

Archaeological Resources Technical Report

**State Highway 82 / Entrance to Aspen
Environmental Reevaluation**

February 20, 2007

**Colorado Department of Transportation, Region 3
and
Federal Highway Administration, Colorado Division**

**Prepared by:
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1.0 Affected Environment

This report provides a reevaluation of the archaeological resources analysis presented in the 1997 State Highway 82 Entrance to Aspen Final Environmental Impact Statement (FEIS) for the Preferred Alternative selected in the Record of Decision (ROD) issued in August 1998.

1.1 Methodology

This technical report reevaluating the Entrance to Aspen EIS Section IV C.11 (Archaeological Resources, page VI-68) includes information assembled from several sources, which are listed in the reference section. Data in the FEIS were analyzed as they relate to the Preferred Alternative selected in the Record of Decision. More recent and/or current data on the archaeological resources in the study area were assembled and compared to the FEIS data. A file search was conducted at the Office of Archaeology and Historic Preservation on August 11, 2006 to determine whether additional archaeological resources had been recorded within the project corridor since publication of the FEIS and ROD.

1.2 Regulatory Overview

Section 106 of the National Historic Preservation Act (NHPA), as amended applies to the historic properties listed on or eligible for listing on the National Register of Historic Places that may be impacted by this project. To conduct a consultation with the State Historic Preservation Officer, Section 106 of the National Historic Preservation Act (NHPA) of 1966 (16 U.S.C. § 470F, as amended) must be followed. The regulations for implementing Section 106 are found at 36 C.F.R. § 800, Protection of Historic Properties, and were most recently amended August 5, 2004. The amendments would not affect the implementation of this project. The preamble to Advisory Council of Historic Preservation, 36 CFR Part 800, RIN 3010-AA06, Protection of Historic Properties, Final rule; revision of current regulations is provided in Appendix A.

1.3 Description of the Existing Condition

The FEIS stated that no archaeological materials were located during field inventories conducted by CDOT in 1988, or during previous studies along the project corridor conducted in 1975 for the Carbondale-East EIS (page IV-68).¹ A review of the files at the Office of Archaeology and Historic

¹ The Holden Smelting and Milling Complex lies north of the Preferred Alternative, and contains historic archaeological components. This site is described and analyzed in the FEIS under Historic Resources (page IV-65 and page V-38). Therefore, this site is addressed for this reevaluation in the Historic Resources Technical Report (CDOT and FHWA, 2007) rather than this Archaeological Resources report.

Preservation on August 11, 2006 verified that no archaeological sites have been recorded in the project corridor since publication of the 1997 FEIS.

Two components of the Preferred Alternative have been constructed since the publication of the FEIS and ROD: (1) Owl Creek Road and West Buttermilk Road have been relocated to create a new, signalized intersection with State Highway 82 near the Buttermilk Ski Area; and (2) the roundabout at the Maroon Creek Road intersection has been completed.

In addition, the Maroon Creek Bridge Replacement Project is currently under construction, scheduled for completion by spring of 2008. This project is being constructed as a bridge replacement without any increase in roadway capacity. However, it will accommodate the Entrance to Aspen Preferred Alternative in the future by removing the center median and re-striping for two general-purpose lanes and two exclusive bus lanes (see the Introduction to the Technical Report Volume for more detail).

The intersection of Truscott Drive and State Highway 82 was completed in 2001. While this intersection is not part of the Entrance to Aspen Project, its configuration accommodates the alignment for the east approach to the Maroon Creek Bridge Replacement Project.

A transportation easement across the Marolt-Thomas Open Space was conveyed from the City of Aspen to CDOT in August of 2002, as part of land exchange and mitigation agreements between CDOT and the City of Aspen and Pitkin County. (Refer to Appendix A and B in the 1998 Record of Decision for details of the open space conveyance agreements and mitigation commitments.)

2.0 Environmental Consequences

This section describes the environmental impacts of the Preferred Alternative that have changed since publication of the FEIS and ROD. Impacts considered included potential effects from the construction, operation, and maintenance of the Preferred Alternative.

2.1 Methodology

Using aerial photography with an overlay showing the location of the Preferred Alternative's improvements and right-of-way, effects to presently known archaeological resources were compared to the conditions and impacts reported in the FEIS. For archaeological resources, there were no changes observed in the existing conditions that would alter the impacts reported in the FEIS; therefore, no additional impact analysis was necessary.

2.2 Compliance with Regulations

Implementation of the State Highway 82 Entrance to Aspen Preferred Alternative (ROD) would be in compliance with Section 106 of the National Historic Preservation Act (NHPA) of 1966

(16 U.S.C. § 470F, as amended) and 36 C.F.R. § 800, Protection of Historic Properties, as amended August 5, 2004.

2.3 Preferred Alternative

Known archaeological resources and potential impacts identified in the 1997 FEIS (page V-42) have not changed since publication of the FEIS. No additional archaeological resources have been identified. Similarly, no changes have been made to the Preferred Alternative since publication of the FEIS and ROD.

No archaeological sites or other cultural materials have been encountered during construction of the intersection improvements, roundabout, or (to date) the Maroon Creek Bridge Replacement Project.

3.0 Mitigation Measures

The mitigation measures described in the 1997 FEIS (page VI-4) have been implemented for components of the Preferred Alternative already constructed. These measures also would be implemented during construction of future components of the Preferred Alternative, and are adequate to protect archaeological resources in the project area. No additional mitigation would be needed, based on current conditions and regulations.

4.0 Summary of Impacts and Mitigation

Impacts are summarized below in Table 4-1 as identified in both the FEIS and this Reevaluation. Mitigation measures listed in the table are those from the 1998 ROD, unless additional measures are noted as being required due to findings of the Reevaluation.

**Table 4-1
Summary of Impacts and Mitigation**

Topic	FEIS Impact	Reevaluation Impact	Mitigation Measures
Archaeological Resources	<p>Potential right-of-way encroachment on a site listed on or eligible for the National Register of Historic Places: the Holden Smelting and Milling Complex (NR 5PT.539) (historic archaeology).</p> <p>Note: The Preferred Alternative was shifted north prior to the publication of the ROD to avoid any property take within the historic site boundary of the Holden complex. (See Historic Resources Technical Report for more detail.)</p>	No change.	<p>A historic archaeological inventory will be conducted on the Holden Property and in the vicinity of the Castle Creek Bridge prior to construction. If any inconsistencies between the previous survey and the final alignment become evident, on-the-ground reconnaissance will be conducted as necessary. The reconnaissance will document that the final highway alignment has been adequately evaluated and that no archaeological resources determined to be significant by the SHPO will be adversely affected. Should any evidence of archaeological resources be discovered during construction, the work will be stopped in that vicinity until the CDOT staff archaeologist and the SHPO representative fully evaluate the importance of the resources.</p>

5.0 Agency Coordination

The Colorado Historical Society, Office of Archaeology and Historic Preservation conducted a search of the Colorado Inventory of Cultural Resources in the study area on August 11, 2006, to determine if any archaeological surveys had been conducted in the study area since publication of the 1997 FEIS.

6.0 References

Advisory Council on Historic Preservation, <http://www.achp.gov/regs.html> and <http://www.achp.gov/regs-rev04.pdf>, accessed August 3, 2006.

_____. 36 CFR Part 800, RIN 3010-AA06, Protection of Historic Properties, Final rule; revision of current regulations, <http://a257.g.akamaitech.net/7/257/2422/06jun20041800/edocket.access.gpo.gov/2004/04-15218.htm>, accessed August 3, 2006.

Colorado Department of Transportation. 1997. *State Highway 82 Entrance to Aspen Final Environmental Impact Statement and Section 4(f) Evaluation Volume 1 (FEIS)*, Project STA 082A-008, August 1997.

_____. 1998. *State Highway 82 Entrance to Aspen Record of Decision (ROD)*, Project STA 082A-008, August 1998.

Colorado Historical Society, Office of Archaeology and Historic Preservation, Numerical Site Listing, August, 11, 2006.

Federal Highway Administration (FHWA) and Colorado Department of Transportation. 2007. *Historic Resources Technical Report, State Highway 82/Entrance to Aspen Environmental Reevaluation*. February 2007.

7.0 List of Preparers

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Appendix A

Preamble to Advisory Council of Historic Preservation, 36 CFR Part 800, RIN 3010-AA06, Protection of Historic Properties, Final rule; revision of current regulations

ADVISORY COUNCIL ON HISTORIC PRESERVATION

36 CFR Part 800

RIN 3010-AA06

Protection of Historic Properties

AGENCY: Advisory Council on Historic Preservation.

ACTION: Final rule; revision of current regulations.

SUMMARY: The Advisory Council on Historic Preservation (ACHP) has adopted amendments to the regulations setting forth how Federal agencies take into account the effects of their undertakings on historic properties and afford the ACHP a reasonable opportunity to comment, pursuant to Section 106 of the National Historic Preservation Act (NHPA). Most of the amendments respond to court decisions which held (1) that the ACHP could not require a Federal agency to change its determinations regarding whether its undertakings affected or adversely affected historic properties, and (2) that Section 106 does not apply to undertakings that are merely subject to State or local

regulation administered pursuant to a delegation or approval by a Federal agency. Other amendments clarify an issue regarding the time period for objections to "No Adverse Effect" findings and establish that the ACHP can propose an exemption to the Section 106 process on its own initiative, rather than needing a Federal agency to make such a proposal.

DATES: These amendments are effective [INSERT DATE 30 DAYS AFTER DATE OF PUBLICATION IN THE FEDERAL REGISTER].

FOR FURTHER INFORMATION CONTACT: If you have questions about the amendments, please call the Office of Federal Agency Programs at 202-606-8503, or e-mail us at achp@achp.gov. When calling or sending an e-mail, please state your name, affiliation and nature of your question, so your call or e-mail can then be routed to the correct staff person.

