

Appendix A. Environmental Coordination

Appendix A. Environmental Coordination

The following project agency correspondence is included:

Agency	Date
USFWS Ecological Services to CDOT, initial coordination	March 9, 2005
USDOT, FHWA Initiation of Section 106 Tribal Consultation	May 2, 2005
Cheyenne River Sioux Tribe Preservation Program Letter	June 1, 2005
Comanche Tribe NAGPRA Letter	June 6, 2005
CDOT Initiation of Section 106 Consultation Process to Larimer County Planning Office	August 10, 2005
CDOT Initiation of Section 106 Consultation Process to Town of Johnstown Planner	August 10, 2005
CDOT Final US 34 Traffic Network Revisions to NFR MPO	August 10, 2005
CDOT Final US 34 Traffic Network Revisions to City of Loveland	August 10, 2005
CDOT Initiation of Section 106 Consultation Process to City of Loveland Historic Preservation Commission-Long Range Planning Office	August 11, 2005
USFWS Ecological Services to CDOT, Ute ladies'-tresses orchid and Colorado butterfly plant clearance letter	September 15, 2005
USFWS Ecological Services to CDOT, Preble's meadow jumping mouse clearance letter	September 27, 2005
CDOT letter to SHPO on Revised APE	June 13, 2006
CDOT letter to City of Loveland on Revised APE	June 13, 2006
SHPO letter to CDOT on Revised APE	June 26, 2006
CDOT letter to SHPO on Determinations of Eligibility and Effects (cc to City of Loveland)	July 12, 2006
SHPO letter to CDOT on Determinations of Eligibility and Effects	August 21, 2006
CDOT letter to SHPO on additional information	November 20, 2006
SHPO letter to CDOT with concurrences	December 4, 2006
CDOT - FHWA <i>de minimis</i> concurrence	December 27, 2007
CDOT - FHWA <i>de minimis</i> concurrence	January 18, 2007

April 2007



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
755 Parfet Street, Suite 361
Lakewood, Colorado 80215-5599

IN REPLY REFER TO:
ES/CO: T&E/
MS 65412 LK

MAR - 9 2005

Jim Eussen
Colorado Department of Transportation
1420 2nd Street
Greeley, Colorado 80631

Dear Mr. Eussen:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Fish and Wildlife Act of 1956 (916 U.S.C. 742(a)-754); Fish and Wildlife Coordination Act (FWCA - 16 U.S.C. 661-667(e)); National Environmental Policy Act of 1969 (NEPA - 42 U.S.C. 4321-4347); Department of Transportation Act (49 U.S.C. 1653(f)), and; Endangered Species Act of 1973, as amended (ESA - 50 CFR §402.14), as well as multiple Executive Orders, policies and guidelines, and interrelated statutes to ensure the conservation and enhancement of fish and wildlife resources (e.g., Migratory Bird Treaty Act (MBTA - 16 U.S.C. 703), and Bald and Golden Eagle Protection Act (BGEPA - 16 U.S.C. 668)), the Service reviewed your February 8, 2005, report regarding the effects of reconstruction of **US Highway 34 (US34) between State Highway 287 (SH287) and Larimer County Road 3 in Larimer County**, on the Service's trust resources.

Threatened and Endangered Species

Following is a list of Federal endangered, threatened, proposed and candidate species for Larimer County, which may be used as a basis for determining additional listed species potentially present in the project area. While other species could occur at or visit the project area, endangered or threatened species most likely to be affected include:

- Birds:
- *Whooping crane (*Grus americana*), Endangered
 - *Least tern, interior population (*Sterna antillarum*), Endangered
 - *Eskimo curlew (*Numenius borealis*), Endangered
 - *Piping plover (*Charadrius melodus*), Threatened
 - Bald eagle (*Haliaeetus leucocephalus*), Threatened
- Mammals:
- Black-footed ferret (*Mustela nigripes*), Endangered
 - Preble's meadow jumping mouse (*Zapus hudsonius preblei*), Threatened
- Fishes:
- *Pallid sturgeon (*Scaphirhynchus albus*), Endangered

Plants : Ute ladies'-tresses orchid (*Spiranthes diluvialis*), Threatened
Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*), Threatened
*Western prairie fringed orchid (*Platanthera praeclara*), Threatened

* Since 1978, the Service has consistently taken the position in its section 7 consultations that Federal agency actions resulting in existing or new water depletions to the Platte River system may affect these species as well as designated critical habitat for the whooping crane and piping plover in the central Platte River in Nebraska. Depletions include evaporative losses and/or consumptive use less return flows. Project elements that could be associated with depletions to the Platte River system include, but are not limited to, ponds (detention/recreation/irrigation storage), lakes (recreation/ irrigation storage/municipal storage/power generation), reservoirs (recreation/irrigation storage/municipal storage/power generation), pipelines, and water treatment facilities, dust control, and compaction.

The Service also is interested in the protection of species which are candidates for official listing as threatened or endangered (Federal Register, Vol. 61, No. 40, February 28, 1996). While these species presently have no legal protection under the Act, it is within the spirit of this Act to consider project impacts to potentially sensitive candidate species. It is the intention of the Service to protect these species before human-related activities adversely impact their habitat to a degree that they would need to be listed and, therefore, protected under the Act. Additionally, we wish to make you aware of the presence of Federal candidates should any be proposed or listed prior to the time that all Federal actions related to the project are completed. If any candidate species will be unavoidably impacted, appropriate mitigation should be proposed and discussed with this office. We are not aware of any candidate species in the project area at this time.

Migratory Birds

Under the MBTA construction activities in grassland, wetland, stream, and woodland habitats, and those that occur on bridges (e.g., which may affect swallow nests on bridge girders) that would otherwise result in the take of migratory birds, eggs, young, and/or active nests should be avoided. Although the provisions of MBTA are applicable year-round, most migratory bird nesting activity in eastern Colorado occurs during the period of April 1 to August 15. However, some migratory birds are known to nest outside of the aforementioned primary nesting season period. For example, raptors can be expected to nest in woodland habitats during February 1 through July 15. If the proposed construction project is planned to occur during the primary nesting season or at any other time which may result in the take of nesting migratory birds, the Service recommends that the project proponent (or construction contractor) arrange to have a qualified biologist conduct a field survey of the affected habitats and structures to determine the absence or presence of nesting migratory birds. Surveys should be conducted during the nesting season. In some cases, such as on bridges or other similar structures, nesting can be prevented until construction is complete. It is further recommended that the results of field surveys for nesting birds, along with information regarding the qualifications of the biologist(s) performing the surveys, be thoroughly documented and that such documentation be maintained on file by the project proponent (and/or construction contractor) for potential review by the Service (if requested) until such time as construction on the proposed project has been completed. The Service's Colorado Field Office should be contacted immediately for further guidance if a field

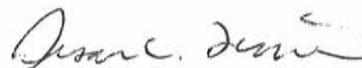
survey identifies the existence of one or more active bird nests that cannot be avoided by the planned construction activities. Adherence to these guidelines will help avoid the unnecessary take of migratory birds and the possible need for law enforcement action.

Wetlands

FWCA provides the basic authority for the Service's involvement in evaluating impacts to fish and wildlife "whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified **for any purpose whatever...**by any department or agency of the United States, or by any public or private agency under Federal permit or license," including water crossings and wetland impacts, whether or not those wetlands are under the jurisdiction of the U.S. Army Corps of Engineers [16 U.S.C. 661(1), emphasis added]. It requires that fish and wildlife resources "receive equal consideration...to other project features...through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation," and requires Federal agencies to consult with the Service during the planning process to help "prevent the loss of or damage to such resources as well as providing for the development and improvement thereof" (16 U.S.C. 661 *et seq*). Full consideration is to be given to Service recommendations.

If the Service can be of further assistance, please contact Alison Deans Michael of my staff at 303 275-2378.

Sincerely,



Susan C. Linner

Colorado Field Supervisor

pc: CDOT (Jeff Peterson)
Michael



U.S. Department
of Transportation

**Federal Highway
Administration**

12300 W. Dakota Ave., Ste. 180
Lakewood, CO 80228

May 2, 2005

Colorado Federal Aid Division

Mr. Nathan Tselee, Chairman
Apache Tribe of Oklahoma
P.O. Box 1220
Anadarko, OK 73005

Dear Mr. Tselee:

Subject: Request for Section 106 Consultation;
U.S. Highway 34 Environmental Assessment,
U.S. 287 to County Road 3, Larimer County, Colorado

The Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) are preparing an Environmental Assessment (EA) that will address the effects of proposed improvements to an existing six-mile segment of US Highway 34 in Larimer County, Colorado. The study area is located within, and immediately east of, the City of Loveland, a fast-growing area that has become increasingly congested as a result of rising population and traffic volumes. Highway 34 provides access to and from Interstate 25 to the east, and also serves as a gateway to Rocky Mountain National Park, 32 miles to the west. The EA will address congestion and safety issues, and provide intersection upgrades in an effort to improve mobility and efficiency along the US 34 corridor. Pursuant to the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality (CEQ) implementing regulations (40 CFR 1500-1508), FHWA and CDOT are documenting the potential social, economic and environmental consequences of this action. Please refer to the enclosed map for specific locational information.

The agencies are seeking the participation of regional Native American tribal governments in cultural resources consultation for the undertaking, as described in Section 106 of the National Historic Preservation Act and implementing regulations 36 CFR 800 et seq. As a consulting party, you are offered the opportunity to identify concerns about cultural resources and comment on how the project might affect them. Further, if it is found that the project will impact cultural resources that are eligible for inclusion on the National Register of Historic Places and are of religious or cultural significance to your tribe, your role in the consultation process would include participation in resolving how best to avoid, minimize, or mitigate those impacts. It is our hope that, by describing the proposed undertaking, we can be more effective in protecting



areas important to American Indian people. If you have interest in this undertaking and in cultural resources that may be of religious or cultural significance to your tribe, we invite you to be a consulting party.

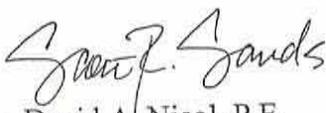
As shown on the enclosed two-part map, the project corridor extends east from the heart of Loveland for approximately six miles, ending a mile-and-a-half east of I-25. The corridor is largely developed at the west end, becoming rural farmland as it trends east. Residential subdivisions exist or are planned for a substantial portion of the corridor east of the interstate. The Area of Potential Effect (APE) that will be developed for cultural resource studies, as defined by 36 CFR 800.16(d), will correspond to (and in fact exceed) the lateral extent of proposed direct construction impacts. A comprehensive survey and assessment of historic properties in the APE will be conducted as part of the environmental documentation. Tribes that elect to become consulting parties for the undertaking will be notified of the results of the survey and asked to comment on our eligibility and effects determinations. Any information you may have regarding places or sites important to your tribe that are located within or near the project area would assist us in our efforts to comprehensively identify and evaluate cultural resources.

The Loveland area is home to a number of American Indian people. If you are aware of members of your tribe living in proximity to the study area who would be interested in participating in the NEPA consultation process on some level, please notify us so that we may facilitate that interaction.

We are committed to ensuring that tribal governments are informed of and involved in decisions that may impact places with cultural significance. If you are interested in becoming a consulting party for the US 34 EA, please complete and return the enclosed Consultation Interest Response Form to CDOT Native American consultation liaison Dan Jepson **within 60 days** at the address or facsimile number listed at the bottom of that sheet. Mr. Jepson can also be reached via Email at Daniel.jepson@dot.state.co.us, or by telephone at (303)757-9631. The 60-day period has been established to encourage your participation at this early stage in project development. Failure to respond within this time frame will not prevent your tribe from becoming a consulting party at a later date. However, studies and decision making will proceed and it may become difficult to reconsider previous determinations or findings, unless significant new information is introduced.

Thank you for considering this request for consultation.

Sincerely yours,


for David A. Nicol, P.E.
Division Administrator

Enclosures

cc: H. Motah, Director, Environmental Program, Apache Tribe of Oklahoma
C. Parr, CDOT Region 4
D. Jepson, CDOT Env. Programs
J. Morsicato, J.F. Sato
S. Sands, FHWA

**FEDERAL HIGHWAY ADMINISTRATION/COLORADO DEPARTMENT OF TRANSPORTATION
SECTION 106 TRIBAL CONSULTATION INTEREST RESPONSE FORM**

PROJECT: US Highway 34 Environmental Assessment, US 287 to Larimer County Road 3

The _____ Tribe [**is** / **is not**] (*circle one*) interested in becoming a consulting party for the Colorado Department of Transportation project referenced above, for the purpose of complying with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800). If your tribe will be a consulting party, please answer the questions below.

Signed: _____
Name and Title

CONSULTING PARTY STATUS [36 CFR §800.2(c)(3)]

Do you know of any specific sites or places to which your tribe attaches religious and cultural significance that may be affected by this project?

Yes No If yes, please explain the general nature of these places and how or why they are significant (use additional pages if necessary). Locational information is not required.

SCOPE OF IDENTIFICATION EFFORTS [36 CFR §800.4(a)(4)]

Do you have information you can provide us that will assist us in identifying sites or places that may be of religious or cultural significance to your tribe?

Yes No If yes, please explain.

CONFIDENTIALITY OF INFORMATION [36 CFR §800.11(c)]

Is there any information you have provided here, or may provide in the future, that you wish to remain confidential?

Yes No If yes, please explain.

Please complete and return this form within 60 days via US Mail or fax to:

Dan Jepson, Section 106 Native American Liaison
Colorado Department of Transportation
Environmental Programs Branch
4201 E. Arkansas Ave.
Denver, CO 80222
FAX: (303)757-9445

MR HAMMOND MOTAH, DIRECTOR
ENVIRONMENTAL PROGRAM
APACHE TRIBE OF OKLAHOMA
PO BOX 1220
ANADARKO, OK 730005

MS BETSY CHAPOOSE, DIRECTOR
CULTURAL RIGHTS & PROTECTION OFFICE
NORTHERN UTE TRIBE
PO BOX 190
FT. DUCHESNE, UT 84026

MR. NEIL CLOUD, NAGPRA REPRESENTATIVE
CULTURE PRESERVATION OFFICE
SOUTHERN UTE INDIAN TRIBE
PO BOX 737
IGNACIO, CO 81137

MR WILLIAM L PEDRO
NAGPRA REPRESENTATIVE
CHEYENNE & ARAPAHO TRIBES
OF OKLAHOMA
PO BOX 41
CONCHO OK 73022

MR JOE BIG MEDICINE
NAGPRA REPRESENTATIVE
CHEYENNE & ARAPAHO TRIBES
OF OKLAHOMA
500 S LELACH, APT 36
WATONGA OK 73772

MR ALONZO SANKEY
NAGPRA REPRESENTATIVE
CHEYENNE & ARAPAHOE TRIBES/OKLA
P. O. BOX 836
CANTON, OK 73724

MR GORDON YELLOWMAN
NHPA/TRANSPORTATION PLANNER
CHEYENNE & ARAPAHO TRIBES/OKLA
ROADS CONSTRUCTION PROGRAM
PO BOX 137
CONCHO OK 73022

MS JO ANN WHITE
LANGUAGE AND CULTURE COMMISSION
NORTHERN ARAPAHO TRIBE
PO BOX 9184
ARAPAHOE WY 82510

REVEREND GEORGE DAINGKAU
NAGPRA REPRESENTATIVE
KIOWA TRIBE OF OKLAHOMA
118 N STEPHENS
HOBART OK 73015

MR CONRAD FISHER
TRIBAL HISTORIC PRESERVATION OFFICER
NORTHERN CHEYENNE TRIBE
PO BOX 128
LAME DEER, MT 59043

MS DONNITA SOVO
ACTING NAGPRA DIRECTOR
COMANCHE NATION OF OKLAHOMA
PO BOX 908
LAWTON, OK 73502

MS DONNA PETERSON
CULTURE PRESERVATION ADMINISTRATOR
CHEYENNE RIVER SIOUX TRIBE
PO BOX 590
EAGLE BUTTE, SD 57625

MR TERRY G KNIGHT
NAGPRA REPRESENTATIVE
UTE MOUNTAIN UTE TRIBE
PO BOX 468
TOWAOC, CO 81334

MR TIM MENTZ SR
TRIBAL HISTORIC PRESERVATION OFFICER
STANDING ROCK SIOUX TRIBE
PO BOX D
FT YATES, ND 58538

MR TERRY GRAY, NAGPRA COORDINATOR
ROSEBUD SIOUX TRIBE
SINTE GLESKA UNIVERSITY
PO BOX 105
MISSION, SD 57555

MR DELPHINE CLAIR
NAGPRA REPRESENTATIVE
SHOSHONE TRIBE
PO BOX 538
FORT WASHAKIE, WY 82514

MR NATHAN TSELEE, CHAIRMAN
APACHE TRIBE OF OKLAHOMA
PO BOX 1220
ANADARKO, OK 730005

MS. MAXINE NATCHEES
CHAIRWOMAN, UINTAH & OURAY
TRIBAL BUSINESS COMMITTEE
P.O. BOX 190
FORT DUCHESNE, UT 84026

MR. CLEMENT FROST, CHAIRMAN
SOUTHERN UTE INDIAN TRIBE
PO BOX 737
IGNACIO CO 81137

MR BILL BLIND, VICE-CHAIRMAN
CHEYENNE & ARAPAHO BUSINESS COM
CHEYENNE & ARAPAHO TRIBES OF OK
P.O. BOX 38
CONCHO OK 73022

MR. RICHARD BRANNAN, CHAIRMAN
NORTHERN ARAPAHO BUSINESS COUNCIL
P.O. BOX 396
FORT WASHAKIE WY 82514

MR EUGENE LITTLE COYOTE
CHAIRMAN
NORTHERN CHEYENNE TRIBE
P.O. BOX 128
LAME DEER, MT 59043

MR HAROLD C FRAZIER
CHAIRMAN
CHEYENNE RIVER SIOUX TRIBAL COUN
P.O. BOX 590
EAGLE BUTTE, SD 57625

MR. SELWYN WHITESKUNK
CHAIRMAN
UTE MOUNTAIN UTE TRIBE
P.O. BOX 348
TOWAOC, CO 81334

MR. BILLY EVANS HORSE
CHAIRMAN
KIOWA TRIBE OF OKLAHOMA
P.O. BOX 369
CARNEGIE, OK 73015

MR. WALLACE COFFEY
CHAIRMAN, COMANCHE TRIBAL
BUSINESS COMMITTEE
P. O. BOX 908
LAWTON, OK 73502

MR. CHARLES W. MURPHY
CHAIRMAN, STANDING
ROCK SIOUX TRIBAL COUNCIL
P.O. BOX D
FORT YATES, ND 58538

MR CHARLES COLOMBE
PRESIDENT
ROSEBUD SIOUX TRIBE
P.O. BOX 430
ROSEBUD SD 57570

MR IVAN POSEY, CHAIRMAN
SHOSHONE BUSINESS COUNCIL
SHOSHONE TRIBE
P.O. BOX 538
FORT WASHAKIE, WY 82514

MR DUANE BIG EAGLE, SR., CHAIRMAN
CROW CREEK SIOUX TRIBAL COUNCIL
PO BOX 658
FT THOMPSON, SD 57325

MR JOHN YELLOWBIRD, PRESIDENT
OGLALA SIOUX TRIBAL COUNCIL
PO BOX H
PINE RIDGE SD 57770

**Original Letters Mailed
to all of the above**

**Cheyenne River Sioux Tribe
Preservation Program**

P. O. Box 590
Eagle Butte, SD 57625



Wednesday, June 01, 2005

US Department of Transportation
Federal Highway Administration
Colorado Federal Aid Division
Attn: David A. Nichol
12300 W. Dakota Ave., Ste. 180
Lakewood CO 80228

RE: Request for Section 106 Consultation; US Highway 34 Environmental Assessment,
US 287 to County Road 3, Larimer County, Colorado

Mr. Nichol:

Thank you for your letter dated May 2, 2005 asking for Cheyenne River Sioux Tribe (CRST) involvement in "Request for Section 106 Consultation; US Highway 34 Environmental Assessment, US 287 to County Road 3, Larimer County, Colorado."

At this time the CRST has no comment regarding the proposed project but would like to be kept informed of project activities and or issues.

This letter does not waive consultation obligations with the CRST or other appropriate parties; the right to comment on future project activities under Section 106 of the National Historic Preservation Act (as amended) is reserved by the CRST.

If you have any questions or concerns, please contact our office at 605-964-7554 between the hours of 8:00am and 5:00pm Mountain time.

Respectfully,

A handwritten signature in cursive script that reads "Albert M. LeBeau III".

Albert M. LeBeau III
CRST Tribal Historic Preservation Officer

Cc: File

Main Office
605 . 964 . 7554

Archives
605 . 964 . 7553

Fax Line
605 . 964 . 7552



June 6, 2005

David Nicol
Division Administrator
U.S. Department of Transportation
Federal Highway Administration
12300 W Dakota Ave, Ste. 180
Lakewood, CO 80228

Dear Mr. Nicol:

Thank you for your letter of May 2nd regarding your request for Section 106 Consultation on U.S. Highway 34 Environmental Assessment, U.S. 287 to County Road 3, Larimer County, Colorado.

At this time, the Comanche Nation has no immediate concerns or issues regarding the project; however, please keep us informed of the project progress. We also would like to receive pre-project archaeological reports and findings for the project area, also a draft copy of the environmental assessment.

If in the process of the project human remains or archaeological items are discovered, we request that you immediately cease the project work and notify us so that we may discuss appropriate disposition with you and the other Tribal Nations that may be affected by such discoveries.

We look forward to your reports as activities proceed.

Sincerely,

A handwritten signature in cursive script that reads "Fred Nahwooksy".

Fred Nahwooksy
Comanche Nation NAGPRA Coordinator

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



August 10, 2005

Mr. Rusty McDaniel
Larimer County Planning Office
200 W. Oak Street, 3rd Floor
Fort Collins, CO 80521

SUBJECT: Invitation to Participate in the Section 106 Consultation Process, CDOT Project NH 0341-060, US 34, Highway 287 to Larimer County Road 3

Dear Mr. McDaniel:

The Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) are in the process of developing an Environmental Assessment (EA) for the proposed highway improvement project referenced above, per the requirements of the National Environmental Policy Act (NEPA). As part of FHWA's responsibilities under Section 106 of the National Historic Preservation Act, we are contacting communities and other governmental entities (such as Larimer County) in close proximity to the project area that may have an interest in or concern about historic properties issues.

Description of Proposed Action

The purpose of the project is to improve the US Highway 34 corridor between US Highway 287 in Loveland and Larimer County Road 3 (LCR 3) in Johnstown, a distance of approximately 6 miles. The project is needed for the following reasons: (1) to relieve current and future traffic congestion; (2) improve local and regional access; (3) improve transportation safety; and (4) support approved economic development along this portion of US 34.

The existing highway between US 287 and LCR 3 is a four-lane facility. The Proposed Action would include the addition of through-traffic lanes and auxiliary lanes, resulting in a six-lane facility with intersection and safety improvements. It will also include through-traffic lanes and anticipated auxiliary lanes over I-25, while the ramps and long-term configurations for the I-25 interchange would be addressed by two other CDOT projects.

As indicated above, FHWA and CDOT are in the process of initiating consultations with parties concerned about the possible effects of the project on historic properties. As such we want to formally offer Larimer County the opportunity to participate as a consulting party for the Section 106 process, if you have concerns in that regard.

Historic Resources Identification

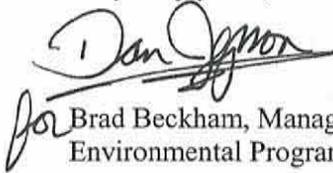
The project study team is presently identifying known historic properties as well as resources of local interest. Background research is being conducted at the Colorado Office of Archaeology and Historic Preservation to identify previously recorded resources within and near the project corridor, and a survey is being conducted to identify additional resources.

A flexible Area of Potential Effects (APE) has been defined for this project. A current project newsletter and map of the APE are included with this correspondence to assist you in deciding whether you have historic property-related concerns.

If you are interested in becoming a consulting party, please respond in writing within thirty (30) days of receipt of this letter to CDOT Senior Staff Historian Lisa Schoch at the address noted on the letterhead. Under the Section 106 guidelines, we request that your response include a statement of demonstrated interest in historic properties that are or may be associated with the project.

If you have any questions about the project, please contact CDOT Project Manager Long Nguyen at (970) 667-4670, extension 5117. If you have questions about Section 106 consulting party status, please contact Ms. Schoch at (303)512-4258.

Very truly yours,

A handwritten signature in black ink, appearing to read "Brad Beckham", is written over a horizontal line. To the left of the signature, there is a small, stylized handwritten mark that looks like "for".

Brad Beckham, Manager
Environmental Programs Branch

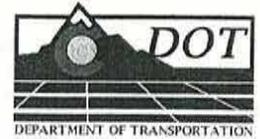
Enclosure: Project Newsletter and APE Map

cc: Long Nguyen, CDOT
Carol Parr, CDOT
Scott Sands, FHWA
Joanna Morsicato, JF Sato
Georgianna Contiguglia, SHPO

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



August 10, 2005

Mr. John Franklin, Town Planner
Town of Johnstown
101 Charlotte St
Johnstown, CO 80534

SUBJECT: Invitation to Participate in the Section 106 Consultation Process, CDOT Project NH 0341-060, US 34, Highway 287 to Larimer County Road 3

Dear Mr. Franklin:

The Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) are in the process of developing an Environmental Assessment (EA) for the proposed highway improvement project referenced above, per the requirements of the National Environmental Policy Act (NEPA). As part of FHWA's responsibilities under Section 106 of the National Historic Preservation Act, we are contacting communities in close proximity to the project area that may have an interest in or concern about historic properties issues.

Description of Proposed Action

The purpose of the project is to improve the US Highway 34 corridor between US Highway 287 in Loveland and Larimer County Road 3 (LCR 3) in Johnstown, a distance of approximately 6 miles. The project is needed for the following reasons: (1) to relieve current and future traffic congestion; (2) improve local and regional access; (3) improve transportation safety; and (4) support approved economic development along this portion of US 34.

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As indicated above, FHWA and CDOT are in the process of initiating consultations with parties concerned about the possible effects of the project on historic properties. As such we want to formally offer the Town of Johnstown the opportunity to participate as a consulting party for the Section 106 process, if you have concerns in that regard.

Historic Resources Identification

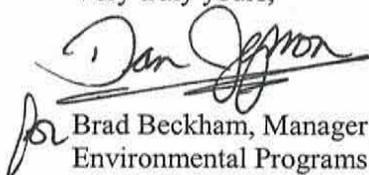
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If you are interested in becoming a consulting party, please respond in writing within thirty (30) days of receipt of this letter to CDOT Senior Staff Historian Lisa Schoch at the address noted on the letterhead. Under the Section 106 guidelines, we request that your response include a statement of demonstrated interest in historic properties issues associated with the project.

If you have any questions about the project, please contact CDOT Project Manager Long Nguyen at (970) 667-4670, extension 5117. If you have questions about Section 106 consulting party status, please contact Ms. Schoch at (303)512-4258.

Very truly yours,

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Brad Beckham, Manager
Environmental Programs Branch

Enclosure: Project Newsletter and APE Map

cc: Long Nguyen, CDOT
Carol Parr, CDOT
Scott Sands, FHWA
Joanna Morsicato, JF Sato
Georgianna Contiguglia, SHPO

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 4

2207 East Highway 402
Loveland, Colorado 80537
(970) 667-4670



August 10, 2005

Ms. Suzette Thieman
North Front Range Metropolitan Planning Organization
235 Matthews Street
Fort Collins, CO 805324

Re: Final US 34 Traffic Network Revisions

Dear Suzette,

As a result of our traffic meeting on June 6, 2005, and the subsequent coordination with the city of Loveland on US 34 traffic network revisions, J.F. Sato and Associates (JFSA) has conducted an additional TransCAD run using the revised network (including city of Loveland recommendations) as shown on the attached map. After a sensitivity analysis comparing the network JFSA used in their May analysis with the revised network including the city's changes, it was determined that the model was not particularly sensitive to these types of revisions at the local level. Typically, the model showed less traffic along US 34 and minor differences in cross street traffic.

Based on the results and sensitivity analysis, CDOT and JFSA have concluded that no further study is warranted. The recommendation is to keep the traffic study intersection operations analysis, travel demand and turning movement, and subsequent intersection configurations as they are and add an appendix that will show the attached map (with appropriate post-model adjustment tables comparing the two model runs). This information will provide confirmation that there were no major changes in travel demand. Upon completion of minor updates and a final CDOT review of the entire *US 34 Traffic and Safety Analysis*, this document will be forwarded to your office.

To the extent that these changes are applicable to the future North Front Range MPO traffic modeling process, your concurrence on the results summarized above is appreciated. Please contact me at 970-667-4670, extension 5117, or Shawn Han at JFSA (303-797-1200) with any questions or concerns by August 15, 2005.

Sincerely,

Long Nguyen
CDOT US 34 Project Manager

Attachment

I have reviewed the US 34 traffic analysis network changes and conclusions summarized above and on the attached map and to the extent that these changes are applicable to the future North Front Range MPO traffic modeling process concur with these changes.

Suzette Thieman
North Front Range
Metropolitan Planning Organization

Date

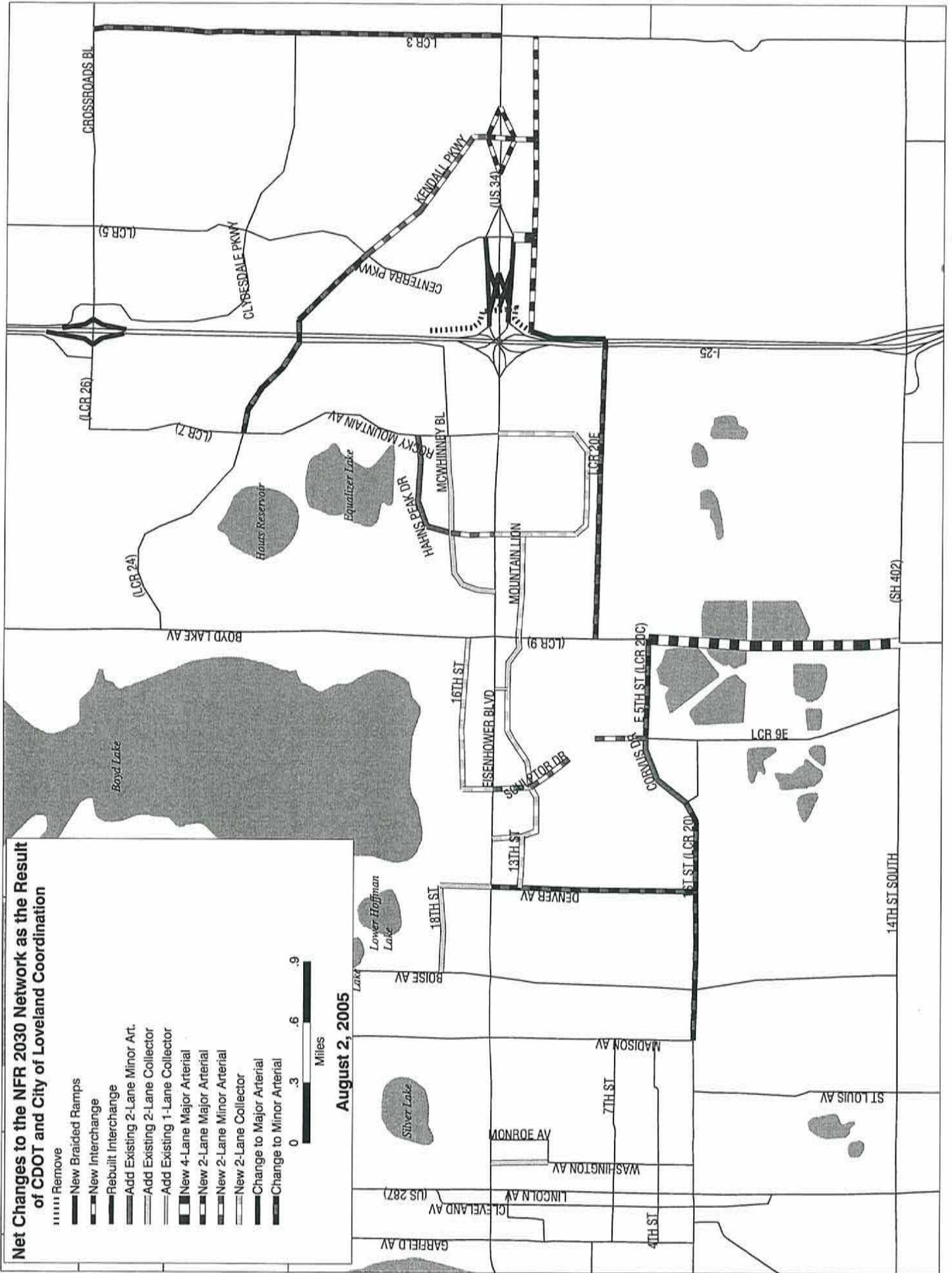
CC: Andres Gomez, NFRMPO
David Klockeman, City of Loveland
Long Nguyen, CDOT Region 4
Carol Parr, CDOT Region 4
Scott Ellis, CDOT Region 4
Stan Elmquist, CDOT Region 4
Bob Garcia, CDOT Region 4
Rick Gabel, CDOT Region 4
Shawn Han, JFSA
Scott Burger, JFSA
Michelle Li, JFSA
✓ Joanna Morsicato, JFSA

Net Changes to the NFR 2030 Network as the Result of CDOT and City of Loveland Coordination

- Remove
- ==== New Braided Ramps
- ==== New Interchange
- ==== Rebuilt Interchange
- ==== Add Existing 2-Lane Minor Art.
- ==== Add Existing 2-Lane Collector
- ==== Add Existing 1-Lane Collector
- ==== New 4-Lane Major Arterial
- ==== New 2-Lane Major Arterial
- ==== New 2-Lane Minor Arterial
- ==== New 2-Lane Collector
- ==== Change to Major Arterial
- ==== Change to Minor Arterial



August 2, 2005



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 4

2207 East Highway 402
Loveland, Colorado 80537
(970) 667-4670



August 10, 2005

Mr. David Klockeman
Public Works, City of Loveland
410 E 5th Street
Loveland, CO 80537

Re: Final US 34 Traffic Network Revisions

Dear Dave,

As a result of our traffic meeting on June 6, 2005, and the subsequent coordination (see CDOT letter to city on June 16, 2005, and city letter to CDOT on July 5, 2005) with the city on US 34 traffic network revisions, J.F. Sato and Associates (JFSA) has conducted an additional TransCAD run using the revised network (including city recommendations) as shown on the attached map. After a sensitivity analysis comparing the network JFSA used in their May analysis with the revised network including the city's changes, it was determined that the model was not sensitive to these types of revisions at the local level. Typically, the model showed less traffic along US 34 and minor differences in cross street traffic.

Based on the results and sensitivity analysis, CDOT and JFSA have concluded that no further study is warranted. The recommendation is to keep the traffic study intersection operations analysis, travel demand and turning movement, and subsequent intersection configurations as they are and add an appendix that will show the attached map (with appropriate post-model adjustment tables comparing the two model runs). This information will provide confirmation that there were no major changes in travel demand. Upon completion of minor updates and a final CDOT review of the entire *US 34 Traffic and Safety Analysis*, this document will be forwarded to your office.

To the extent that these changes are applicable to the city of Loveland traffic modeling process, your concurrence on the results summarized above is appreciated. Please contact me at 667-4670, extension 5117, or Shawn Han at JFSA (303-797-1200) with any questions or concerns by August 15, 2005.

Sincerely,

Long Nguyen
CDOT US 34 Project Manager

Attachment

I have reviewed the US 34 traffic analysis network changes and conclusions summarized above and on the attached map and to the extent that these changes are applicable to the city of Loveland concur with these changes.

David Klockeman
Public Works Department
City of Loveland

Date

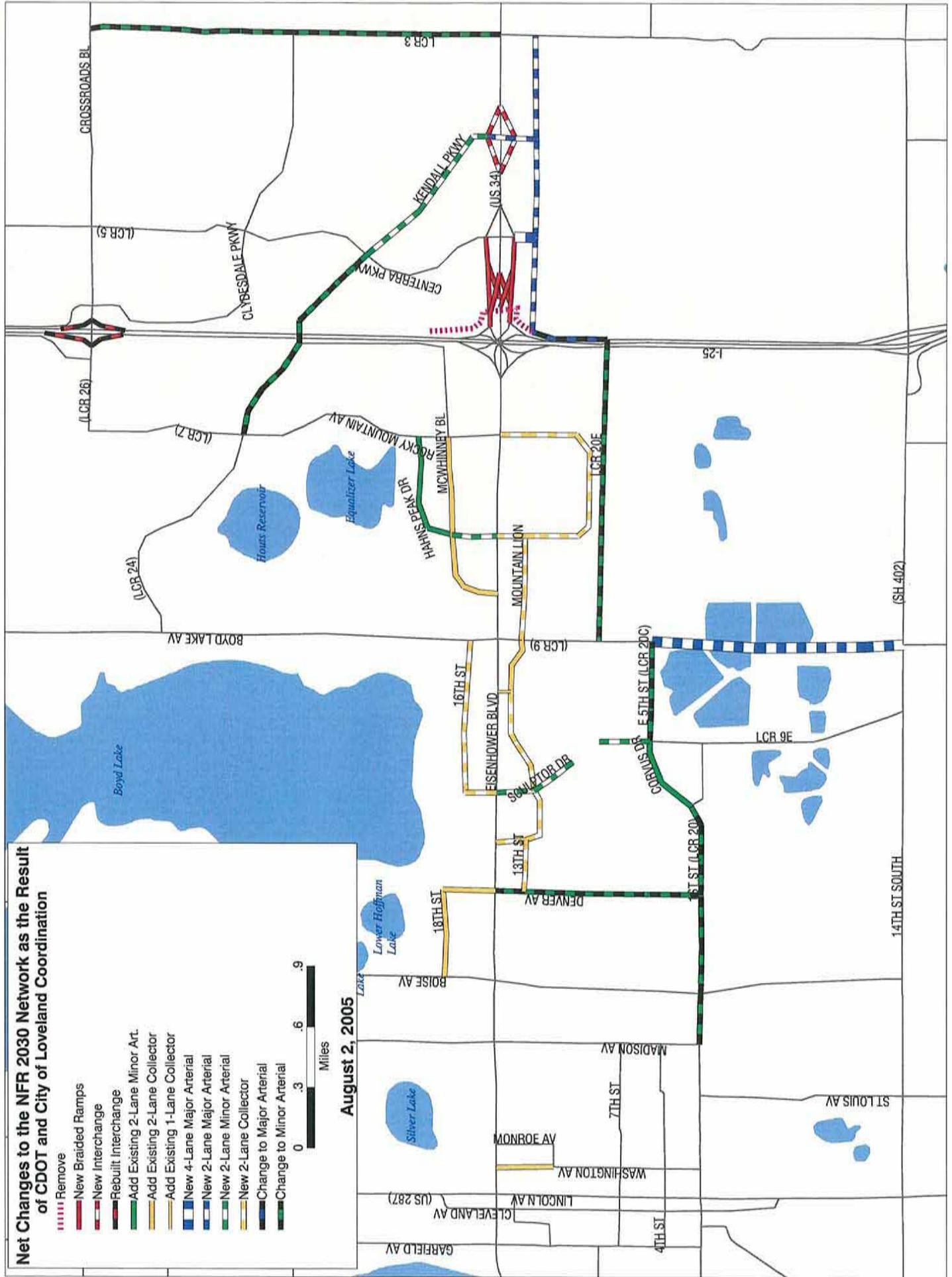
cc: Chip Taylor, City of Loveland
Bill Hange, City of Loveland
Long Nguyen, CDOT Region 4
Carol Parr, CDOT Region 4
Scott Ellis, CDOT Region 4
Stan Elmquist, CDOT Region 4
Bob Garcia, CDOT Region 4
Rick Gabel, CDOT Region 4
Shawn Han, JFSA
Scott Burger, JFSA
Michelle Li, JFSA
✓ Joanna Morsicato, JFSA

Net Changes to the NFR 2030 Network as the Result of CDOT and City of Loveland Coordination

- Remove
- New Braided Ramps
- New Interchange
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- New 2-Lane Collector
- Change to Major Arterial
- Change to Minor Arterial



August 2, 2005



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



August 11, 2005

Mr. Matt Robenalt
Loveland Historic Preservation Commission
City of Loveland – Long Range Planning Office
500 East Third Street
Loveland, CO 80537

SUBJECT: Invitation to Participate in the Section 106 Consultation Process, CDOT Project NH 0341-060, US 34, Highway 287 to Larimer County Road 3

Dear Mr. Robenalt:

The Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) are in the process of developing an Environmental Assessment (EA) for the proposed highway improvement project referenced above, per the requirements of the National Environmental Policy Act (NEPA). As part of FHWA's responsibilities under Section 106 of the National Historic Preservation Act, we are contacting communities within or near the project area that may have an interest in or concern about historic properties issues.

Description of Proposed Action

The purpose of the project is to improve the US Highway 34 corridor between US Highway 287 in Loveland and Larimer County Road 3 (LCR 3) in Johnstown, a distance of approximately 6 miles. The project is needed for the following reasons: (1) to relieve current and future traffic congestion; (2) improve local and regional access; (3) improve transportation safety; and (4) support approved economic development along this portion of US 34.

The existing highway between US 287 and LCR 3 is a four-lane facility. The Proposed Action would include the addition of through-traffic lanes and auxiliary lanes, resulting in a six-lane facility with intersection and safety improvements. It will also include through-traffic lanes and anticipated auxiliary lanes over I-25, while the ramps and long-term configurations for the I-25 interchange would be addressed by two other CDOT projects.

As indicated above, FHWA and CDOT are in the process of initiating consultations with parties concerned about the possible effects of the project on historic properties. As such we want to formally offer the City of Loveland the opportunity to participate as a consulting party for the Section 106 process, if you have concerns in that regard.

Historic Resources Identification

The project study team is presently identifying known historic properties as well as resources of local interest. Background research is being conducted at the Colorado Office of Archaeology and Historic Preservation to identify previously recorded resources within and near the project corridor, and a survey is planned to identify additional resources.

A flexible Area of Potential Effects (APE) has been defined for this project. A current project newsletter and map of the APE are included with this correspondence to assist you in deciding whether you have historic property-related concerns.

If you are interested in becoming a consulting party, please respond in writing within thirty (30) days of receipt of this letter to CDOT Senior Staff Historian Lisa Schoch at the address noted on the letterhead. Under the Section 106 guidelines, we request that your response include a statement of demonstrated interest in historic properties issues associated with the project.

If you have any questions about the project, please contact CDOT Project Manager Long Nguyen at (970) 667-4670, extension 5117. If you have questions about Section 106 consulting party status, please contact Ms. Schoch at (303)512-4258.

Very truly yours,



for Brad Beckham, Manager
Environmental Programs Branch

Enclosure: Project Newsletter and APE Map

cc: Long Nguyen, CDOT
Carol Parr, CDOT
Scott Sands, FHWA
Joanna Morsicato, JF Sato
Georgianna Contiguglia, SHPO



United States Department of the Interior

FISH AND WILDLIFE SERVICE

Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:

ES/CO: T&E/*Spiranthes*/Larimer County
Mail Stop 65412

SEP 15 2005

Jim Eussen
Colorado Department of Transportation
1420 2nd Street
Greeley, Colorado 80631

Dear Mr. Eussen,

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed your Ute ladies'-tresses orchid, *Spiranthes diluvialis* (orchid) and Colorado butterfly plant, *Gaura neomexicana* ssp. *coloradensis* (butterfly plant) survey report dated September 1, 2005. This report regards widening **US34 from SH287 to Larimer County Road 3 East of I-25** in Larimer County, Colorado. This activity will affect potential orchid and butterfly plant habitat.

Given your compliance with the survey guidelines, the Service finds the report acceptable and agrees that neither the orchid nor the butterfly plant are present within the surveyed area. Thus, the Service concurs with the determination that the impacts resulting from the proposed project are not likely to adversely affect the continued existence of these species.

Please note that this clearance is valid for one year from the date of this letter. Should project plans change or if additional information on listed or proposed species becomes available, this determination may be reconsidered under the ESA. If the proposed project has not commenced within one year, please contact the Colorado Field Office to request an extension. If the Service can be of further assistance, please contact Alison Deans Michael of my staff at (303) 275-2370.

Sincerely,

Susan C. Linner
Colorado Field Supervisor



United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:
ES/CO: T&E/Preble's/Larimer County
Mail Stop 65412

SEP 27 2005

Jim Eussen
Colorado Department of Transportation
1420 2nd Street
Greeley, Colorado 80631

Dear Mr. Eussen,

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed your Preble's meadow jumping mouse (*Zapus hudsonius preblei*, Preble's) habitat assessment report dated September 20, 2005. This report regards widening **US34 from SH287 to Larimer County Road 3 East of I-25** in Larimer County, Colorado. This activity will affect potential Preble's habitat.

Given your compliance with the survey guidelines, the Service finds the report acceptable and agrees that Preble's habitat is not present within the surveyed area. Thus, the Service concurs with the determination that the impacts resulting from the proposed project are not likely to adversely affect the continued existence of Preble's.

Please note that this clearance is valid for one year from the date of this letter. Should project plans change or if additional information on listed or proposed species becomes available, this determination may be reconsidered under the ESA. If the proposed project has not commenced within one year, please contact the Colorado Field Office to request an extension. If the Service can be of further assistance, please contact Alison Deans Michael of my staff at (303) 275-2370.

Sincerely,

Susan C. Linner
Colorado Field Supervisor

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



June 13, 2006

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Notification of Revised Area of Potential Effect, CDOT Project NH 0341-060, US 34
Between US 287 and Larimer County Road 3

Dear Ms. Contiguglia:

This letter and attached materials constitute the Federal Highway Administration (FHWA) and Colorado Department of Transportation's (CDOT) request for your review and comment on a revised Area of Potential Effect (APE) for the project referenced above.

Description of Proposed Action

The purpose of the project is to provide an improved transportation corridor between Loveland and Johnstown (US 287 and Larimer County Road 3 [LCR 3], respectively), a distance of approximately 6 miles, that meets the following needs: (1) relieve current and future traffic congestion; (2) improve local and regional access; (3) improve transportation safety; and (4) support approved economic development for this portion of US 34.

The existing highway is a four-lane facility. The Proposed Action would include the addition of through-traffic lanes and auxiliary lanes, resulting in a six-lane facility with intersection and safety improvements. It will also include through-traffic lanes and anticipated auxiliary lanes over I-25, while the ramps and long-term configurations for the I-25 interchange would be addressed by two other projects: interim improvements for the I-25/US 34 & I-25/Crossroads Boulevard Interchanges, and the North I-25 Environmental Impact Statement.

Revised Area of Potential Effects

Revisions to the APE were necessary to provide for the construction of a six-lane cross-section that transitions back to the existing four-lane sections at both ends of the project. This expansion extends west from US 287 to Garfield Avenue, and east 1,200 feet past Larimer County Road 3. On May 16, 2006, representatives from your office, consultant JF Sato and CDOT met to review the revised APE. The following descriptions correspond with the APE boundary and the numbered properties found on the enclosed map:

1. Revisions to the APE's West End:

- a. Addition of properties adjacent to US 34 from US 287 (North Cleveland Avenue) west to Garfield Avenue in Loveland.
- b. Addition of Burlington Northern Railroad segment extending north to 15th Street and south to 13th Street.

c. Property No. 199 was eliminated from the survey, as it is less than 50 years old.

d. Additional expansion was necessary for turn lane construction on Lincoln Avenue.

Construction of an additional turn lane near Cleveland Avenue will remain south of 15th Street to reduce potential impacts to the surrounding neighborhood.

2. South Lincoln Avenue:

a. Addition of properties on the west side of Lincoln Avenue between US 34 and 13th Street.

3. APE Revision for US 34/North side of West Jefferson to Monroe:

a. This section of the APE was reduced to include only adjacent properties because indirect effects will not extend beyond these properties.

4. Revisions to the APE's East End:

a. Property No. 62 (Northeast quadrant of Larimer County Road 3 and US 34) will be included in its entirety. Construction of residential and business properties known as the Miracle Development will take place on this property.

b. Property Nos. 63, 64, 65, 66 and 67 were initially believed to be part of an older historic farmstead. Based on subsequent fieldwork, it appears that 66 and 67 are separate resources.

c. A railroad segment (5LR1815.3) will be expanded to include the new APE.

d. A previously recorded segment of the Loveland and Greeley Ditch (5LR503.2) will be extended to the east through Parcel No. 62 to the APE's new eastern boundary.

e. A new segment of the Farmers Ditch (5LR8928) will be recorded from its western boundary in Parcel No. 63 to its eastern boundary within the new expanded APE in Parcel No. 64.

5. I-25 Interchange Studies/Interim US 34/I-25 Interchange Study and I-25 North Front Range EIS:

a. The US 34 APE skirts the existing CDOT right-of-way at Interstate 25. This is expected to be the APE for interim improvements.

Within the expanded APE, surveyors conducted curbside evaluations where permission to enter certain properties is pending. A Class III (pedestrian) survey of these properties will begin after right-of-way acquisition.

We request your comments regarding these revisions. We have also sent this documentation to the City of Loveland's Community and Strategic Planning Office for comment. Thank you in advance for your attention to this matter. If you require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,



Brad Beckham, Manager
Environmental Programs Branch

Enclosure: Revised APE Maps

cc: Carol Parr, CDOT
Scott Sands, FHWA
Joanna Morsicato, JF Sato

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



June 13, 2006

Mr. Greg George
Community Services Director
City of Loveland/Community and Strategic Planning
500 East Third
Loveland, CO 80537

SUBJECT: Notification of Revised Area of Potential Effect (APE), CDOT Project NH 0341-060, US 34 Between US 287 and Larimer County Road 3

Dear Mr. George:

This letter and attached materials constitute the Federal Highway Administration (FHWA) and the Colorado Department of Transportation's (CDOT) request for your review and comment on a revised Area of Potential Effect (APE) for the project referenced above.

Description of Proposed Action

The purpose of the project is to provide an improved transportation corridor between Loveland and Johnstown Colorado (US 287 and Larimer County Road 3 [LCR 3], respectively), a distance of approximately 6 miles, that meets the following needs: (1) relieve current and future traffic congestion; (2) improve local and regional access; (3) improve transportation safety; and (4) support approved economic development for this portion of US 34.

This project area encompasses approximately 6 miles of US 34 (also known as Eisenhower Boulevard) in Loveland and Johnstown, Colorado, extending between US 287 (Lincoln Avenue and Cleveland Avenue one-way pair) on the west to a terminus at LCR 3 on the east, 1.5 miles east of the I-25 interchange.

The existing highway is a four-lane facility. The Proposed Action would include the addition of through-traffic lanes and auxiliary lanes, resulting in a six-lane facility with intersection and safety improvements. It will also include through-traffic lanes and anticipated auxiliary lanes over I-25, while the ramps and long-term configurations for the I-25 interchange would be addressed by two other projects: Interim Improvements for the I-25/US 34 & I-25/Crossroads Boulevard Interchanges, and the North I-25 Environmental Impacts Statement.

Revised Area of Potential Effects

Revisions to the APE were necessary to provide for the construction of a six-lane cross-section that transitions back to the existing four-lane sections at both ends of the project. This expansion extends west to Garfield Avenue, and east 1,200 feet past Larimer County Road (LCR) 3. On May 16, 2006, representatives from the State Historic Preservation Office (SHPO), JF Sato and CDOT met to review the revised APE. The following descriptions correspond with the APE boundary and the numbered properties found on the enclosed map:

cc: Carol Parr, CDOT
Scott Sands, FHWA
Joanna Morsicato, JF Sato



**COLORADO
HISTORICAL
SOCIETY**

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

June 26, 2006

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project NH 0341-060, US 34 Between US 287 and Larimer County Road 3.
(CHS #44421)

Dear Mr. Beckham,

Thank you for your correspondence dated June 13, 2006 and received by our office on June 15, 2006 regarding the above-mentioned project.

After review of the submitted materials, we agree with the proposed Area of Potential Effects (APE) for the proposed project. Should the scope of the work for the project change, please notify our office for consultation.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

man woffe

for
Georgianna Contiguglia
State Historic Preservation Officer

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



July 12, 2006

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Determinations of Eligibility and Effects, CDOT Project NH 0341-060, US Highway 34 Expansion, Larimer County

Dear Ms. Contiguglia:

This letter, along with the enclosed inventory report and site forms, constitutes a request for concurrence with Determinations of Eligibility and Effects for the transportation project referenced above. The project proposes to improve US Highway 34 between US 287 in Loveland and Larimer County Road (LCR 3) in Johnstown, a distance of approximately six miles. The primary purposes are to relieve current and future traffic congestion, improve local and regional access, improve highway safety and support approved economic development.

METHODOLOGY AND SURVEY RESULTS

During August and September 2005, and March-May 2006, Western Cultural Resources Management, Inc. (WCRM) conducted a cultural resources inventory of the project corridor. In a letter dated June 26, 2006, you agreed with the Area of Potential Effects (APE) established for the undertaking.

ELGIBILITY DETERMINATIONS

The survey resulted in the new documentation of 41 historic sites and the reevaluation of four previously recorded localities. Of the 41 new sites, 13 are recommended *eligible* to the National Register of Historic Places (NRHP), as noted below, whereas the remaining resources are not eligible. Please review the survey report and site forms for more detailed information regarding the eligibility recommendations for the entire complement of sites.

Ackerman House (5LR11288): This residence displays good integrity and elements such as the front porch, exposed rafter tips, door and window arrangements make this a good example of the bungalow style. Consequently this one-story residence is recommended *eligible* for the NRHP under Criterion "c" as a good example of a local variant of the bungalow.

Colorado & Southern Railway Segment (5LR1731.8): Currently known as the Burlington Northern and Santa Fe (BNSF) Railroad, this 951-foot long segment (between East 13th Street and East 15th Street in Loveland) was originally part of the Colorado & Southern mainline through Colorado. There are no visible alternations or modifications except for the use of welded continuous rails and new ties. The site was officially determined *eligible* to the NRHP on August 13, 2003, and this segment contributes to the railroad's overall continuity and significance under Criterion "a".

Estate Services - Columbine Camp (5LR9881): During the late 1930s, the 400 to 600 blocks of East 14th Street in Loveland housed many tourist camps catering to drivers heading to and from Rocky Mountain National Park. 5LR9881 retains the feeling and association of a late 1930's era auto camp and therefore is *eligible* to the NRHP under Criterion "a."

Loveland and Greeley Ditch Segment (5LR503.2): The entire ditch extends from its point of diversion at Wilson Avenue in Loveland east to Greeley, a distance of 55 miles. Pending a comprehensive field survey (which is beyond the scope of the present undertaking), the entire ditch is considered *eligible* under NRHP criteria "a" and "c" for its associations with Larimer County agriculture and as a representative example of water engineering practices from the late 19th century. This 11,208-foot long segment retains sufficient integrity to support the overall eligibility of the entire ditch.

Loveland and Greeley Ditch Segment (5LR503.3): This 1,250-foot long earthen segment is sometimes called the Chubbuck Ditch. As noted above, pending a comprehensive field survey the entire ditch is considered *eligible* under NRHP criteria "a" for its association with late 19th century corporate irrigation and land development in Larimer County. 5LR503.3 is also eligible under Criterion "c" as a good example of the engineering and construction of large-scale canals across the Northern Colorado during the 19th century. The segment in the project area retains sufficient integrity to support the overall eligibility of the entire ditch.

Eunice Linn Farmstead (5LR11182): This farmstead is located on the south side of US 34 east of the Boyd Lake Outlet Exchange Ditch. First homesteaded in 1900, the site retains a complete inventory of buildings typical of a local farmstead from the early 20th century. The site contains six agricultural-related buildings and three archaeological features. The site is *eligible* under Criterion "c" and may have enough archaeological potential for eligibility under Criterion "d".

Hill Farm (5LR11188): Originally patented in 1889 with the main house completed in 1906, the present Hill Farm features seven buildings. Based on the known background, the main house is recommended as NRHP *eligible* under Criterion "c" as an example of early 20th century rural architecture.

Farmers Ditch Segment (5LR8928.3): The Farmers Ditch is representative of the early water resource development and maturation of irrigation in the Loveland area. This 2,900-foot long segment has retained its integrity of setting and feeling, and has not been impacted by recent development along US 34 and I-25. Segment 5LR8928.3 supports the eligibility of the entire ditch, which is eligible to the NRHP under Criteria "a" and "c".

Farmers Ditch Segment (5LR8928.4): The 4,267-foot long segment was recorded as a part of the US 34 project because it is contained within APE farmstead properties. The segment is located south of US 34 between Larimer County Road 3 and the eastern boundary of the APE. This segment retains sufficient integrity to support the eligibility of the entire ditch, which is considered *eligible* under Criteria "a" and "c" for its association with Larimer County agriculture and the quality of engineering necessary for its construction and use.

McDonough Farm (5LR11210): Despite the loss of the main house and other associated buildings, this site is recommended as eligible under Criterion "c" as the barn is a good example of 20th century agricultural architecture in Larimer County.

Union Pacific Railroad, Fort Collins Branch Segment (5LR1815.3): This resource is a 5,669-foot long segment of a single-track standard gauge railroad line. The overall line runs 24.5-miles from

Greeley to Fort Collins via La Salle. Officially determined eligible in 2001, this segment contributes to the eligibility of the overall line due to its association with development of Colorado's railroads and local farming and ranching. CDOT has determined that this segment retains sufficient integrity to support the eligibility of the entire railroad, which is significant under Criterion "a".

Kelim Elevator Site (5LR11298): Despite the general abandonment of the site, 5LR11298 is eligible under Criterion "c" as a good example of a grain elevator dating from the mid-1940s.

Zeiler Farm (5LR11299): The farm site contains a number of associated farm buildings which have been moved from their original location, but are within the historic boundary of the Zeiler Farm. The farm has maintained its land base and continues to display its associations with 20th century Larimer County agriculture. CDOT has determined that 5LR11299 is *eligible* to the NRHP under Criterion "a."

EFFECTS DETERMINATIONS

Ackerman House (5LR11288): The taper on US 34 associated with the shift from the proposed six-lanes back to four-lanes will not impact 5LR11288. CDOT has determined there will be *no historic properties affected*.

Colorado & Southern Railroad Segment (5LR1731.8): The existing railroad structure cannot accommodate proposed additional lane width and sidewalks. Based on conceptual plans, widening the road in the area of the railroad will measure less than 50 feet. There is no information currently available regarding the location of new piers and supports, but the existing tracks will remain at their present location. Except for temporary construction impacts to the railroad operations, CDOT has determined there will be *no adverse effect* to this segment of historic railroad.

Estate Services - Columbine Camp (5LR9881): The proposed highway alignment will shift to the north and avoid any direct impacts to 5LR9881. CDOT has determined that the project will result in *no historic properties affected*.

Loveland and Greeley Ditch Segment (5LR503.2): This segment was recorded as part of the US 34 project because it is contained within APE farmstead properties north of the highway. There will be no impacts related to the proposed project to any portion of this ditch segment. Therefore, CDOT has determined there will be *no historic properties affected*.

Loveland and Greeley Ditch Segment (5LR503.3): The existing US 34 bridge would be widened 30-to-35 feet to accommodate additional travel lanes and an attached sidewalk on the south side. The existing pedestrian bridge (located on the north side) will remain, but an additional existing sidewalk between Cheyenne Avenue and the bridge will require modification. There will be temporary impacts during construction, but there will be no permanent modifications to the ditch segment. CDOT has determined there will be *no historic properties affected*.

Eunice Linn Farmstead (5LR11182): The proposed US 34 right-of-way will not extend south of the current Linn property fence line (the historic boundary). Although it is assumed that the legal property line and fence line are the same, should the property line extend north of the historic boundary, right-of-way may be purchased from the property owner without impacting the historic property. CDOT plans to modify the parkway strip and sidewalk to maintain the historic boundary. We therefore believe *no historic properties will be affected*.

Hill Farm (5LR11188): The utility easement for this project will shift to under the sidewalk and parkway as needed to avoid all direct impacts to this property. CDOT has determined there will be *no historic properties affected*.

Farmers Ditch Segment (5LR8928.3): This segment begins south of US 34 and the project will extend the existing box culvert approximately six-to-eight feet. The addition is necessary to convey the ditch under the improved highway alignment to include an attached sidewalk. The existing box culvert dimensions are 4' high and 14' wide and construction will increase the width of the structure by 30 feet. The work will not directly impact the ditch and construction will result in *no adverse effect* to 5LR8928.3.

Farmers Ditch Segment (5LR8928.4): This segment is located south of US 34 between Larimer County Road 3 and the eastern boundary of the APE. The segment itself will not be affected by the US 34 project, and we have determined that *no historic properties will be affected*.

McDonough Farm (5LR11210): The widening project will avoid all direct impact to this property such that construction will result in *no historic properties affected*.

Union Pacific Railroad, Fort Collins Branch Segment (5LR1815.3): The project intersects an at-grade railroad crossing and will extend the highway width. The existing edges of pavement currently measure 110 feet in width, but the project will require 25 feet on the highway's north side to accommodate a merge lane from Larimer County Road 3. Construction will also require 10 feet for a new sidewalk to minimize disturbance to the railroad on both sides. CDOT has determined there will be *no adverse effect* to this segment resulting from these improvements.

Kelim Elevator Site (5LR11298): Construction will not extend past the frontage road on the south side of US 34 east of LCR 3. CDOT has determined there will be *no historic properties affected*.

Zeiler Farm (5LR11299): All US 34 widening impacts are contained within the existing CDOT right-of-way. Therefore, this project will result in *no historic properties affected*.

Indirect Effects

The following section addresses potential visual and noise effects resulting from this project. Due to the rapidly expanding urban nature of this corridor, the project is not expected to compromise historic properties with ambient visual and noise conditions related to residual development.

Visual Effects

Construction along US 34 would alter the existing setting through the addition of travel and turn lanes, on-street bike lanes, and parkway and sidewalk areas that do not currently exist. The project will expand the horizontal profile of the highway, but will not affect visibility of adjacent businesses or mountain background views. CDOT has determined that there will be no compromise to NRHP-eligibility or site integrity from highway related visual changes.

Noise Effects

Ambient noise in the corridor is related to the current urban/commercial nature of the area. The setting for the new and existing NRHP eligible properties includes this ambient noise. US 34 improvements

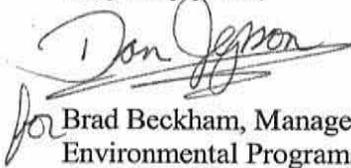
adjacent to four properties that include residential structures will be retained within the right-of-way, as follows: no change in the highway cross-section will occur at the Ackerman House (5LR11288); the highway widening at the Estate Services/Columbine Camp (5LR9881) will shift to the north away from the property; the Eunice Linn Farmstead (5LR11182) fronts US 34 and abuts high school athletic fields to the rear; and the Hill Farm (5LR11188) is surrounded by roads and is located in the front yard of Mountain View High School. Highway related shifts in noise in this area are not expected to compromise NRHP-eligibility or site integrity for these properties.

We request your concurrence with the Determinations of Eligibility and Effects outlined herein. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act (as amended) and with the Advisory Council on Historic Preservation's regulations.

We have forwarded this request to the City of Loveland Planning Office for comment and we will send their response to you when received.

If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,



for Brad Beckham, Manager
Environmental Programs Branch

Enclosure: US 34 report

cc: Carol Parr, CDOT Region 4
Scott Sands, FHWA
Joanna Morsicato, JF Sato





**COLORADO
HISTORICAL
SOCIETY**

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

August 21, 2006

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: Determination of Eligibility and Effects, CDOT Project NH 0341-060, US Highway 34 Expansion, Larimer Co. CO. (CHS #44421)

Dear Mr. Beckham,

Thank you for your correspondence dated July 12, 2006 and received by our office on July 13, 2006 regarding the above-mentioned project.

After review of the provided information, we concur that the resources listed below are **eligible** for the National Register of Historic Places (NRHP).

- 5LR.11182/Eunice Linn Farmstead
- 5LR.11188/David Barnes Farm/Hill Farm. Need Data for the archaeological evaluation.
- 5LR.11209/Schmer Farm
- 5LR.11210/McDonough Farm
- 5LR.11288/Chalfant House
- 5LR.11298/Kelim Elevator Site
- 5LR.11299/Zeiler Farm

After review of the provided information, we concur that the resources listed below are **not eligible** for the National Register of Historic Places (NRHP).

- 5LR.11175/Chilson Farm
- 5LR.11189/William McCreery Property/Vet Clinic Property
- 5LR.11190/Sherman Smith Property
- 5LR.11192/Moore Real Estate/Rocky Mountain Roofers
- 5LR.11191/Spudnut Shop/Rocky Mountain Roofers
- 5LR.11185/Loveland Electrical Supply/Harold Ferguson Alternative High School
- 5LR.11186/Isolated Find
- 5LR.11187/Unnamed dump
- 5LR.11176/Chrisland Farmstead
- 5LR.11177/Cook Property
- 5LR.11178/Widow McCoy's Restaurant

- 5LR.11256/Hariri Farm
- 5LR.11284/Hutchinson House
- 5LR.11285/Nicholson House
- 5LR.11286/Starrett House
- 5LR.11287/Halldahl House
- 5LR.9384.1/segment of Airport-Boyd Transmission Line
- 5LR.11183/Colorado Tractor Corporation Complex
- 5LR.11184/Loveland Lumber Company
- 5LR.11289/Remington Duplex
- 5LR.11290/Perkins House
- 5LR.11294/T.H. Johnson House
- 5LR.11295/E.W. Wake House
- 5LR.11296/Bar Lazy S Farm
- 5LR.11300.1/segment of Larimer County Road 3. The Management Data Form refers to two bridges as not being significant because they are not unique or of major importance. If these bridges are involved in the scope of work, we request additional information regarding the eligibility of these resources.

After review of the provided information, we concur that the resources listed below **do not support** the overall NRHP eligibility of the entire linear resource.

- 5LR.11179.1/segment of Boyd Lake Outlet Exchange
- 5LR.11180.1/segment of Little Barnes Ditch. Item 17 of the Linear Component Form is not clear on whether or not it is referring to the entire linear feature or to the segment. In our opinion, not enough information is given to make a determination of not eligible for the NRHP for the entire linear feature. We do concur that this segment lacks integrity and can not support the overall eligibility of the entire linear resource.
- 5LR.8928.2/segment of Farmers Ditch. This segment has been physically altered due to channelization. Therefore, we concur this segment has significantly lost integrity within the historic boundary.

After review of the provided information, we concur that the resources listed below **support** the overall NRHP eligibility of the entire linear resource.

- 5LR.503.2/segment of Loveland-Greeley Canal
- 5LR.503.3/segment of Loveland-Greeley Canal. Please note original photographs were not attached to the submitted inventory form.
- 5LR.1731.8/segment of the Colorado & Southern Railway
- 5LR.1815.3/segment of the Union Pacific Railroad Fort Collins Branch
- 5LR.8928.3/segment of Farmer Ditch
- 5LR.8928.4/segment of Farmer Ditch

After review of the provided information, **we do not concur** with the findings of eligibility for the resources listed below.

- 5LR.8928.1/segment of Farmers Ditch Canal. While the setting outside of the historic boundary for the canal has changed, the historic setting within the boundary including the original alignment/location, design, and materials (the pictures show an earthen ditch) are still intact. In our opinion, this segment

maintains enough integrity to support the overall eligibility of the entire linear resource.

- 5LR.11181/McDonough Ruins Site. Item 36 of the Management Data Form states that CDOT recommends the site as not eligible, but no justification for the recommendation is provided. Please provide a justification for the proposed not eligible finding.
- 5LR.11291/Charles F. Smith House. In our opinion, there is not enough history of the resource in the inventory form to determine that the resource is not significant under National Register Criterion A. The construction date of 1908 indicates that the house represents the early development of Loveland. The statement in Item 42 that the "site no longer represents the residential growth of the City of Loveland into the area during the early 1900s..." is not justified. Why does the building no longer represent this period of history? The mid-1940s additions are small and to the rear of the main house and in our opinion do not overwhelm the original form of the house. We do not concur that the modern development adjacent to this resource significantly diminishes the integrity of the resource within its historic boundary. Modern development adjacent to historic resources is common. It appears as though there is no photograph showing the entire front façade.
- 5LR.11297/Lauver Farmstead. In our opinion, the resource still conveys the historic theme of agriculture under National Register Criterion A. While the setting adjacent to the historic boundary is no longer agricultural, the setting within the historic boundary still clearly conveys the historic function of agriculture with the main house and outbuildings. We also believe the main house is eligible under National Register Criterion C as a good example of a Craftsman bungalow featuring a cross-hipped roof with jerkin head gables, wide overhanging eaves, and multi-light paired and single windows. It also appears the building is constructed of local stone.

According to the survey report (page 121), resource 5LR.9881, which was originally surveyed in 2000 and determined eligible for the National Register, was not re-evaluated for this project. After review of the survey form on file with our office, we continue to consider this resource eligible for the National Register of Historic Places. We recommend in future projects that all properties re-surveyed should have a Cultural Resource Re-evaluation Form (Form 1405) completed. It is not clear why all the other re-surveyed properties received a Resource Re-evaluation Form and not resource 5LR.9881.

After review of the submitted findings of effects, we concur with the finding of *no historic properties affected* for the resources listed below.

- 5LR.11288/Ackerman House
- 5LR.9881/Estate Services-Columbine Camp
- 5LR.503.2/segment of Loveland and Greeley Ditch
- 5LR.503.3/segment of Loveland and Greeley Ditch
- 5LR.11188/Hill Farm
- 5LR.8928.4/segment of Farmers Ditch
- 5LR.11210/McDonough Farm
- 5LR.11298/Kelim Elevator Site
- 5LR.11299/Zeiler Farm

After review of the submitted findings of effects, we concur with the finding of *no adverse effect* for the resources listed below.

5LR.1731.8/segment of Colorado & Southern Railroad

5LR.8928.3/segment of Farmers Ditch

5LR.1815.3/segment of Union Pacific Railroad, Fort Collins Branch Segment

After review of the submitted findings of effects, we do not concur with the finding of *no adverse effect* for the resources listed below.

5LR.11182/Eunice Linn Farmstead. We do not concur with the finding of *no historic properties affected*. In our opinion, the taking of right-of-way from within the historic boundary (should the need be required) would result in a finding of *no adverse effect*. The historic property may not be directly impacted, but the secondary impacts of taking setting from within the historic boundary exist.

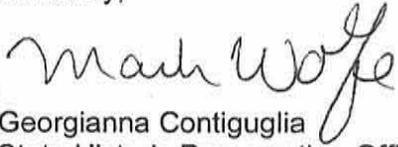
After we complete the consultation regarding the National Register eligibility of resources, we will be able to complete our consultation for the evaluation of effects under Section 106.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

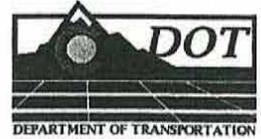
Sincerely,

for 
Georgianna Contiguglia
State Historic Preservation Officer

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



November 20, 2006

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Additional Information, CDOT Project NH 0341-060, US Highway 34 Expansion,
Larimer County (CHS #44421)

Dear Ms. Contiguglia:

In your August 21, 2006 response regarding determinations of eligibility and effects for the above-mentioned project, you did not concur with our findings of eligibility for five sites: McDonough Ruins (5LR11181); Lauver Farmstead (5LR11297); Farmers Ditch Segment (5LR8928.1); Eunice Linn Farmstead (5LR11182) and the Charles R. Smith House (5LR11291). In addition to the information contained herein, a revised site form for 5LR11291 is enclosed as well as information specific to the re-evaluation of the Columbine Camp (5LR9881).

McDonough Ruins Site (5LR11181): You requested additional information regarding why we determined this site is not NRHP eligible. The site is recommended not eligible under Criterion "a" because it is missing key elements and recent construction has disturbed the farmstead to such a degree that it no longer can be associated with its original agricultural context as a 20th century Larimer County farm. Based on research of the available documentation related to the McDonough farm, 5LR11181 is also not eligible under Criterion "c" based on the minimal structural elements present and their individual lack of physical integrity. Therefore, CDOT recommends that 5LR11181 is *not eligible* to the NRHP and the project will result in *no historic properties affected*.

Lauver Farmstead (5LR11297): You stated that the 5LR11297 still conveys the historic theme of agriculture under Criterion "a" and that the main house is *eligible* under Criterion "c" as a good example of a Craftsman bungalow. After review, CDOT agrees with the eligibility of the house under both Criteria "a" and "c". Since the improvements to US 34 are north of 5LR11297 and outside the property's historic boundaries, we believe that a finding of *no historic properties affected* is appropriate.

984-foot segment of Farmers Ditch (5LR8928.1): This segment of Farmers Ditch is located southeast of the Interstate 25 interchange in a rapidly developing area. A September 6, 2006 field inspection found the 984-foot segment retains its integrity despite the compromises to the surrounding setting resulting from construction. CDOT plans to extend the existing pipe under US 34 by approximately six-to-eight feet. The work will not directly impact the ditch and CDOT has determined there will be *no adverse effect* to 5LR8928.1.

Eunice Linn Farmstead (5LR11182): This historic property is on the south side of US 34, east of the Boyd Lake Outlet Exchange and north of Mountain View High School. The US 34 project will avoid impacting the area within the historic boundary as defined by the existing fence. CDOT has determined that the project will still result in *no historic properties affected* to 5LR11182.

Charles F. Smith House (5LR11291): This property at 109 E. Eisenhower is immediately southeast of the Burlington Northern Railroad bridge behind a retaining wall. Your August 21 letter questioned why the site no longer represents a period in the county's agricultural history. Enclosed with this submission are additional photos illustrating the modifications to 5LR11291. These pictures indicate the introduction of a kitchen wing with greenhouse bay window; garage; modern breezeway connection to the garage; covered entry on the southern elevation; enclosed northeast corner porch and entry; new doors added to the western and southern elevations; modern sun deck on the breezeway's roof and mixed style windows.

You also noted that modern development adjacent to this resource would not significantly diminish the resource's integrity within its historic boundary. However, we believe the addition of two large aluminum garages, the introduction of a graveled driveway and modern landscaping have compromised the setting within the historic boundary. The enclosed photos also show the proximity of the modern structures to the house. The date of construction for the original retaining wall remains unknown; however, the Burlington Northern RR reconstructed the bridge during the late 1990s.

~~5LR11291 is not associated with the lives of historically significant persons or events and therefore is not~~ eligible under Criterion "a". The Smith House no longer represents the residential growth of the City of Loveland into the area during the early 1900s (i.e., no associated with the period of significance). The introduction of modern buildings on the lot have altered the setting and the US 34 retaining wall to the north has severely denigrated this site's integrity. 5LR11291's surroundings have experienced a rapid transition to commercial activities and, as a result, the sense of a cohesive residential area has been lost. Based on these factors, CDOT has determined that 5LR11291 is not eligible to the NRHP under Criterion "c" and the project will result in *no historic properties affected* with regard to this property.

Finally, you inquired why CDOT did not re-evaluate the Columbine Camp (5LR9881) for this project. On June 16, 2005, representatives from CDOT, JF Sato, Western Cultural Resources Management (WCRM) and your office met to discuss the project and the re-evaluation of certain properties. This discussion included the NRHP-eligible 5LR9881. According to the minutes of that meeting, the participating parties agreed not to re-evaluate 5LR9881. Enclosed herewith is a copy of the minutes from that meeting.

We request your concurrence with the determinations of eligibility outlined herein and in the enclosed report. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation's regulations.

Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Assistant Staff Historian Robert Autobee at (303) 757-9758.

Very truly yours,


Brad Beckham, Manager
Environmental Programs Branch

Enclosures

cc: Carol Parr, CDOT Region 4
Amy Bakerlau, J.F. Sato and Associates
Greg George, Loveland Historic Preservation Commission



**COLORADO
HISTORICAL
SOCIETY**

DEC 11 2006
DENVER CO
2006

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

December 4, 2006

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: Additional Information, CDOT Project NH 0344-060, US Highway 34 Expansion, Larimer County.
(CHS #44421)

Dear Mr. Beckham,

Thank you for your additional information correspondence dated November 20, 2006 and received by our office on November 27, 2006 regarding the above-mentioned project.

After review of the submitted information we concur with the findings presented below.

- 5LR.11181/McDonough Site: We concur with the finding of not eligible to the NRHP and finding of *no historic properties affected* under Section 106.
- 5LR.11297/Lauver Farmstead: We concur that the resource is eligible under National Register Criteria A and C. We also concur with the finding of *no historic properties affected* since the improvements are planned away from the resource.
- 5LR.8928.1/segment of Farmers Ditch: We concur that the segment supports integrity and concur with the finding of *no adverse effect* under Section 106.
- 5LR.11182/Eunice Linn Farmstead: We concur with the finding of *no historic properties affected* under Section 106 since no right-of-way is required within the resource boundary.
- 5LR.11291/Charles F. Smith House: We concur that the resource is not eligible for the NRHP and concur with the finding of *no historic properties affected* under Section 106.

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office. We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

For

Georgianna Contiguglia
State Historic Preservation Officer

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



December 27, 2006

Mr. David A. Nicol, P.E.
Division Administrator
FHWA - Colorado Division
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228



SUBJECT: Finding of Section 4(f) *De Minimis* Impact, Project NH 0341-060, US Highway 34 Expansion, Larimer County

Dear Mr. Nicol

This letter and the attached materials constitute a request for review and concurrence on a finding of *de minimis* impact for the project referenced above, which involves improvements to US 34 between US 287 in Loveland and Larimer County Road 3 in Johnstown. Three historic sites in the project area have been determined eligible for listing on the National Register of Historic Places: segments of the Colorado & Southern Railway (5LR1731.8), Union Pacific Railroad, Fort Collins Branch (5LR1815.3) and Farmers Ditch (5LR8928.3).

Project Effects

- 1) **5LR1731.8, 951-foot long segment of the Colorado & Southern Railroad:** The entire Colorado & Southern Railroad was determined officially *eligible* to the National Register of Historic Places (NRHP) on August 13, 2003. The US 34 bridge that spans this segment cannot accommodate proposed additional lane width and sidewalks, and will therefore be replaced with a wider structure. There is no information presently available on the location of new piers and supports, but the new bridge will remain on its present alignment. In coordination with your staff, CDOT has determined there will be *no adverse effect* to this segment of historic railroad.
- 2) **5LR1815.3, 5,669-foot long segment of the Union Pacific Railroad, Fort Collins Branch:** The Fort Collins Branch was determined NRHP eligible in 2001 and this segment contributes to the overall eligibility of the line. The project intersects an at-grade railroad crossing and will extend the highway's width. The existing edges of pavement currently measure 110 feet wide, but the project will require 25 feet on the highway's north side to accommodate a merge lane from Larimer County Road 3. Construction will also require 10 feet for a new sidewalk to minimize disturbance to the railroad on both sides. CDOT has determined there will be *no adverse effect* to this segment resulting from construction.
- 3) **5LR8928.3, 2,900-foot long segment of the Farmers Ditch:** 5LR8928.3 was determined eligible to the NRHP in August 2006. Construction will extend an existing box culvert approximately six to eight feet in order to convey the ditch under the new highway alignment and include an attached sidewalk. The box culvert now measures 4 feet high and 14 feet wide. Construction will increase the culvert's width by 30 feet. Improvements to the culvert will not directly impact the ditch and will result in *no adverse effect* to 5LR8928.3.

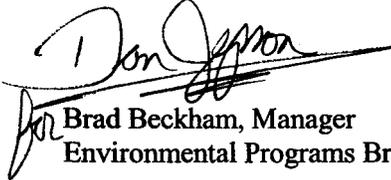
Finding of De Minimis Impact

In correspondence dated July 12 and December 4, 2006, the State Historic Preservation Officer concurred with CDOT's determination that construction would result in *no adverse effect* to these three sites. In a letter dated July 12, 2006, the City of Loveland Planning Office was offered the opportunity to comment on the Section 106 findings. We did not receive a response from the City on this request within the 30-day review period. Copies of the Section 106 correspondence are attached for your review.

Based on the information presented above and on the attached documentation, the effects of this proposed improvement on the properties noted above constitute a *de minimis* impact and the requirements of 23 USC 138 and 49 USC 303 have been satisfied. This finding is considered valid unless new information is obtained or the proposed effects change to the extent that consultation under Section 106 must be reinitiated.

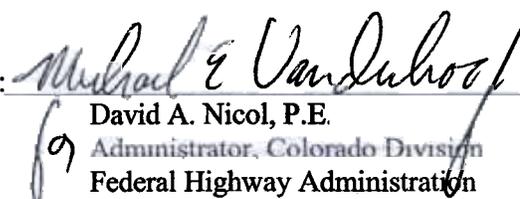
If you concur with this finding, please sign below.

Very truly yours,


Brad Beckham, Manager
Environmental Programs Branch

Enclosures: Section 106 correspondence
Site forms: 5LR1731.8, 5LR1815.3 and 5LR8928.3
Project plans

Long Nguyen/Carol Parr, Region 4
File/CF

concur:  1-9-07
Date
69 David A. Nicol, P.E.
Administrator, Colorado Division
Federal Highway Administration

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



January 18, 2007

Mr. David A. Nicol, PE
Division Administrator
FHWA - Colorado Division
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228

Dear Mr. Nicol,

RE: Finding of Section 4(f) *De Minimis* Impact, Project NH 0341-060, US Highway 34
Expansion, Larimer County

This letter and attached materials constitute a request for review and concurrence on a finding of *de minimis* impact for the project referenced above, which involves improvements to US Highway 34 between US 287 in Loveland and Larimer County Road (LCR3) in Johnstown. This correspondence is an addendum to an earlier 4(f) *De Minimis* submission to your office dated December 27, 2006. This 984-foot long segment of the Farmers Ditch Canal (5LR8928.1) is within the same project area and the following identifies the effects for this eligible site:

Project Effects

- 1) **984-foot long segment of the Farmers Ditch Canal (5LR8928.1):** This segment maintains enough integrity to support the overall eligibility of the entire Farmers Ditch Canal and was determined officially *eligible* to the National Register of Historic Places (NRHP) in August 2006. This segment is southeast of the Interstate 25 interchange. Project construction will extend an existing pipe under US 34 by approximately six-to-eight feet. The work will not directly impact the ditch and CDOT has determined there will be *no adverse effect* to 5LR8928.1.

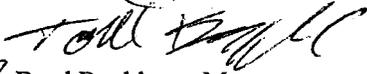
Finding of *De Minimis* Impact

In correspondence dated August 21 and December 4, 2006, the SHPO did concur with CDOT's determination that construction would result in *no adverse effect* to 5LR8928.1. In correspondence dated July 12, 2006, the City of Loveland Planning Office was offered the opportunity to comment on the Section 106 findings. We did not receive a response from the City on this request within the 30-day review period. Copies of the Section 106 correspondence are attached for your review.

Based on the information presented above and on the attached documentation, the effects of this proposed improvement on the properties noted above constitute a *de minimis* impact and the requirements of 23 USC 138 and 49 USC 303 have been satisfied. This finding is considered valid unless new information is obtained or the proposed effects change to the extent that consultation under Section 106 must be reinitiated.

If you concur with this finding, please sign below

Sincerely,



FOR Brad Beckham, Manager
Environmental Programs Branch

concur, Michael E. Vandenberg 1/29/07
David A. Nicol, P.E. (date)
Administrator, Colorado Division
Federal Highway Administration

Enclosure:

Section 106 correspondence
Site forms: 5LR8928.1
Project plans

cc Long Nguyen/Carol Parr, Region 4
File/CF/RF