect</i> to the historic property.
5PW192.1	Segment of Fort Bent Canal	Eligible/supporting segment.	Criteria A	This segment of the Fort Bent Canal would be integrated into a box culvert that would replace the existing culvert to accommodate the wider highway cross-section of the proposed reliever route. The integration of the canal into a box culvert would not diminish the potential significance of the entire linear resource. There would be <i>No Adverse Effect</i> to the historic property.
5PW193.1	Segment of Vista del Rio Ditch	Eligible/ non-supporting segment.	Does not support eligibility of the resource.	This segment of the Vista del Rio Ditch would be integrated into a box culvert that would be approximately 84 feet long by 12 feet wide (1,008 square feet) in the interim phase and a maximum of 194 feet long by 12 feet wide (2,328 square feet) in the ultimate phase. The integration of the ditch into a box culvert would not diminish the potential significance of the entire linear resource. There would be <i>No Adverse Effect</i> to the historic property.

TABLE 4-1
Summary of *De Minimis* Impacts to Section 4(f) Historic Resources

Site Number	Description	NRHP Eligibility	Criteria for Eligibility	Summary of Anticipated Use
5PW194.1	Segment of Hyde Canal	Eligible/supporting segment.	Criteria A	This segment of the Hyde Canal would be integrated into a box culvert that would be approximately 84 feet long by 12 feet wide (1,008 square feet) in the interim phase and a maximum of 194 feet long by 12 feet wide (2,328 square feet) in the ultimate phase. The integration of the canal into a box culvert would not diminish the potential significance of the entire linear resource. There would be <i>No Adverse Effect</i> to the historic property.