

CHAPTER 4 AGENCY INPUT

4.1 INTRODUCTION

Substantial agency input was received in the development of the C-470 Revised EA, and thus few project details generated further input once the EA was approved in July 2015. Three agencies were expected to provide input and have done so. These are:

- U.S. Army Corps of Engineers (USACE)
- South Suburban Parks and Recreation District (SSPRD)
- Highlands Ranch Metropolitan District (HRMD)

4.2 USACE

USACE was a Cooperating Agency for the C-470 Revised EA. Approximately three miles of C-470 exist on an easement provided by USACE in the vicinity of the Chatfield Dam, a regional water storage and flood control resource. USACE is responsible for ensuring that activities on its land (including easements) do not interfere with the important functions of the dam. Accordingly USACE has final say over what can and cannot be built on the C-470 easement.

USACE provided 25 comments on the C-470 Revised EA. These comments and responses thereto are provided in **Section 4.2** of this chapter.

Additionally, CDOT and FHWA are coordinating with USACE to develop a Section 408 permit application for the portion of the Proposed Action that is located on the USACE easement. Federal regulations pursuant to 33 U.S.C. § 408 require that any proposed modification to an existing USACE project must obtain permission from the Secretary of the Army by demonstrating that such proposed alteration or permanent use and occupation of the Federal flood control project is “not injurious to the public interest

and will not impair the usefulness of such work.”

This demonstration may require more detailed plans than the conceptual plans developed to date. The C-470 Revised EA noted that a design-build delivery approach is expected to be used for the C-470 Express Lanes project.

4.3 SSPRD

The C-470 Revised EA indicated that SSPRD has jurisdiction over two trails that cross under C-470. These are the Willow Creek Trail and the Mary Carter Greenway. Both trail crossings would be affected by the Proposed Action. Temporary closure of the former and reconstruction of the latter would be accomplished under Section 4(f) of the U.S. Department of Transportation Act through a temporary occupancy exception and a transportation enhancement exception, respectively. CDOT formally requested written SSPRD concurrence with these exceptions. SSPRD’s formal written concurrence is provided in **Section 4.5** of this chapter.

4.4 HRMD

The C-470 Revised EA indicated that HRMD has jurisdiction over the High Line Canal Trail that crosses under C-470. The same crossing is also part of CDOT’s C-470 Trail. This trail crossings would be closed temporarily to facilitate construction of the Proposed Action. The temporary closure would be accomplished under Section 4(f) of the U.S. Department of Transportation Act through a temporary occupancy exception. CDOT formally requested written HRMD concurrence for this exception. SSPRD’s formal written concurrence is provided in **Section 4.5** of this chapter.

**Table 4-1
USACE Comments and CDOT/FHWA Responses**

ID	Comment	Response
1	<p>6169826: Name, address, e-mail, and telephone number of contact person was not included on the cover sheet. A cover sheet is optional for an Environmental Assessment (EA). Since a cover sheet was included for the C-470 EA, the name, address, e-mail, and telephone number of contact person should be included.</p> <p>Concern: Low</p>	<p>The name, address and telephone number of two contact persons is provided in the Information Availability section of the back of the EA signature page. Also provided is a project website address where a link is provided for further inquiries. The signature page is formatted in accordance with the CDOT NEPA Manual. No document revision is needed.</p>
2	<p>6169827: The abstract is longer than one paragraph. This is optional for an EA, so it may be fine as is. The abstract is longer than one paragraph. Paragraphs two and three could be deleted as this information is covered in the Executive Summary. Paragraph four could be combined with paragraph 1. Contact information included on this page should be moved to the Cover Sheet.</p> <p>Concern: Low</p>	<p>An abstract was included in the draft reviewed by USACE but was subsequently removed.</p> <p>See response above regarding contact information.</p>
3	<p>6169828: The Executive Summary adequately covers CEQ Reference 1502.12</p> <p>Concern: None.</p>	<p>Comment noted. No document revision needed.</p>
4	<p>6169830: A matrix should be provided at the beginning of this chapter that lists alternatives and shows the environmental impacts of each alternative in a comparative form. This would assist the reader in the comparison of alternatives. Table 4-21 could be copied and moved to this location.</p> <p>Concern: High</p>	<p>Only two alternatives were advanced for environmental evaluation. The others were screened out for other reasons (e.g. inability to meet purpose and need). Table 4-22 on page 4-75 shows the environmental impacts of each alternative (Proposed Action and the No-Action Alternative) in a comparative form. In the interest of keeping the EA succinct, we prefer to not repeat this four-page table.</p>
5	<p>6169833: Include a significance call for each resource discussed to allow the Decision Maker to make an informed decision on whether a FONSI is appropriate of an EIS is needed.</p> <p>Concern: High</p>	<p>Pursuant to FHWA's Guidance for Preparing and Processing Environmental and Section 4(f) Documents (FHWA Technical Advisory T 6640.8A), this is a section routinely included in Environmental Impact Statements but not Environmental Assessments. Accordingly, no changes to the EA will be made regarding this comment. However, please see Chapter 6, Findings (in this Decision Document) for an overall discussion of significance.</p>
6	<p>(Un-numbered - 6169834?): Page 3-41 Water Quality Line 49: the text concerning 303(d) listed water is missing. Please add the missing information.</p> <p>Concern: Medium</p>	<p>Section 303(d) listed impaired waters are specified on page 4-34 of the signed EA.</p>

Table 4-1 (continued)
USACE Comments and CDOT/FHWA Responses

ID	Comment	Response
7	(Un-numbered - 6169834?): Include a section on the irreversible and irretrievable commitments of resources. Concern: Medium	Pursuant to FHWA's Guidance for Preparing and Processing Environmental and Section 4(f) Documents (FHWA Technical Advisory T 6640.8A), this is a section routinely included in Environmental Impact Statements but not Environmental Assessments. Accordingly, no changes to the EA will be made regarding this comment.
8	(Un-numbered - 6169834?): Include a section on Energy requirements. Concern: Medium	This was not included in the original, approved 2006 EA for C-470 and was not identified as a need in project scoping. Pursuant to FHWA's Guidance for Preparing and Processing Environmental and Section 4(f) Documents (FHWA Technical Advisory T 6640.8A), the primary purpose of an EA is to help the FHWA and Highway Agency decide whether or not an EIS is needed. Therefore, the EA should address only those resources or features which the FHWA and the highway agency decide will have a likelihood for being significantly impacted.
9	6169835: Include a Chapter containing the names, together with their qualifications of persons primarily responsible for preparing the document. Concern: High	Pursuant to FHWA's Guidance for Preparing and Processing Environmental and Section 4(f) Documents (FHWA Technical Advisory T 6640.8A), this is a section routinely included in Environmental Impact Statements but not Environmental Assessments. Accordingly, no changes to the EA will be made regarding this comment.
10	6200609: Regarding Figure 4-6 on page 4-21, will there be a noise barrier on the bridge replacement over USACE property? Question	No. There will be no noise barrier on the bridge replacement over USACE property. Per page 103 in the Traffic Noise Technical Report, it was concluded that mitigating noise impacts to the Mary Carter Greenway Trail would not be reasonable and feasible. On page 103, this trail is referred to as recreational receptor 11 and "Trail North".
11	6200611: Regarding Figure 4-6 on page 4-21, is Chatfield Avenue noise barrier on USACE property? Question	Yes, the recommended Chatfield Avenue noise barrier would be constructed within the C-470 easement granted to CDOT by USACE. The wall would be constructed on USACE property.
12	6200629: Regarding page 4-56, line 46, should Prairie Dog be added to the bullet list? Was discussed earlier as a potential impact. Question	Prairie dogs are discussed separately on page 4-60 (in Section 4.4.2, Threatened and Endangered Species), because they are a Colorado Species of Concern.
13	6200640: Regarding Table 4-17 on page 4-58, impacts to Prairie Dogs should be added.	Prairie dogs are discussed separately in Section 4.4.2, Threatened and Endangered Species, because they are a Colorado Species of Concern. Please see page 4-60 of the signed EA.

Table 4-1 (continued)
USACE Comments and CDOT/FHWA Responses

ID	Comment	Response
14	<p>6200646: Regarding page 4-60, line 57, where is Table 4-18? Document goes from table 4-17 to table 4-19.</p> <p>Question</p>	<p>This problem in an earlier draft was corrected. The signed EA includes: Table 4-17 on page 4-55, Table 4-18 on page 4-58, and Table 4-19 on page 4-61</p>
15	<p>6200649: Regarding Table 4-19 on page 4-61, what about the Black Footed Ferret?</p> <p>Concern: Critical/flagged</p>	<p>The USFWS has not listed the Black-footed ferret as an endangered species in any of the three counties that include the C-470 project area.</p>
16	<p>6200649: Regarding Table 4-19 on page 4-61, where is your effects determination? You need to make an effect call and USFWS should review anything on any may affect determination.</p> <p>Concern: Critical/flagged</p>	<p>The C-470 Revised EA Biological Resources Tech Report is included as an appendix in the EA. The June 2015 USFWS concurrence letter for determination of project effects is included in the technical report appendices. In Section 3.1.3 of the technical report, the June 2015 USFWS Concurrence Letter is referenced. This letter addresses the "Not likely to adversely affect" determination for Preble's meadow jumping mouse, Colorado butterfly plant, and the Ute ladies' tresses orchid. Table 4-61 indicates that there is no suitable habitat for four species and three other species are unlikely to occur. Page 4-62 indicates that no adverse effects would occur. There are no Federally listed species with a "may effect" determination.</p>
17	<p>6200663: Regarding page 4-65, line 58, what are the permanent impacts on USACE property (i.e. tree removal, shrubs, etc.)? Any mitigation?</p> <p>Question</p>	<p>The estimated impacts within the USACE easement are as follows:</p> <p>119 trees removed Permanent wetland impact 0.07 acre Temporary wetland impact 0.33 acre Permanent riparian impact 0.87 acre Temporary riparian impact 0.61 acre Permanent prairie dog impact 0.03 acre Temporary prairie dog impact 0.94 acre</p> <p>These numbers are not found in the EA but have been calculated from GIS data in response to this question from USACE. They are included as part of the impacts reported on pages 4-62, 4-65 and 4-67 of the Revised EA.</p> <p>Project-wide mitigation commitments for these resources (i.e., not focused only on the USACE portion) are listed in Table 4-23 of the Revised EA.</p> <p>All impact estimates noted above will be verified through the final design process. All necessary permits and required mitigation will be finalized at that time.</p>
18	<p>6200673: Regarding Table 4-22 on page 4-78, What about the Black Footed Ferret?</p> <p>Concern: Critical/flagged</p>	<p>Please refer to the earlier response to comment 15.</p>

**Table 4-1 (continued)
USACE Comments and CDOT/FHWA Responses**

ID	Comment	Response
19	<p>6200678: Regarding page 4-85, line 57: I think some sort of mitigation is needed on the impacts over prairie dog colonies. You're basically saying you will have permanent impacts.</p> <p>Concern: Critical/flagged</p>	<p>The EA refers to the <i>2009 CDOT Impacted Black-tailed Prairie Dog Policy</i>. This policy will be followed to mitigate permanent impacts to black-tailed prairie dogs in the corridor. During the final design process, impacts will be verified, mitigation will be finalized, and necessary permits will be obtained.</p>
20	<p>6200695: Regarding the Biological Resources Tech Report, Section 3.13, page 10, paragraph 2: I did not see concurrence dated 2015.</p> <p>Concern: Critical/flagged</p>	<p>Section 3.1.3 (page 10) of the Biological Resources Technical Report references the June 2015 USFWS concurrence letter. That letter is found in the report's appendices.</p>
21	<p>6200695: Regarding the Biological Resources Tech Report, where are the effects determinations?</p> <p>Concern: Critical/flagged</p>	<p>Table 1 on page 7 in the Biological Resources Technical Report indicates that no listed species are likely to occur in the project area. Section 3.1.3 (page 10) in the Tech Report addresses the effects determinations. In addition, the June 2015 USFWS Concurrence Letter is located in the Tech Report appendices.</p>
22	<p>6202594 Risk Assessment: It should be ensured that the proposed project is in compliance with floodplain management criteria of Jefferson, Douglas and Arapahoe County and the State of Colorado. It is recommended that the applicant obtain a local floodplain permit prior to construction.</p>	<p>The draft technical requirements for the project include a requirement for the contractor to comply with any local agency review and permitting requirements associated with floodplains impacted by the project. (This is required in Book 2, Section 12.1.2.5 of CDOT's Request for Proposals).</p>
23	<p>6202598 Risk Assessment: The proposed project may have adverse impacts on the operation of the Chatfield flood control pool. The proposed project is possibly within the Chatfield flood control pool. The proposed project must be in compliance with Appendix A (Typical Cut and Fill Volumes for Land Development Proposals) of NWDR 1110-2-5, Land Development Guidance at Corps Reservoir Projects and plans of cut/fill balances and elevations shall be developed and submitted for review and approval prior to construction.</p>	<p>The project team has designed a retaining wall along both edges of C-470 to eliminate spill slopes from encroaching into the flood control pool elevation (5,500 feet) These walls would be considered a requirement of the EA and will be a requirement of the Design-Build Contract. The Section 408 process will ensure that as well.</p>

Table 4-1 (continued)
USACE Comments and CDOT/FHWA Responses

ID	Comment	Response
24	6202599 Risk Assessment: The proposed project may have adverse impacts on the operation of the Chatfield releases. USACE requires a comparison of the hydraulic models for existing and with-project conditions be developed to ascertain potential impacts associated with the proposed development. This shall include a no-rise assessment to be developed and submitted for review and approval prior to construction of the portion of the project that is located on Corps owned land. This includes the bridge that is 1.25 miles downstream of the Chatfield gates.	<p>A hydraulic model was developed to determine the project impacts on the maximum Chatfield Dam design discharge of 5,000 cubic feet per second as stated in the Chatfield Reservoir Storage Reallocation Study, USACE, July 2013. The results of the model and comparison of the pre and post project conditions are included in the Hydraulic Study for the C-470 Corridor Revised EA, 2015. This study is included in the Technical Reports volume.</p> <p>The model indicated a post-project small increase in water surface elevation for a short segment at the downstream side of the bridge and a small decrease in water surface elevation at the upstream side of the bridge.</p>
25	Compliance with EO11988 is not provided in the documentation. The applicant should develop information consistent with the processes identified in ER 1165-2-26 sufficient for the District to determine compliance with EO11988.	EO 11988 pertains to Floodplain Management (2-1/6 pages) ER 1665-2-26 is for implementation of EO 11988 (7-1/2 pages). While it may not exactly follow all of the listed steps included in ER 1165-2-26, the "Hydraulic Study for the C-470 Corridor REA", 2015 does identify the floodplains in the project area, identifies minimal impacts to the floodplain where they occur and discusses mitigation provided by the proposed project to avoid and or minimize impacts to the floodplain. One of the requirements is for public notice regarding impacts to the floodplain. The 45-day EA public review process that ended September 11, 2015 includes the Hydraulic Study and thus satisfies the requirement.
26	6231547 Environmental: Is there analysis in the EA that addresses the potential cumulative effect of utilities that may have to be relocated as a result of the highway expansion?	On page 4-91 of the Revised EA, Table 4-25 indicates there is low potential for cumulative effects resulting from utility relocation. It says: "Utility relocation is a routine occurrence. Utility service is not ordinarily disrupted. Relocation costs ultimately get passed along to customers through rate increases." This is the assessment.
27	6231698 Environmental (Revised EA Section 4.2.5): Do all of the construction areas on Corps property also fall within the road easement ROW? Any construction areas that fall outside of the easement ROW should be evaluated for impacts in the EA as well.	Yes. No construction impact would occur on USACE property outside of the existing easement.
28	6231699 Environmental (Revised EA page 4-48): Are there any sites proposed on Corps property to store hazardous materials (e.g. fuel, flammables, corrosives, etc.)?	No.

**Table 4-1 (continued)
USACE Comments and CDOT/FHWA Responses**

ID	Comment	Response
29	6231701 Environmental (Revised EA pages ES 4.2/ES 5): Are there any changes to land use classifications anticipated on Corps property?	No.
30	6231779 Environmental (Revised EA Section 4.3.3): Are tree plantings being considered as potential mitigation or offset for the greenhouse gas emissions?	No.

4.5 CONCURRENCE LETTERS

As discussed previously in this chapter, the contents of this section are as follows:

- SSPRD concurrence letter regarding Willow Creek Trail impacts
- SSPRD concurrence letter regarding Mary Carter Greenway impacts
- HRMD concurrence letter regarding High Line Canal Trail impacts



COLORADO
Department of Transportation
Office of Major Project Development

4201 E. Arkansas Avenue, Room 158
Denver, CO 80222

August 10, 2015

Mr. Brett Collins
Director of Planning and Development
South Suburban Parks and Recreation District
6315 S. University Boulevard
Centennial, CO 80121

RE: C-470 Environmental Assessment: Temporary Closure/Section 4(f) Temporary Occupancy of the Willow Creek Trail

Dear Mr. Collins:

The Colorado Department of Transportation (CDOT) has completed the *C-470 Revised Environmental Assessment* for proposed improvements between Kipling Parkway and Interstate 25. As part of this process, CDOT must evaluate impacts to Section 4(f) resources. Section 4(f) of the US Department of Transportation Act of 1966 affords special protection to parks and recreational resources and requires specific mitigation when a resource is converted to a "transportation use". The Willow Creek Trail and the Mary Carter Greenway Trail, both managed by the South Suburban Parks and Recreation District (SSPRD), fall under the jurisdiction of Section 4(f). These two trails would be subject to different types of impacts, so to avoid confusion, I am sending you a separate letter regarding each trail. This letter pertains to the Willow Creek Trail.

While the design of proposed C-470 improvements is not complete at this time, and will be completed at a later date by the Design-Build contractor yet to be selected, the basic configuration of the improvements has progressed to the point that impacts to trails that cross under C-470 can be identified.

Location and Impact Description: The existing 450-foot long culvert carrying Willow Creek Trail under C-470 will be lengthened by 15 feet southward to accommodate widening of the highway overhead. No trail changes are needed.

The Willow Creek Trail is a paved trail generally oriented north-south as it traverses the CDOT right-of-way for the generally east-west State Highway 470 (C-470). The trail crosses under C-470 at approximately C-470 mile marker 25.058 through a culvert identified as CDOT structure F-17-IC-3. This is a compartmentalized culvert carrying the creek separately from the trail. Widening C-470 to add tolled express lanes would necessitate lengthening this culvert. For the safety of Willow Creek Trail users, the trail would be closed temporarily during construction. CDOT has identified a potential detour using existing local streets and/or their sidewalks, for SSPRD consideration. Please see the graphics in Attachment 1 for more information.

CDOT commits to coordinating with SSPRD prior to the C-470 improvements to discuss potential detour routes, timing, signage, specification duration of impacts and mitigation. CDOT understands the following criteria for a Section 4(f) temporary occupancy exception [23 CFR 774.13(d)] to be true and applicable to the proposed Willow Creek Trail temporary closure:

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1. Duration of the impact will be temporary, i.e., less than the time needed for construction of the overall project, and there will be no change in resource ownership. SSPRD will remain the entity with jurisdiction over this trail during and after construction.
2. The scope of the work will be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property (Willow Creek Trail) are minimal. All impacts will be improvements to the trail and/or will be replacements in-kind.
3. No anticipated permanent or temporary adverse physical impacts will occur, nor will there be interference with the protected activities, features, or attributes of the property. The contractor will be required to use all efforts to minimize the duration of the temporary occupancy and to maintain access.
4. The land being used will be fully restored, i.e., the property will be returned to a condition which is at least as good as that which existed prior to the project. The project will be responsible for reestablishing any disturbed vegetation or other features near the trail.
5. Documented agreement with the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions is hereby provided, with your concurrence at the end of this letter.

Therefore, CDOT finds that the C-470 Proposed Action does not present temporary or permanent adverse effects to the trail's function or the activities associated with it. We believe that these activities will meet the requirements of the temporary occupancy exception in Section 4(f) regulation 23 CFR 774.13(d). Please provide your concurrence below for the temporary occupancy of the Willow Creek Trail during the construction of the C-470 proposed improvements.

Thank you for your assistance. Please contact me with any questions at: 303.757.9936 or jonathon.chesser@state.co.us.

Sincerely,



Jon Chesser, Environmental Program Manager
CDOT Office of Major Project Development

Cc: Jerome Estes, Engineering Project Manager
Doug Eberhart, Wilson and Company Environmental Lead

Attachment: Figure 1

Concurrence

As the party responsible for the management of the Section 4(f) resource identified in this letter, I am in concurrence that the above criteria are met by this project and that the C-470 proposed improvements do not present adverse impacts to the function or activities of the Willow Creek Trail.

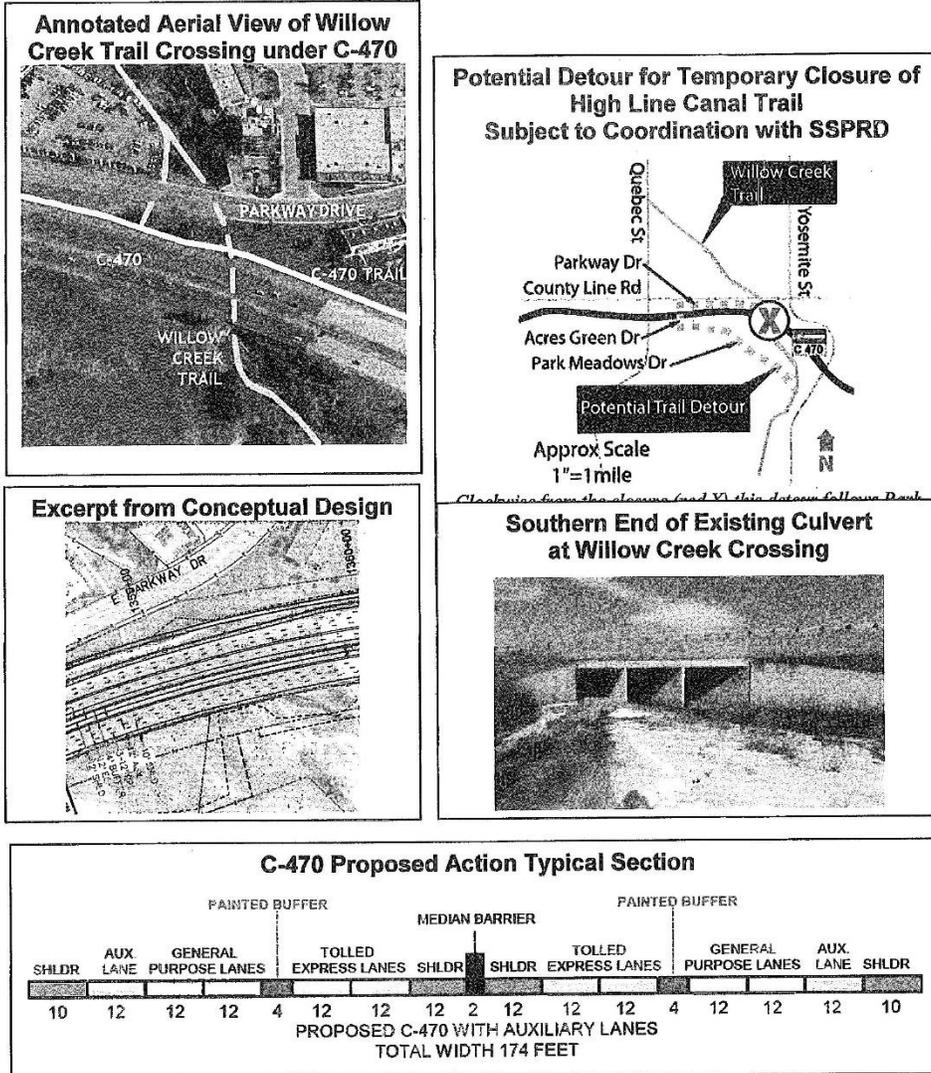
I concur:


Brett Collins

10-30-15
Date



Figure 1 – Willow Creek Trail Graphics from the C-470 Revised Environmental Assessment



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Department of Transportation
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Denver, CO 80222

August 10, 2015

Mr. Brett Collins
Director of Planning and Development
South Suburban Parks and Recreation District
6315 S. University Boulevard
Centennial, CO 80121

RE: C-470 Environmental Assessment: Section 4(f) Exception for Mary Carter Greenway Trail

Dear Mr. Collins:

The Colorado Department of Transportation (CDOT) has completed the *C-470 Revised Environmental Assessment* for proposed improvements between Kipling Parkway and Interstate 25. As part of this process, CDOT must evaluate impacts to Section 4(f) resources. Section 4(f) of the US Department of Transportation Act of 1966 affords special protection to parks and recreational resources and requires specific mitigation when a resource is converted to a "transportation use". The Willow Creek Trail and the Mary Carter Greenway Trail, both managed by your district, fall under the jurisdiction of Section 4(f). These two trails would be subject to different types of impacts, so to avoid confusion, I am sending you a separate letter regarding each trail. This letter pertains to the Mary Carter Greenway Trail.

While the design of proposed C-470 improvements is not complete at this time, and will be completed at a later date by the Design-Build contractor yet to be selected, the basic configuration of the improvements has progressed to the point that impacts to trails that cross under C-470 can be identified.

Location and Impact Description: The portion of the Mary Carter Greenway Trail crossing under C-470 will be replaced with an improved trail located typically 18 feet west of the existing one. The Mary Carter Greenway Trail is a paved trail generally oriented north-south as it traverses the CDOT right-of-way for the generally east-west State Highway 470. The trail crosses under C-470 on the western bank of the South Platte River. The two existing parallel C-470 bridges crossing over the river and the trail would be replaced as part of the C-470 Proposed Action. Based on discussions with SSPRD regarding deficiencies of the existing trail at this location, CDOT would reconstruct the trail to provide more vertical clearance and better sight distance, while also creating a dedicated wildlife movement area separated from the trail. For the safety of Mary Carter Greenway Trail users, the trail would be closed temporarily during construction. CDOT has identified potential detours using nearby trails and local streets and/or their sidewalks for SSPRD consideration. Please see the graphics in Attachment 1 for more information.

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In the Revised EA, CDOT indicates that it will require its design-build contractor to coordinate with SSPRD to minimize the duration and impact of trail closures. Specifically, the contractor will be required to obtain SSPRD's list of planned trail events and to take this information into account in scheduling construction activities. CDOT would provide signage to mark any detours used and provide a minimum of two weeks' notice for any trail closures.

The proposed impacts to the Mary Carter Greenway Trail meet the requirements of 23 CFR 774.13(g), the exception allowed for transportation enhancement projects. This enhancement exception can be applied when the following criteria are met:

1. The use of the Section 4(f) property is solely for the purpose of preserving or enhancing an activity, feature, or attribute that qualifies the property for Section 4(f) protection; and
2. The official(s) with jurisdiction over the Section 4(f) resource (i.e., SSPRD) agrees in writing to the statement above.

CDOT finds that the C-470 Proposed Action does not present temporary or permanent adverse effects to the trail's function or the activities associated with it, and believe that the above criteria will be met by the project. Please provide your concurrence below for the transportation enhancement exemption of the Mary Carter Greenway Trail in conjunction with construction of the C-470 proposed improvements. Thank you for your assistance. Please contact me with any questions at: 303.757.9936 or jonathon.chesser@state.co.us.

Sincerely,



Jon Chesser, Environmental Program Manager
CDOT Office of Major Project Development

Cc: Jerome Estes, Engineering Project Manager
Doug Eberhart, Wilson and Company Environmental Lead

Attachment: Figure 1

Concurrence

As the party responsible for the management of the Section 4(f) resource identified in this letter, I am in concurrence that the above criteria are met by this project and that the C-470 proposed improvements do not present adverse impacts to the function or activities of the Mary Carter Greenway Trail.

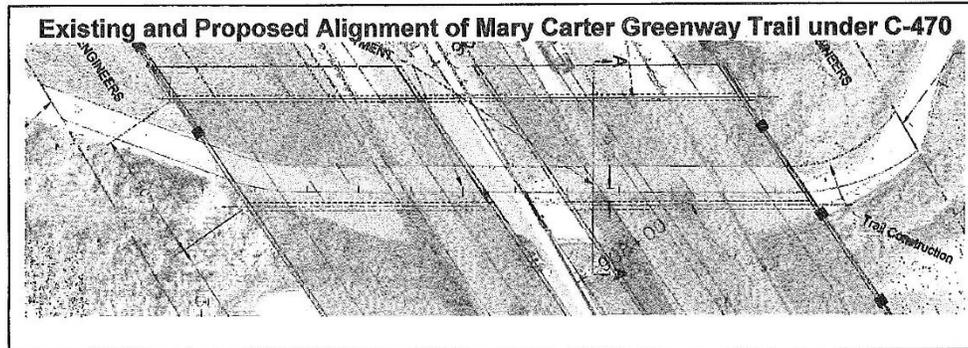
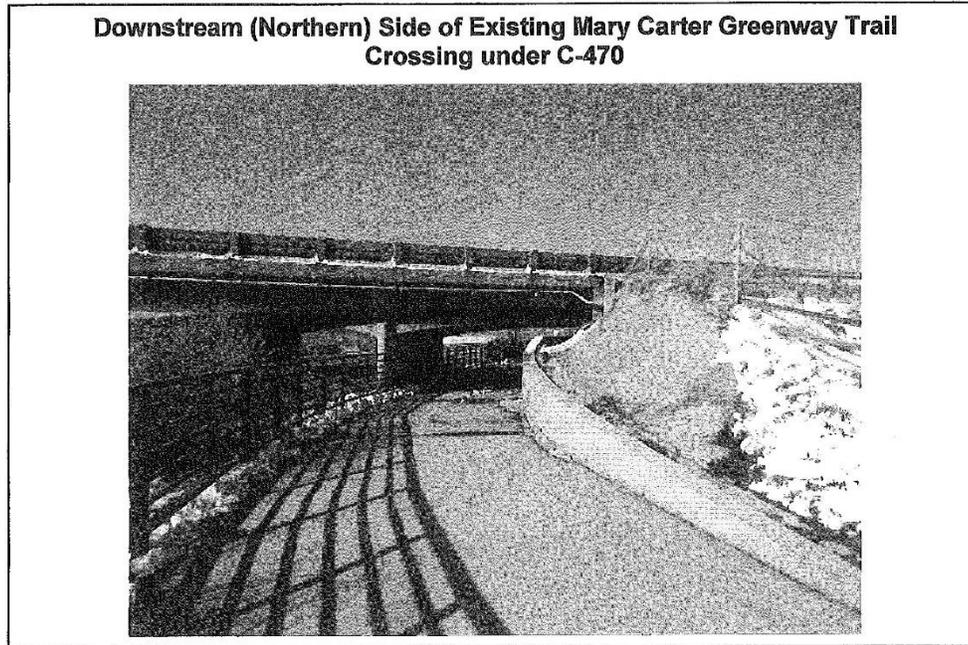
I concur:


Brett Collins

10-30-15
Date

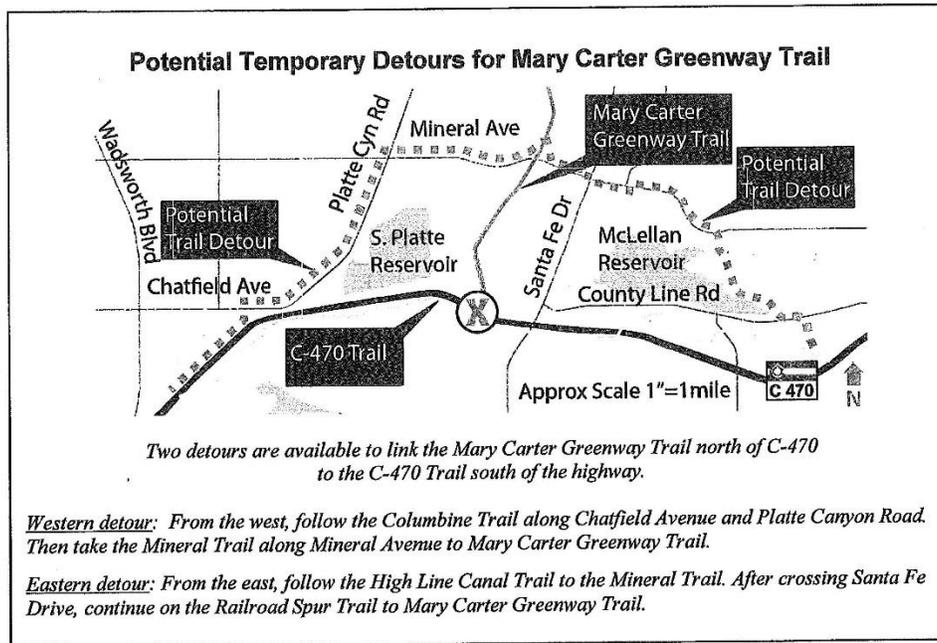
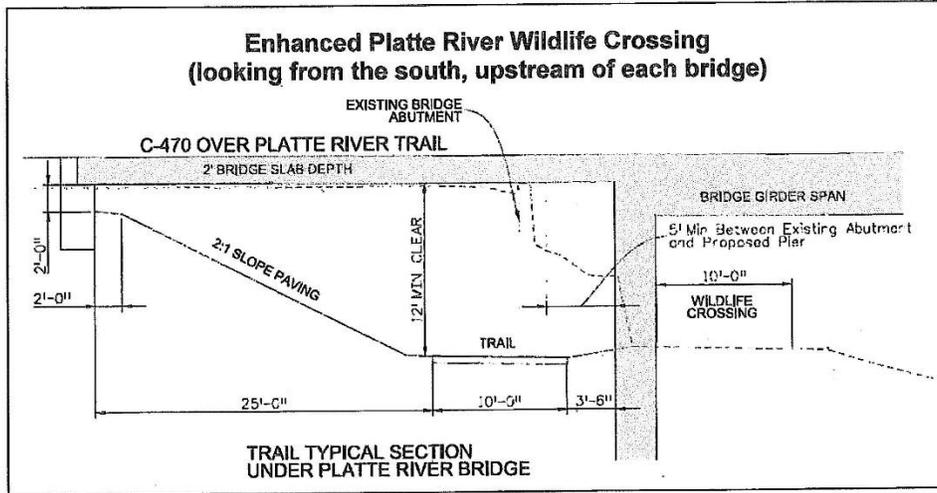


Figure 1 – Graphics Depicting the Existing and Planned Mary Carter Greenway Trail Crossing Under C-470

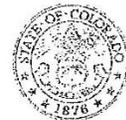


The figure above shows the existing C-470 bridges crossing over the existing (light/white colored trail). Superimposed on this image, the two new bridges (shaded blue) would be much wider. The new trail alignment (off-white/gray) would have less of a bend, improving horizontal sight distance, and greater vertical clearance, enabling bicyclists and equestrians to cross under the bridges more safely. The trail would be shifted generally 18 feet to the west, away from the river, opening up this space for wildlife movement. Unused portions of the exiting trail will be replaced with a natural surface for wildlife use.





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August 10, 2015

Mr. Forrest Dykstra
Manager of Developmental Engineering
Highlands Ranch Metro District
62 Plaza Drive
Highlands Ranch, CO 80129

RE: C-470 Environmental Assessment: Temporary Closure/Section 4(f) Temporary Occupancy of the High Line Canal Trail

Dear Mr. Dykstra:

The Colorado Department of Transportation (CDOT) has completed the *C-470 Revised Environmental Assessment* for proposed improvements between Kipling Parkway and Interstate 25. As part of this process, CDOT must evaluate impacts to Section 4(f) resources. Section 4(f) of the US Department of Transportation Act of 1966 affords special protection to parks and recreational resources and requires specific mitigation when a resource is converted to a "transportation use". The High Line Canal Trail, managed by your district, falls under the jurisdiction of Section 4(f).

While the design of proposed C-470 improvements is not complete at this time, and will be completed at a later date by the Design-Build contractor yet to be selected, the basic configuration of the improvements has progressed to the point that impacts to trails that cross under C-470 can be identified.

Location and Impact Description: The existing 203.5-foot long culvert carrying the High Line Canal Trail under C-470 will be lengthened by 25 feet southward to accommodate widening of the highway overhead. No trail changes are needed.

The High Line Canal Trail is a paved trail generally oriented north-south as it traverses the CDOT right-of-way for the generally east-west State Highway 470 (C-470). The trail crosses under C-470 at approximately C-470 mile marker 18.490 through a culvert, and coincides with CDOT's C-470 Trail at this location. No reconstruction of this trail is needed. For the safety of High Line Canal Trail users, the trail would be closed temporarily during construction. CDOT has identified a potential detour using existing local streets and/or their sidewalks, for HRMD consideration. Please see the graphics in Attachment 1 for more information.

CDOT commits to coordinating with HRMD prior to the C-470 improvements to discuss potential detour routes, timing, signage, specification duration of impacts and mitigation.

Denver Water has a permanent easement allowing its staff to use this trail for inspection of the canal. After receiving documentation of the proposed impacts from CDOT, Denver Water staff indicated in June 2015 that they have no issues with the project but request at least a two-week advance notice before any closure.

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CDOT understands the following criteria for a Section 4(f) temporary occupancy exception [23 CFR 774.13(d)] to be true and applicable to the proposed High Line Canal Trail temporary closure:

1. Duration of the impact will be temporary, i.e., less than the time needed for construction of the overall project, and there will be no change in resource ownership. The Highlands Ranch Metro District (HRMD) will remain the entity with responsibility for the High Line Canal Trail during and after construction.
2. The scope of the work will be minor, i.e., both the nature and the magnitude of the changes to the Section 4(f) property (High Line Canal Trail) are minimal. All impacts will be improvements to the trail and/or will be replacements in-kind.
3. No anticipated permanent or temporary adverse physical impacts will occur, nor will there be interference with the protected activities, features, or attributes of the property. The contractor will be required to use all efforts to minimize the duration of the temporary occupancy and to maintain access.
4. The land being used will be fully restored, i.e., the property will be returned to a condition which is at least as good as that which existed prior to the project. The project will be responsible for reestablishing any disturbed vegetation or other features near the trail.
5. Documented agreement with the official(s) with jurisdiction over the Section 4(f) resource regarding the above conditions is hereby provided, with your concurrence at the end of this letter.

Therefore, CDOT finds that the C-470 Proposed Action does not present temporary or permanent adverse effects to the trail's function or the activities associated with it. We believe that these activities will meet the requirements of the temporary occupancy exception in Section 4(f) regulation 23 CFR 774.13(d). Please provide your concurrence below for the temporary occupancy of the High Line Canal Trail during the construction of the C-470 proposed improvements.

Thank you for your assistance. Please contact me with any questions at: 303.757.9936 or jonathon.chesser@state.co.us.

Sincerely,


Jon Chesser, Environmental Program Manager
CDOT Office of Major Project Development

Cc: Jerome Estes, Engineering Project Manager
Doug Eberhart, Wilson and Company Environmental Lead

Attachment: Figure 1

Concurrence

As the party responsible for the management of the Section 4(f) resource identified in this letter, I am in concurrence that the above criteria are met by this project and that the C-470 proposed improvements do not present adverse impacts to the function or activities of the Highline Canal Trail.

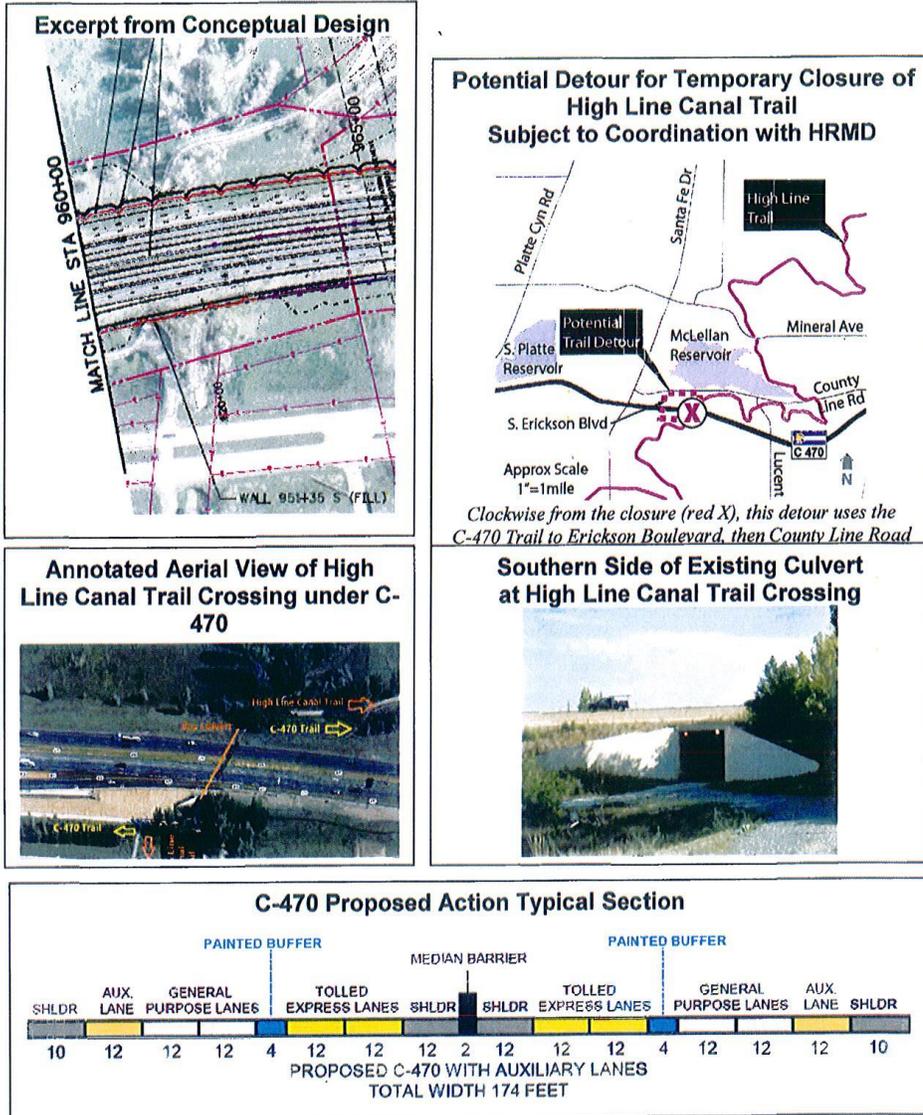
I concur:


Forrest Dykstra

10/29/15
Date



Figure 1 –Graphics Depicting High Line Canal Trail Crossing Site



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