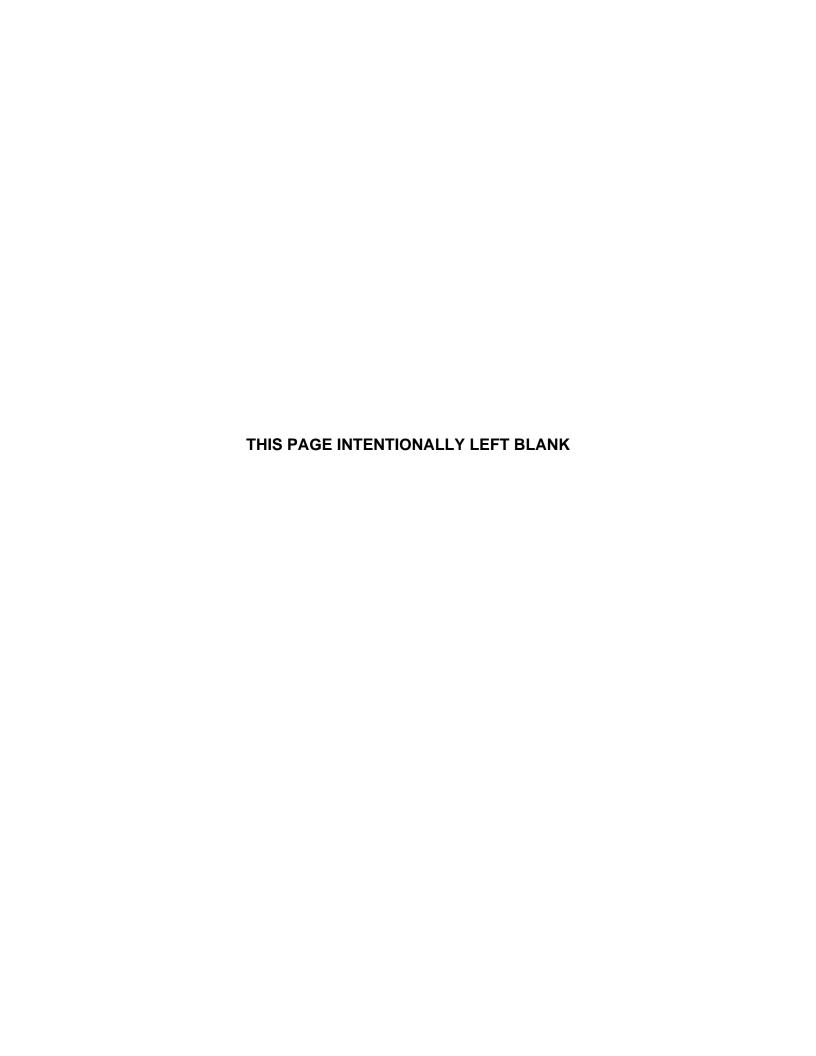
North I-25 EIS Revised Section 4(f) Evaluation

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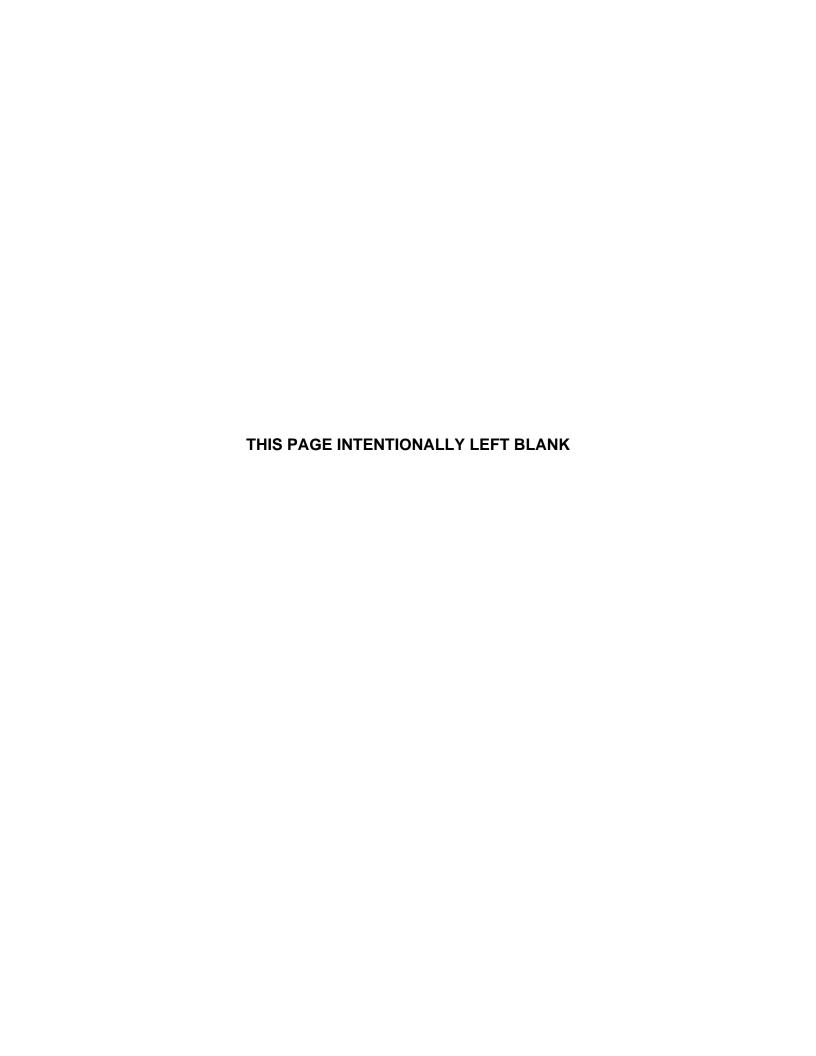


CDOT Project IM 0253-179 North I-25 REVISED SECTION 4(f) EVALUATION

Submitted Pursuant to: 49 USC 4332 (2)(c), 49 USC 303, & 16 USC 460

By the
U.S. DEPARTMENT OF TRANSPORTATION
FEDERAL HIGHWAY ADMINISTRATION
and
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SECTION 4(f) EVALUATION

This Revised Section 4(f) Evaluation is in support of the North I-25 Environmental Impact Statement (EIS)/Section 4(f) Evaluation, released to the public in August 2011. This Revised Section 4(f) documentation is necessary because of a change in effects determination based on consultation with the State Historic Preservation Officer (SHPO). Upon review of the Final EIS, the SHPO was unable to concur with the findings of no adverse affects on three historic properties directly affected by the proposed alternatives. The SHPO documented this decision in a letter to CDOT dated October 3, 2011 (see **Appendix A**). As a result of this, the pending findings of *de minimis* impact in regards to three properties: the Bein Farm, the Mountain View Farm and the Schmer Farm are no longer valid. These findings were presented in the Section 4(f) evaluation included in the Final EIS (August 10, 2011). These effects to the three properties are changed to adverse effect, therefore, this Revised Section 4(f) Evaluation replaces the Section 4(f) Evaluation found in the Final EIS and corrects the determinations of use for those three properties so they are no longer considered de minimis uses. The Final EIS is available for review at http://www.coloradodot.info/projects/north-i-25-eis or on CD by request to Monica Pavlik, FHWA-CO Division, at (720) 963-3012.

1.0 APPLICATION OF SECTION 4(f)

1.1 Introduction

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966, as amended, and codified in 49 United States Code (USC) § 303, declares that "(I)t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." Congress amended Section 4(f) in 2005 when it enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy For Users (Public Law 109-59, enacted August 10, 2005) (SAFETEA-LU). Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes US DOT agencies to approve a project that results in a *de minimis* impact to a Section 4(f) resource without the evaluation of avoidance measures typically required in a Section 4(f) evaluation.

On April 11, 2008, the USDOT put in effect a final rule that clarifies factors to consider both in determining if avoidance alternatives are feasible and prudent, and when all alternatives use Section 4(f) property. In addition, the final rule also establishes procedures for determining when use has a *de minimis* impact, updates the regulations to recognize exceptions for use and applying a programmatic evaluation, and moves the regulation to 23 CFR 774.

FHWA regulations (23 CFR 774.3) state:

"The Administration may not approve the use, as defined in Sec. 774.17, of a Section 4(f) property unless a determination is made under paragraph (a) or (b) of this section.

(a) The Administration determines that:



There is no feasible and prudent avoidance alternative, as defined in Sec. 774.17, to the use of land from the property; and

The action includes all possible planning, as defined in Sec. 774.17, to minimize harm to the property resulting from such use; or

(b) The Administration determines that the use of the property, including any measure(s) to minimize harm (such as avoidance, minimization, mitigation, or enhancement measures) committed to by applicant, will have a *de minimis* impact, as defined in Sec. 774.17, on the property."

According to the Section 4(f) Final Rule (23 CFR 774.17) a feasible and prudent avoidance alternative is defined as:

- "(1) A feasible and prudent avoidance alternative avoids using Section 4(f) property and does not cause other severe problems of a magnitude that substantially outweighs the importance of protecting the Section 4(f) property. In assessing the importance of protecting the Section 4(f) property, it is appropriate to consider the relative value of the resource to the preservation purpose of the statute.
- (2) An alternative is not feasible if it cannot be built as a matter of sound engineering judgment.
- (3) An alternative is not prudent if:
 - (i) It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need;
 - (ii) It results in unacceptable safety or operational problems;
 - (iii) After reasonable mitigation, it still causes:
 - (a) Severe social, economic, or environmental impacts;
 - (b) Severe disruption to established communities;
 - (c) Severe disproportionate impacts to minority or low income populations; or
 - (d) Severe impacts to environmental resources protected under other Federal statutes;
 - (iv) It results in additional construction, maintenance, or operational costs of an extraordinary magnitude;
 - (v) It causes other unique problems or unusual factors; or
 - (vi) It involves multiple factors in paragraphs (3)(i) through (3)(v) of this definition, that while individually minor, cumulatively cause unique problems or impacts of an extraordinary magnitude."

Section 4(f) further requires consultation with the Department of Interior and, as appropriate, the involved offices of the United States Department of Agriculture and the United States Department of Housing and Urban Development, and relevant state and local officials, in developing transportation projects and programs that use lands protected by Section 4(f).



The proposed action, as described in **Chapter 2** Alternatives of the **Final EIS**, is a transportation project that may receive federal funding and/or discretionary approvals through USDOT; therefore, documentation of compliance with Section 4(f) is required.

This Section 4(f) evaluation has been prepared in accordance with the joint FHWA/FTA regulations for Section 4(f) compliance codified as Title 23 Code of Federal Regulations (CFR) §774. Additional guidance has been obtained from the FHWA Technical Advisory T 6640.8A (1987) and the revised FHWA Section 4(f) Policy Paper (2005). Consultation with officials with jurisdiction will continue through the National Environmental Policy Act (NEPA) process.

1.2 Section 4(f) "Use"

As defined in 23 CFR 774.17 and 774.15, where applicable and not excepted, the "use" of a protected Section 4(f) resource can be classified as a direct use, a temporary use, a constructive use, or *de minimis*. These are defined in the following sections.

Direct Use

A direct use of a Section 4(f) resource takes place when the land is permanently incorporated into a transportation facility.

Temporary Occupancy

A temporary occupancy results in a use of a Section 4(f) resource when there is a brief impact to the Section 4(f) resource that is considered adverse in terms of the preservationist purposes of the Section 4(f) statute.

Historic properties with no permanent adverse physical effects or incorporation of land into the transportation project, but would require temporary occupancy for construction, are not evaluated in this Section 4(f) evaluation pending agreement with SHPO on the "no adverse effect" determination.

Properties that may incur a temporary occupancy, specifically trails, are addressed in *Temporary Occupancy of Trails*.

Constructive Use

Constructive use occurs when the transportation project does not incorporate land from a Section 4(f) resource, but the project's proximity impacts are so severe that the protected activities, features, or attributes that qualify a resource for protection under Section 4(f) are substantially impaired. Substantial impairment occurs only when the protected activities, features, or attributes of the resource are substantially diminished. This determination is made through:

- Identification of the current activities, features, or attributes of the resource that may be sensitive to proximity impacts;
- Analysis of the proximity impacts on the resource
- Consultation with the appropriate officials having jurisdiction over the resource



De Minimis

The SAFETEA-LU amendment to the Section 4(f) requirements allows the USDOT to determine that certain uses of Section 4(f) land would have no adverse effect on the protected resource. When this is the case, the use is considered *de minimis*, and compliance with Section 4(f) is greatly simplified. Section 6009 (a) of the SAFETEA-LU P. L. 109-59, amended existing Section 4(f) legislation at Section 138 of Title 23 and Section 303 of Title 49 USC to simplify the processing and approval of projects that only have *de minimis* (trivial or minimal) impacts on lands protected by Section 4(f). The *de minimis* subsection authorizes the FHWA to approve a project that results in a *de minimis* impact to a Section 4(f) resource without the evaluation of avoidance alternatives typically required in a Section 4(f) evaluation.

A finding of *de minimis* use may be made for historic sites when no historic property is affected by the project or the project will have "no adverse effect" on the historic property in question. For parks, recreation areas, and wildlife and waterfowl refuges a finding of *de minimis* use may be made when impacts will not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). *De minimis Findings* are discussed in **Section 5.0** *De Minimis Impacts* of this 4(f) evaluation.

2.0 SECTION 4(f) PROJECT INFORMATION

2.1 Purpose and Need

The purpose of the project is to meet long-term travel needs between the Denver Metro Area and the rapidly growing population centers along the I-25 corridor north to the Fort Collins-Wellington area. The need for the project, directly related to the purpose, is explained through the four following categories:

Improve safety—Over the last decade, the number of crashes along I-25 has increased, and a number of locations on I-25 currently experience less than expected safety performance. There is a need to reduce crashes on the portions of I-25 that have a high potential for crash reduction.

Improve mobility and accessibility—2035 projections in the regional study area show an increase of 75 percent in households and employment over the 2000 levels. This growth would result in increases in travel demand throughout the regional study area. There is a need for transportation improvements to address 2030 transportation demand that balances mobility and accessibility along the I-25 corridor.

Replace aging and obsolete highway infrastructure—A number of structures along I-25 are currently structurally deficient or are expected to be deficient by 2035. Segments of pavement on I-25 are reaching the end of the pavement's life expectancy, and surface conditions are deteriorating rapidly. There is a need to replace the aging infrastructure along I-25.

Provide for modal alternatives and interrelationships—Modal alternatives are very limited in northern Colorado and between northern Colorado and the Denver metro area. There is a need to increase the number of transportation choices and avoid improvements that would preclude future transportation options.



For more detailed information regarding the project refer to **Chapter 1** *Purpose and Need* **of the Final EIS**.

2.2 Corridor-Wide Alternatives

A wide range of alternatives was initially developed that included multiple transit technologies on various feasible alignments and highway improvements on both existing and new alignments. The process of developing and screening alternatives took into account the following:

- State and federal requirements
- Responsiveness to the purpose and need for the project
- Feasibility of being constructed
- ▶ Ability to avoid or minimize environmental and community impacts
- ▶ The regional planning context
- Public input

A full description of alternatives considered is included in **Chapter 2** *Alternatives*, **Sections 2.3, 2.4** and **Section 2.5 of the Final EIS**. The following text summarizes the findings of this analysis specific to the ability of each corridor-wide alternative to act as a feasible and prudent avoidance alternative as defined under Section 4(f) (see **Section 1.2**).

It was determined that no true feasible and prudent avoidance alternative existed for the project. This is likely due to the current and historic development patterns throughout the regional study area and the relationship of the project purpose and need to the communities located within that study area. Any alternative located far enough away from the identified corridors to possibly avoid the use of all Section 4(f) resources would not have the ability to meet the project purpose and need because of that relationship. Of the corridor-wide alternatives discussed below, only the No-Action Alternative would have the ability to entirely avoid the use of Section 4(f) resources. The remaining alternatives are discussed for their ability to avoid the Section 4(f) resources within the identified project corridor; however, these would undoubtedly result in use of other Section 4(f) resources not identified within this document.

No-Action Alternative

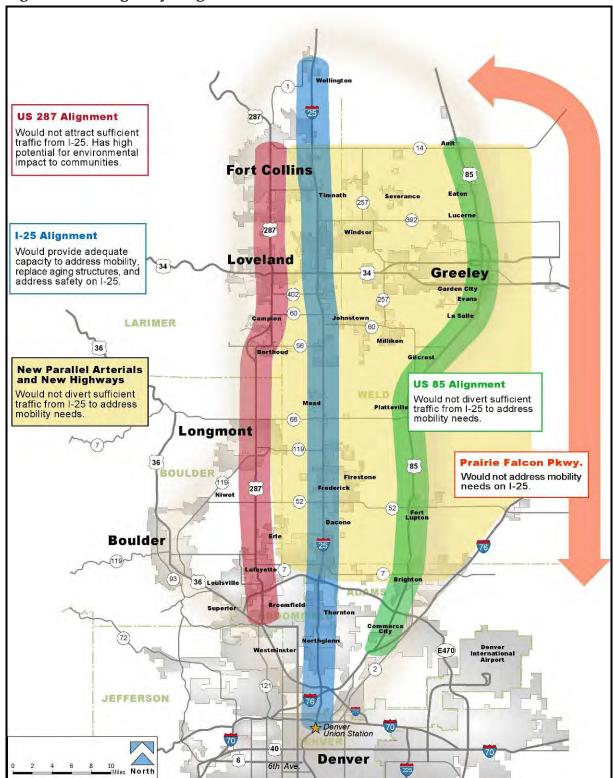
The No-Action Alternative makes no substantial improvement to mobility and safety along I-25. This alternative does not meet the purpose and need for the project of improving safety, improving mobility and accessibility, replacing aging infrastructure, and enhancing modal alternatives. Therefore, this alternative is not a feasible and prudent avoidance because it compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need.

New Freeways on a New Alignment

Freeway alternatives were evaluated that were located on an alignment other than along I-25. These options are illustrated on **Figure 1**, and include freeways along US 287, US 85 and farther east (called the Prairie Falcon Parkway). None of these three alternatives was



Figure 1 Highway Alignments Considered





found to meet purpose and need because they would not improve mobility, improve safety or replace aging infrastructure along the I-25 corridor. The three alternatives that were studied would divert less than 20 percent of the 55,000 daily trips, so they would not reduce congestion along I-25. In addition, since no changes would be made to I-25, current safety, problems would continue and aging infrastructure would not be replaced. Therefore, this alternative is not a feasible and prudent avoidance alternative because it compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need.

Widening Existing Highways

A combination of widening to US 287, US 85, and I-25 was studied. This alternative would meet the mobility-related purpose and need factor but would not meet the need to provide for modal alternatives. In addition, widening US 287 would, after mitigation, result in severe disruptions to the established communities of Fort Collins, Loveland, Berthoud, and Longmont and severe impacts to historic properties and parks. These severe impacts would include the demolition of businesses, civic buildings, and parks throughout the old downtown areas of these three communities most of which are avoided by Packages A and B, or the Preferred Alternative. Therefore, this alternative is not a feasible and prudent avoidance alternative for the following reasons:

- It compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need.
- After reasonable mitigation it still causes:
 - Severe disruption to established communities.
 - Severe impacts to environmental resources protected under other Federal statutes.
- ▶ It involves multiple factors that cumulatively cause unique problems or impacts of an extraordinary magnitude.
- ▶ It does not provide avoidance of Section 4(f) resources.

Widening US 85 alone was developed as an alternative. This alternative would not meet the purpose and need factor related to mobility and safety because it would divert less than 20 percent of the daily trips, and it would not address safety problems on I-25. Therefore, this alternative is not a feasible and prudent avoidance alternative because it compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need.

A combination widening of US 85 and widening of I-25 was studied. This alternative would meet the mobility-related purpose and need factor, but would not meet the need to provide for modal alternatives. Therefore, this alternative is not a feasible and prudent avoidance alternative because it compromises the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need.

Advanced Technology Transit Alternatives

A number of advanced technology transit alternatives were considered, such as magnetic levitation, automated guideway transit, high-speed rail, personal rapid transit, and subway



or elevated systems. Some of these could potentially have fewer impacts on Section 4(f) resources. None of these alternatives was found to meet purpose and need because they did not provide accessibility or connectivity to regional study area communities. They would not provide accessibility or connectivity because in order to meet the definition of advanced technology, the number of stations would be reduced to two or three instead of eight or nine. Because of this, these alternatives would not improve access to many regional study area communities. In addition, other transit technologies were found to provide a similar or greater level of transportation service at one-third to one-fifth the cost and complexity of the advanced technology alternatives. Therefore, advanced technology transit alternatives are not a feasible and prudent avoidance alternative because they compromise the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need.

Commuter Rail or Light Rail on an Eastern or Central Alignment

There were eight potential commuter rail or light rail transit alignments considered, as shown on **Figure 2**. Three of these transit alignments were located along the western side of the regional study area and were ultimately included as a part of both Package A and the Preferred Alternative, because they would meet purpose and need when combined with improvements to I-25. These three include the Burlington Northern/Santa Fe (BNSF) to Regional Transportation District (RTD) Northwest Rail, BNSF to RTD North Metro, and US 287 to FasTracks Northwest Rail.

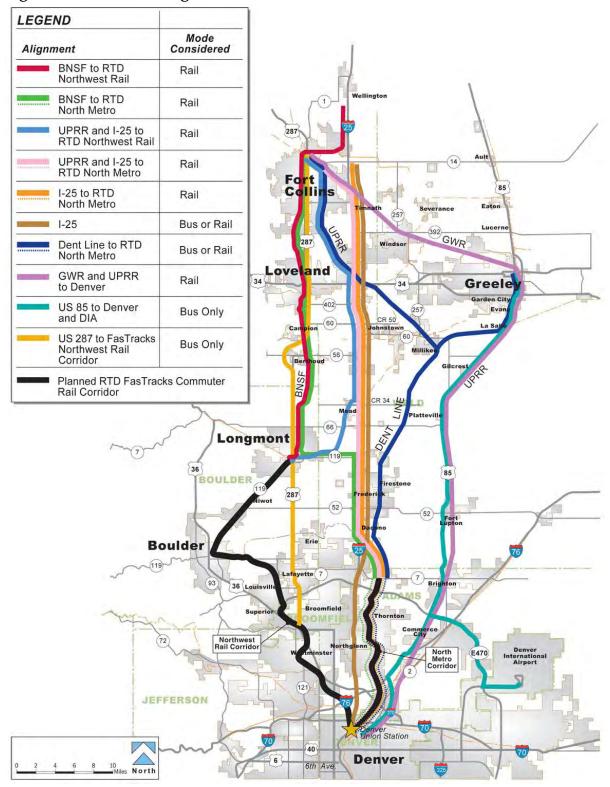
Commuter rail alignments in the central part of the corridor were also studied. These alignments would likely adversely affect and result in a direct use of seven historic farms and result in a direct use of two recreation areas. Additionally, these alignments would cause severe impact to known habitat and populations of Preble's Meadow Jumping Mouse, a federally threatened species protected by the Endangered Species Act. Because the new rail alignment would cross rivers and wetlands resulting in severe impacts to 48 acres of wetlands and other Waters of the U.S., even if the impacts were mitigated, it would be difficult to fully replace the current habitat value. It was also determined that these alignments would provide access to 30 percent less population and employment. As a result, transit ridership would be 30 percent lower and the residents and employees served by the western alignments would not have access to a public transit mode. Therefore, these alignments are not feasible and prudent avoidance alternatives for the following reasons:

- ▶ They would compromise the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need.
- After reasonable mitigation they still cause severe impacts to environmental resources protected under other Federal statutes.
- ▶ They involve multiple factors that cumulatively cause unique problems or impacts of an extraordinary magnitude.
- ▶ They do not provide avoidance of Section 4(f) resources.

Three transit alignments were considered along the eastern side of the regional study area. The future work trips between the eastern communities and the Denver metropolitan area are estimated to be just over 9,000 a day. By comparison, the future work trips between the



Figure 2 Transit Alignments Considered





western communities and the Denver metropolitan area are estimated to be almost 15,000 a day. This difference in future work trips is substantial. As a result, the eastern side transit alignments were determined not to be feasible and prudent avoidance alternatives because it would compromise the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need element of improving mobility or accessibility.

Light Rail Technology

Light rail technology was studied on various alignments. This technology would result in a projected travel time double that of other potential transit modes because the speeds of light rail are not as great as those under other transit technologies. Travel time is a substantial component in estimating transit ridership. A doubling of travel times would reduce transit ridership by at least half. Therefore, this technology was determined not to be a feasible and prudent avoidance alternative because it would compromise the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need.

Modal Alternatives as a Stand-Alone

The possibility of advancing only commuter rail or BRT (including the BRT stations), or just I-25 improvements as a stand-alone alternative was explored. Making only commuter rail improvements without any improvements to I-25 would result in:

- ▶ Insufficient reductions in I-25 traffic volumes to meet the purpose and need objective of addressing future congestion and mobility.
- ▶ Continued and worsening safety problems on I-25, thus not meeting the safety objective of the purpose and need.
- ▶ No replacement of aging infrastructure along I-25, thus not meeting this purpose and need objective.

Making only BRT improvements along I-25 would do nothing to improve mobility for automobile and truck drivers on I-25.

Making only highway improvements would not address the aspect of purpose and need to provide additional modal options for travelers. Therefore, these alternatives were determined not to be feasible and prudent avoidance alternatives because they would compromise the project to a degree that it is unreasonable to proceed with the project in light of its stated purpose and need.

2.3 Alternatives

Following is a brief description of the alternatives examined in the Final EIS. For more detailed information please see **Chapter 2** *Alternatives* **of the Final EIS**, which is available at http://www.coloradodot.info/projects/north-i-25-eis or on CD by request to Monica Pavlik, FHWA-CO Division, at (720) 963-3012.

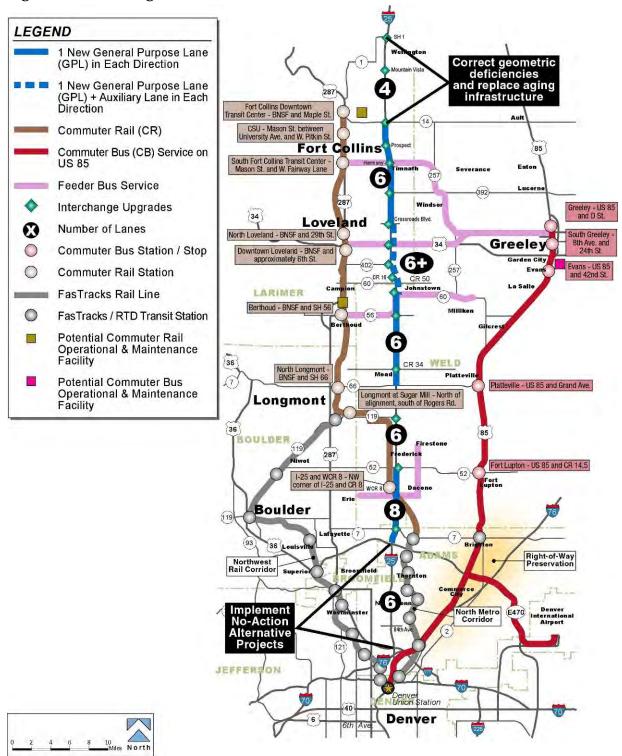
2.3.1 Package A

Package A includes the addition of general purpose (GP) plus auxiliary lanes along I-25, commuter rail from Fort Collins to the proposed FasTracks North Metro end-of-line station, and commuter bus along US 85 with alternating service to Denver International Airport



(DIA). Package A also includes interchange improvements, feeder bus, stations, maintenance facility, and carpool lots. See **Figure 3** for an overview of Package A.

Figure 3 Package A





Components associated with Package A are as follows:

- ▶ A-H1 Safety Improvements: I-25, State Highway 1 (SH 1) to SH 14
- ► A-H2 GP Highway Improvements: I-25, SH 14 to SH 60
- ▶ A-H3 GP Highway Improvements: I-25, SH 60 to E-470
- ▶ A-H4 Structure Upgrades: I-25, E-470 to US 36
- ▶ A-T1 Commuter Rail: Fort Collins to Longmont
- ▶ A-T2 Commuter Rail: Longmont to FasTracks North Metro
- ▶ A-T3 Commuter Bus: Greeley to Denver
- ▶ A-T4 Commuter Bus: Greeley to Denver Union Station (DUS)

One additional GP lane would be added to I-25 in each direction from SH 14 south to SH 66. The segment of I-25 from SH 66 south to SH 52 is under construction and scheduled for near-term completion, therefore, it is not addressed as part of this project. From SH 52 south to E-470, an additional lane would be added to make an eight-lane cross-section.

Interchanges would be upgraded or modified if necessary to accommodate future traffic volumes at Level of Service (LOS) D. LOS is a rating of traffic operating conditions determined by calculating delay and average speed and comparing traffic volumes to available capacity along a roadway. LOS A is the best rating, while LOS F is the worst rating. Interchanges considered to be aging would be completely replaced. The Alternatives Development and Screening Report, August 2007, includes more detail on the proposed interchange configurations.

Double-tracked commuter rail service would be in place from downtown Fort Collins at University Avenue and Maple Street along the BNSF right-of-way to the FasTracks Northwest Rail corridor end-of-line station at 1st Street and Terry Street in Longmont. New commuter rail tracks would be added east of the existing freight rail tracks, and both sets of tracks would be used by commuter rail and freight rail. On the alignment's northern end in Fort Collins, from Mason Street and University Avenue to Mason Street and Maple Street, commuter rail service would be added to the existing freight rail tracks. In addition, a new double track line would be built from the 3rd Street in Longmont (connecting to the FasTracks Northwest Rail corridor and to the commuter rail to Fort Collins) to the FasTracks North Metro end-of-line station in Thornton. A 500-foot section of single tracking would be built in the vicinity of the historic Loveland Depot.

The primary reasons this option was not retained in Package A include:

▶ Single tracking limited flexibility associated with track maintenance that could result in stranding transit dependent populations as there is no other regional transit service. Single tracking compromises the train schedule reliability with potential closures and schedule adjustments because of the reliance on passing track and sharing the infrastructure with freight. This issue does not affect the Preferred Alternative because of the express bus service provided along the I-25 corridor, if needed could accommodate regional commuter rail passengers for short-term durations.



- ▶ Single tracking for Package A precludes the ability to expand transit service with more frequent train service because the amount of service relies on the length and location of passing track, which once in place does not allow much flexibility in scheduling.
- Reduced rail service to downtown Fort Collins, necessitated because of single tracking to avoid the historic properties, did not satisfy the transit travel demand generated by the area.
- ▶ Single tracking in Package A, does not respond to the projected transit demand from the Fort Collins area for the I-25 and US 287 corridors. The level of service that could be provided would result in unmet transit demand along these two corridors.

In conclusion, a rail service scenario with only single tracking and no transit service along I-25 would not meet the project purpose and need. The element of purpose and need related to mode choice and meeting projected demand for transit service along both the I-25 and the US 287 corridors is not met.

The commuter rail service would run every 30 minutes during the AM and PM peak periods when demand is highest and every hour in the off-peak periods. Service to Denver would travel through Longmont to the FasTracks North Metro end-of-line station where it would continue on to DUS; a transfer would not be necessary. To reach Boulder, northern Colorado riders would transfer to the FasTracks Northwest Rail corridor line at the Sugar Mill station in Longmont, which would use the new rail segment extending from the proposed Northwest Rail Corridor end-of-line station at 1st and Terry Streets to connect to the Sugar Mill Station. Two sites are being evaluated for a commuter rail maintenance facility: Vine and Timberline in Fort Collins or CR 46 and US 287 in Berthoud. Nine station locations are planned for commuter rail. They are detailed in **Section 2.2.2.4 of the Final EIS**.

Package A also includes a commuter bus service along US 85 connecting Greeley to DUS and DIA. This service would operate every 30 minutes in the AM and PM peak hours and every hour during the off-peak periods. Queue jumps, allowing buses to bypass queued traffic at signalized intersections, would be included to help achieve reliable speeds for bus service. Two maintenance facilities are being evaluated in conjunction with the commuter bus service: Portner Road and Trilby in Fort Collins, and 31st Street and 1st Avenue in Greeley. In addition, five commuter bus stations are proposed. Four feeder bus routes are proposed to enable riders to access the commuter rail and the commuter bus via local bus service.

Many potential congestion management measures are included as enhancements to the packages, including carpool and vanpools, supportive land use policies, signal coordination, incident management, and increased use of bicycle and pedestrian facilities.

2.3.2 Package B

Package B includes Tolled Express Lanes (TEL) and Bus Rapid Transit (BRT) operating on the TEL. This improvement package consists of adding one buffer-separated express lane in each direction along the entire I-25 corridor, except between SH 60 and Harmony Road where two barrier-separated lanes would be added in each direction. The Tolled Express Lanes would be managed similarly to other toll lanes currently within the Colorado



Department of Transportation (CDOT) system. Electronic payment via transmitter is required. There are no tollbooths and no cash would be accepted. Similar to Package A, interchanges would be upgraded or modified if necessary to accommodate future traffic volumes at LOS D. Interchanges considered to be aging would be completely replaced. See **Chapter 2** *Alternatives* **of the Final EIS** and **Figure 4** for an overview of this Package.

Components associated with Package B are as follows:

- ▶ B-H1 Safety Improvements: I-25, SH 1 to SH 14
- ▶ B-H2 Tolled Express Lanes: I-25, SH 14 to SH 60
- ▶ B-H3 Tolled Express Lanes: I-25, SH 60 to E-470
- ▶ B-H4 Tolled Express Lanes: I-25, E-470 to 70th Avenue
- ▶ B-T1 Bus Rapid Transit: Fort Collins/Greeley to DUS
- B-T2 Bus Rapid Transit: Fort Collins to DIA

BRT services would operate from Fort Collins and Greeley to DUS, utilizing the express lanes along I-25. The service from Fort Collins would begin at the Fort Collins South Transit Center, and operate along Harmony Road in mixed traffic until accessing I-25 at its interchange with Harmony Road. In addition, BRT service would operate from Fort Collins to DIA. During peak hours, buses would depart every 20 minutes with two going to DUS and one going to DIA. During off-peak hours, buses would depart every 30 minutes: one to DUS and one to DIA.

Service from Greeley would begin at the 8th Street and 8th Avenue Transit Center in downtown Greeley, and include stops along US 34, in mixed traffic, until turning north to serve the BRT station at Crossroads. The bus would operate in shared general-purpose lanes along with mixed traffic along US 34. Queue jumps, allowing buses to bypass queued traffic at signalized intersections, would be included to help achieve reliable speeds for bus services. Two maintenance facilities are being evaluated in conjunction with the bus service, as well as 12 bus rapid transit stations.

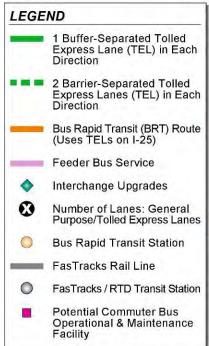
Many potential congestion management measures are included as enhancements to the packages, including carpool and vanpools, supportive land use policies, signal coordination, incident management, and increased use of bicycle and pedestrian facilities.

2.3.3 Preferred Alternative

The Preferred Alternative is a combination of components presented in Packages A and B including multimodal improvements on multiple corridors. These involve the addition of GP lanes, auxiliary lanes, and TEL along I-25; commuter rail from Fort Collins to the proposed FasTracks North Metro end-of-line station, commuter bus along US 85 with alternating service to Denver International Airport (DIA), and express bus operating in the TEL along I-25 between Ft Collins and Denver. The Preferred Alternative also includes interchange improvements, feeder bus, stations, maintenance facilities, and carpool lots. See **Figure 5** for an overview of the Preferred Alternative.



Figure 4 Package B



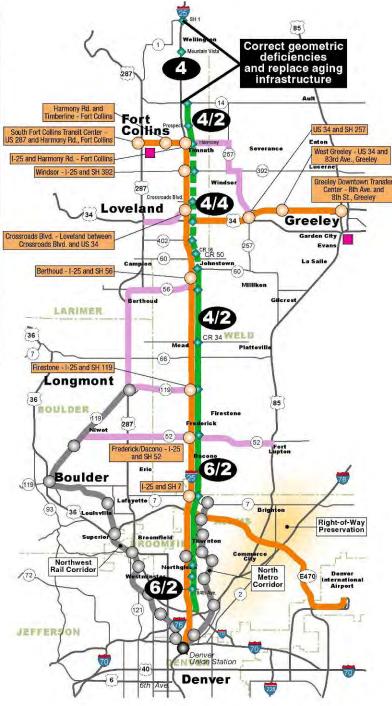
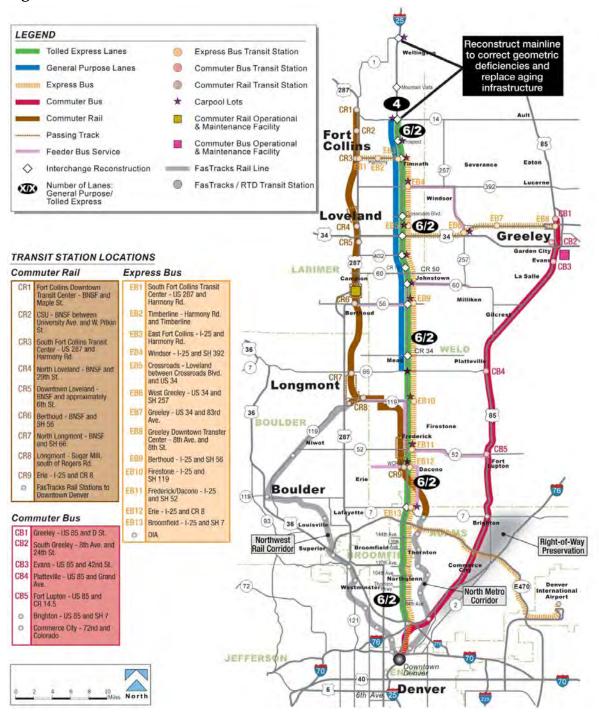






Figure 5 Preferred Alternative





Components associated with the Preferred Alternative are as follows:

▶ I-25 Improvements: SH 1 to US 36

▶ Commuter Rail: Fort Collins to FasTracks North Metro

▶ I-25 Express Bus: Ft. Collins/Greeley to DUS/DIA

US 85 Commuter Bus: Greeley to DUS

One additional GP lane would be added to I-25 in each direction from SH 14 south to SH 66. One additional TEL would be added to I-25 in each direction from SH14 south to US 36. The segment of I-25 from SH 66 south to SH 52 has been completed; therefore, it is not addressed as part of this project. From SH 52 south to E-470, an additional lane would be added to make an eight-lane cross-section. Interchanges would be upgraded or modified if necessary to accommodate future traffic volumes at LOS D. Interchanges considered to be aging would be completely replaced.

Single-tracked commuter rail service would be in place from downtown Fort Collins at University Avenue and Maple Street along the BNSF right-of-way to the FasTracks Northwest Rail corridor end-of-line station at 1st Street and Terry Street in Longmont. New commuter rail passing tracks would be added adjacent to the existing freight rail tracks in four separate locations (totaling approximately 28 percent of the corridor) and both sets of tracks would be used by commuter rail and freight rail. A maintenance road would also be constructed adjacent to the rail tracks as necessary. This maintenance road is required throughout the BNSF corridor between Ft. Collins and Longmont where there is currently no access such as a public road. A new single track line would be built from the 3rd Street in Longmont (connecting to the FasTracks Northwest Rail corridor and to the commuter rail to Fort Collins) to the FasTracks North Metro end-of-line station in Thornton.

The commuter rail service would run every 30 minutes during the AM and PM peak periods when demand is highest and every hour in the off-peak periods. Service to Denver would travel through Longmont to the FasTracks North Metro end-of-line station where it would continue on to DUS; a transfer would not be necessary. To reach Boulder, northern Colorado riders would transfer to the FasTracks Northwest Rail corridor line at the Sugar Mill station in Longmont, which would use the new rail segment extending from the proposed Northwest Rail Corridor end-of-line station at 1st and Terry Streets to connect to the Sugar Mill Station. A commuter rail maintenance facility is proposed at CR 46 and US 287 in Berthoud. Nine station locations are planned for commuter rail. They are detailed in **Section 2.2.4.5 of the Final EIS**.

The Preferred Alternative also includes a commuter bus service along US 85 connecting Greeley to DUS. This service would operate every 30 minutes in the AM and PM peak hours and every hour during the off-peak periods. Queue jumps, allowing buses to bypass queued traffic at signalized intersections, would be included to help achieve reliable speeds for bus service. A maintenance facility is proposed in conjunction with the commuter bus service to be located at 31st Street and 1st Avenue in Greeley. In addition, five commuter bus stations are proposed. Four feeder bus routes are proposed to enable riders to access the commuter rail and the commuter bus via local bus service.

Express bus services would operate from Fort Collins and Greeley to DUS, utilizing the TELs along I-25. The service from Fort Collins would begin at the Fort Collins South



Transit Center, and operate along Harmony Road in mixed traffic until accessing I-25 at its interchange with Harmony Road. In addition, express bus service would operate from Fort Collins to DIA. During peak hours, buses would depart every 20 minutes with two going to DUS and one going to DIA. During off-peak hours, buses would depart every 30 minutes; one to DUS and one to DIA.

Service from Greeley would begin at the 8th Street and 8th Avenue Transit Center in downtown Greeley, and include stops along US 34, in mixed traffic. The bus would operate in shared general-purpose lanes along with mixed traffic along US 34. Queue jumps, allowing buses to bypass queued traffic at signalized intersections, would be included to help achieve reliable speeds for bus services. Two maintenance facilities are being evaluated in conjunction with the bus service, as well as 12 express bus stations.

Many potential congestion management measures are included as enhancements to the packages, including carpool and vanpools, supportive land use policies, signal coordination, incident management, and increased use of bicycle and pedestrian facilities.

3.0 PROJECT PROCESS AND IDENTIFICATION OF SECTION 4(f) RESOURCES

The Section 4(f) resources in the vicinity of the regional study area include publicly owned parks and recreation areas, including recreation trails, wildlife and waterfowl refuges, and significant historic sites. First, parks and recreation areas, recreation trails, wildlife and waterfowl refuges, and historic sites were identified within the regional study area. The recreational uses of the public parks and recreation areas were then evaluated to determine if they are considered to be properties protected under Section 4(f). Management plans and agencies were consulted to evaluate if the waterfowl and wildlife refuges were actively managed as refuges. Historic sites were identified through an intensive level of cultural resources survey and evaluated for significance in terms of eligibility for inclusion in the National Register of Historic Places (NRHP). NRHP-listed or eligible historic sites qualify for protection under Section 4(f).NRHP-listed or eligible archaeological sites that warrant preservation in place also qualify for Section 4(f) protection.

3.1 Consultation and Coordination

Consultation for purposes of this Section 4(f) evaluation has been initiated and is expected to continue through the final design and engineering phase. The consultation and coordination efforts that have occurred thus far are described below. Public involvement and community outreach for the project as a whole is documented in **Chapter 9** *Comments and Coordination* of the **Final EIS**.

Public Parks, Recreation Areas, and Wildlife and Waterfowl Refuge Stakeholders Consultation

Consultation and coordination has occurred with jurisdictions in which public parks, recreation areas, and the wildlife and waterfowl refuge are considered significant resources by Section 4(f) criteria. Site mapping, amenities, and activities of the resource associated with affected properties were verified. Meetings were held to describe the project, the



alternatives analysis, and the nature and severity of impacts to affected resources. Coordination consisted of numerous meetings and correspondence. The officials with jurisdiction include:

- City and County of Denver
- Town of Berthoud
- ▶ City of Fort Collins
- ▶ City of Longmont
- City of Loveland
- City of Northglenn
- City of Thornton

- City and County of Boulder
- City of Westminster
- Larimer County
- Wellington
- Colorado Division of Wildlife (now the Division of Parks and Wildlife)
- Colorado State Parks

After impacts associated with each of the packages were determined, consultation continued with the jurisdictions for which Section 4(f) resources could be potentially affected by the build alternatives. The potential *de minimis* findings, possible measures to minimize harm, and general mitigation strategies were discussed with a commitment to explore these strategies in more detail after identification of the Preferred Alternative. Coordination meetings have been held with Fort Collins, Northglenn, Loveland and Boulder County. Coordination will continue to occur throughout the EIS process.

Appendix A contains letters from all jurisdictions concurring with the proposed *de minimis* findings.

3.2 Identification of Section 4(f) Resources

3.2.1 Historic Resources

In accordance with the FHWA/FTA regulations, Section 4(f) requirements are applicable only to significant historic resources (i.e., those sites listed on or eligible for listing on the NRHP, or sites otherwise determined significant by the FHWA Administrator (23 CFR Section 774.17) and the FHWA Section 4(f) Policy Paper [3. Historic sites, Section 4(f) Significance]) that are subject to use by the transportation project. The historic resources considered in this evaluation include all resources that were listed on the NRHP or determined officially eligible for listing on the NRHP. Only those Section 4(f)-protected resources that are determined to have a use by the proposed transportation improvements are discussed in this chapter. There are additional Section 4(f)-eligible historic resources located within the Area of Potential Effect (APE), which would not have a Section 4(f) use.

All of the significant historic resources within the APE, whether impacted or not, are described in **Section 3.15** *Historic Preservation* **of the Final EIS**. For purposes of this Section 4(f) evaluation, only properties subject to use by the project are detailed and documented. **Table 1** lists resource specifics, including location and type of resource, and the reason each property is considered a Section 4(f) resource. **Figure 6** shows the location of these resources. There are five direct uses of historic properties and 26 *de minimis* uses.

 Table 1
 Section 4(f) Resources – Historic Properties

ID Number	Resource	Туре	Affected Segments	NRHP Eligibility Status
5LR.8932	Larimer County Ditch	Historic Irrigation	5LR.8932.1	Eligible under Criterion A-Segment 5LR.8932.1 does not support
		Ditch		the eligibility of the entire historic linear resource
5LR.11396	Einarsen Farm	Historic Farm	NA	Eligible under Criteria A and C.
5LR.488	Colorado and Southern Railway Depot— Loveland Depot	Historic Railway Depot	NA	Listed on NRHP under Criteria A and C
5LR.11409	Cache la Poudre Reservoir Inlet	Historic Irrigation Ditch	5LR.11409.1	Eligible under Criteria A and C-Segment 5LR.11409.1 does not support the eligibility of the entire historic linear resource
5LR.2160	Boxelder Ditch	Historic Irrigation Ditch	5LR.2160.1	Eligible under Criterion A-Segment supports eligibility of entire historic linear resource
5LR.8930	Louden Ditch	Historic Irrigation Ditch	5LR.8930.1	Eligible under Criterion A-Segment supports eligibility of entire historic linear resource
5LR.503	Loveland & Greeley Canal	Historic Irrigation Ditch	5LR.503.2	Eligible under Criterion A-Segment supports eligibility of entire historic linear resource
5LR.8928	Farmers Ditch	Historic Irrigation Ditch	5LR.8928.1, 5LR.8928.2	Eligible under Criterion A-Segment 5LR.8928.1 supports the eligibility of the entire resource; segment 5LR.8932.2 does not support the eligibility of the entire historic linear resource
5LR.11209	Schmer Farm	Historic Farm	NA	Eligible under Criteria A and C
5LR.11210	McDonough Farm	Historic Farm	NA	Eligible under Criterion C
5LR.850, 5WL.841, 5BL.514	Great Western Railway	Historic Railroad	5LR.850.1	Eligible under Criterion A-Segment supports eligibility of entire historic linear resource
5LR.11408	Zimmerman Grain Elevators	Historic Factory	NA	Eligible under Criteria A and C
5LR.11382	Hatch Farm	Historic Farm	NA	Eligible under Criterion C
5LR.8927	Hillsboro Ditch	Historic Irrigation Ditch	5LR.8927.1	Eligible under Criterion A-Segment supports eligibility of entire historic linear resource
5LR.11242	Mountain View Farm	Historic Farm	NA	Eligible under Criteria A and C
5WL.5203	Bein Farm	Historic Farm	NA	Eligible under Criterion A
5WL.3149	Handy/Home Supply Ditch Confluence	Historic Irrigation Ditch	5WL.3149.1	Eligible under Criterion A-Segment does not support the eligibility of the entire historic linear resource
5WL.5198	Olson Farm	Historic Farm	NA	Eligible under Criterion A

 Table 1
 Section 4(f) Resources – Historic Properties

ID Number	Resource	Туре	Affected Segments	NRHP Eligibility Status
5WL.1974	Rural Ditch	Historic Irrigation Ditch	5WL.1974.3	Eligible under Criterion A
5BF76, 5WL.1966, 5AM.457	Bull Canal/Standley Ditch	Historic Irrigation Ditch	5WL.76.2, 5WL.1966.8, 5AM.457.3	Eligible under Criteria A and C-Segments 5WL.76.2, and 5AM.457.3 do not support the eligibility of the entire historic linear resource; segment 5WL.1966.8 supports the eligibility of the entire historic linear resource
5LR.1729	Big Thompson Ditch	Historic Irrigation Ditch	5LR.1729.2	Eligible under Criterion A-Segment does not support the eligibility of the entire historic linear resource
5LR.1710	Handy Ditch	Historic Irrigation Ditch	5LR.1710.1	Eligible under Criterion A
5BL.9163	Kitely House	Historic Residence	NA	Eligible under Criteria A, B, and C
5BL.3449	Supply Ditch	Historic Irrigation Ditch	5BL.3449.2	Eligible under Criterion A-Segment supports the eligibility of the entire historic linear resource
5BL.3113	Rough & Ready Ditch	Historic Irrigation Ditch	5BL.3113.67	Eligible under Criterion A-Segment supports the eligibility of the entire historic linear resource
5BL.4832	Oligarchy Ditch	Historic Irrigation Ditch	5BL.4832.26, 5BL.4832.28	Eligible under Criterion A-Both segments support the eligibility of the entire historic linear resource
5BL.1245	Old City Electric Building	Historic Factory	NA	Eligible under Criteria A and C
5BL.1244	Colorado & Southern/BNSF Depot	Historic Railway Depot	NA	Eligible under Criteria A and C
5WL.5461	Boulder & Weld County Ditch	Historic Irrigation Ditch	5WL.5461.1	Eligible under Criterion A
5WL.712	Sandstone Ranch	Historic Ranch	NA	Eligible under Criteria A, B, and C
5WL.5263	Hingley Farm	Historic Farm	NA	Eligible under Criterion A
5WL.6564	Jillson Farm	Historic Farm	NA	Eligible under Criteria A and C
5WL.1317	UPRR-Dent Branch	Historic Railroad	5WL.1317.11	Eligible under Criterion A
5WL.1969, 5BF.130	Denver Pacific/ Kansas Pacific/ Union Pacific Railroad, Denver & Boulder Valley Branch	Historic Railroad	5WL. 1969.1, 5WL. 1969.41, 5BF.130.1	Eligible under Criterion A



LEGEND Study Corridors / Highways / Arterial Roads [85] 287 Regional Study Area City Boundaries Cities & Towns in Project Area Collins SECTION 4(F) HISTORIC PROPERTIES 5LR.8932 5LR.11396 5LR.2160.1 5LR.8930.1 5LR.11210 287 5LR.8928.1 Lucer 5LR.503.2 5LR.850,1 Greeley 5LR.11209 5LR.11408 34 5LR.11382 5LR.8927.1 5LR.11242 5WL.5203 85 5WL.841.11 5WL.5198 5WL.841.9 5WL.1974.1 5WL.1966.11 5BF.130.1 5WL.1317.11 5WL.1969.41 5BF.130.1 5WL.1966.8 5WL.1317.11 Vollmar 😛 5wl.1966.1 5AM.457.2 Niwot 287 5LR.8930.2 Frederick 5LR.850.5 5LR.503.4 5LR.8928.7 5LR.488 5LR.1710.1 Wattenberg 5BL.3449.2 5BL.3113.67 5BL.4832.28 5BL.9163 5BL.1245 5BL.1244 5BL.514.1 [36] 5BL.4832.26 5WL.712 [287] 5WL.1974.3 5WL.6564 5WL.5461.1 5WL.5263 4 6 8 10 Miles North

Figure 6 Section 4(f) Historic Properties



3.2.2 Public Parks, Recreation Areas, and Wildlife and Waterfowl Refuge Areas

Data on parks and recreation sites was gathered from municipalities in the regional study area by requesting data on properties, including parks and recreation areas, open space and trails, and wildlife and waterfowl refuges. A Geographic Information Systems (GIS) database was created using this information and verified with the use of relevant comprehensive plans, parks and recreation master plans, open space management plans, and calls to the relevant jurisdictions.

The current and planned public parks, recreation areas, and wildlife and waterfowl refuge areas were identified within the regional study area. The complete list of all public parks, recreation areas, and wildlife and waterfowl refuge areas identified within 500 feet of any corridor proposed for improvements is provided in **Section 3.18** *Parks and Recreation* **of the Final EIS**. For purposes of this Section 4(f) evaluation, only Section 4(f) resources having a Section 4(f) use by any of the build packages are discussed (see **Table 2** and **Figure 7**).

The initial evaluation of parks and recreation areas, public trails, and wildlife and waterfowl refuges identified all resources within 100 feet of a proposed improvement. The corridor development and evaluation process identified these properties as protected resources to be avoided, which resulted in approximately 30 park and recreation resources being avoided by the build alternatives. One park would have a direct use and ten park and recreation properties and wildlife and waterfowl refuges would have *de minimis* use as a result of the build alternative transportation improvements.

Two properties identified as impacted in the Parks and Recreation section were determined to not qualify for Section 4(f) protection. The Larimer County Fairgrounds do not qualify because it is not open to the public during normal operating hours. Boulder Creek Estates was determined to be a joint planning opportunity between the City of Longmont and CDOT. This area does not currently have any recreation amenities and design of the commuter rail line and recreation development will be coordinated between the agencies. A letter from the City of Longmont to CDOT agreeing to joint planning is in **Appendix A**.

Table 2 Section 4(f) Resources – Public Parks, Recreation Areas, and Wildlife and Waterfowl Refuge Areas

Resource	Address/ Location	Size (acres)	Amenities	Official with Jurisdiction	Type of Resource
Arapaho Bend Natural Area	West of I-25, north of Harmony Road, Fort Collins	278 acres	Multi-use with public access. Fishing ponds, boating, trails, parking areas. Along Cache la Poudre River.	City of Fort Collins	Recreation Resource: Land Conservation & Stewardship Master Plan (2004) identifies activities while maintaining protected natural area habitat. Acquired by City of Ft. Collin's Natural Areas Program in 1995.
Big Thompson Ponds State Wildlife Area	Larimer County northeast of Highway 402 & I-25 Frontage Road.	51 acres	Hunting, fishing, picnicking and wildlife viewing.	CDOW	Wildlife and Waterfowl Refuge: State Wildlife Areas are properties owned or managed by the DOW for the benefit of wildlife and wildlife related recreation. The primary purpose is to benefit wildlife. They not only protect wildlife habitat but provide the public with opportunities to hunt, fish, & watch wildlife.
Little Thompson River Corridor	Adjacent to I-25, Berthoud	100.92 acres	Trails alongside Little Thompson River	Town of Berthoud	Recreation Resource: Town of Berthoud I-25 Sub- Area Draft Land Use Plan, 2001
McWhinney Hahn Sculpture Park	West of I-25, north of US 34, Loveland	4.2 acres	Public access and restrooms, drinking fountain, public telephone, sculpture, Visitors center, "gateway" to the City	City of Loveland	Park: Parks and Recreation Master Plan, City of Loveland, 2001
Sandstone Ranch	West of I-25, south of SH 119	313 acres	Public access, softball fields, soccer fields, trails, picnic tables, playground, skate park, restrooms, BBQ grills, concession stand	City of Longmont	Park: 1998 Sandstone Ranch Master Plan and Longmont Wildlife Management Plan
Archery Range Natural Area	West of I-25, Fort Collins	50 acres	Multi-use with public access Trailhead, parking area, archery circuit station located around natural area.	City of Fort Collins	Recreation Resource: Land Conservation & Stewardship Master Plan (2004) identifies activities while maintaining majority of sites in protected natural area habitat. Acquired and managed by City of Ft. Collin's Parks Dept.
120th Avenue Transit Station Underpass	Runs east to west from Huron Street, through Wagon Road park- n-Ride, under I-25 to Malley Drive	0.97 mile	Trail	City of Northglenn	Recreation Resource: Trail

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Table 2 Section 4(f) Resources – Public Parks, Recreation Areas, and Wildlife and Waterfowl Refuge Areas

Resource	Address/ Location	Size (acres)	Amenities	Official with Jurisdiction	Type of Resource
Niver Creek Open Space/Niver Creek Trail	Starts at Zuni Street and travels southeast and east of I-25, following Coronado Parkway	1.12 miles	Trail	Adams County / City of Thornton	Recreation Resource: Trail
RR Alignment (21st Street to Hwy 66) Trail	Follows Colorado and Southern RR alignment between 21st and Hwy 66, terminating just south of Hwy 66.	0.5 mile	Trail	City of Longmont	Recreation Resource: Trail
Farmers Highline Canal Trail	Standley Lake east to Northglenn's EB Rains Park (10.3 miles) and beyond into Thornton	10.3 miles	Trail	City of Westminster	Recreation Resource: Trail

^{*}Properties identified as meeting criteria for temporary occupancy exception are not listed



LEGEND ∧ Alternative Corridors 85 ✓ Highways 287 Arterial Roads Regional Study Area City Boundaries Cities & Towns [34] Loveland 85 36 287 1 Arapahoe Bend Natural Area 2 Archery Range Natural Area 3 Big Thompson State Wildlife Area 4 Little Thompson River 5 McWhinney Sculpture Park 6 Sandstone Ranch 7 RR Alignment Trail 8 120th Street Underpass 8 10 9 Farmers Highline Canal Trail 10 Coronado Pkwy Trail

Figure 7 Section 4(f) Park, Recreation Areas, and Wildlife and Waterfowl Refuge Resources



Only one wildlife refuge property met certain criteria and has been studied as part of this Section 4(f) evaluation. The criteria include the following:

- Have full public ownership or public easement.
- ▶ Have a management plan and are actively managed as a wildlife or waterfowl refuge.
- ▶ There is a use of the land.

In order to ascertain the primary purpose of the properties, applicable management plans and jurisdictions have been consulted. Only the one property that met the above-mentioned requirements has been determined a Section 4(f) wildlife and waterfowl resource. One wildlife and waterfowl refuge would be used by all alternatives (see **Figure 7**).

4.0 USE OF SECTION 4(f) RESOURCES

4.1 Introduction

Chapter 2 Alternatives **of the Final EIS**, details the alternatives under consideration. The alternatives evaluated in this document are combinations of improvements that satisfy the Purpose and Need for the project. All of the build alternatives (Packages A, B, and the Preferred Alternative) would use portions of Section 4(f) resources. The effects from the alternatives are described with each Section 4(f) resource category.

4.2 Approach/Methodology

This section describes how the proposed project results in a use of Section 4(f) resources. For each of the resources, an overview of Section 4(f) uses is provided, followed by a description of avoidance alternatives, measures to minimize harm, and mitigation measures that have been considered. In the instances where *de minimis* applies, the process did not require the identification of avoidance alternatives.

Evaluation of any feasible and prudent alternatives to avoid use of the Section 4(f) resource

The discussion of feasible and prudent avoidance alternatives for each resource specifically addresses potential avoidance alternatives for that particular resource. Section 2.2 discusses corridor-wide alternatives that were evaluated in an attempt to identify alternatives that would entirely avoid all identified Section 4(f) resources. The corridor-wide alternatives were eliminated primarily because they did not meet the Purpose and Need of the project. These alternatives would also likely have resulted in the use of Section 4(f) resources not identified in this document.

In the following sections, feasible and prudent avoidance alternatives are evaluated based on the definition provided in 23 CFR 774.17 (see **Section 1.1**).

Identification of measures to minimize harm to Section 4(f) resources
When a Section 4(f) resource is used, all planning to minimize harm, including development of mitigation measures, must be undertaken in coordination with the officials having jurisdiction over the resource.



In instances where there are no feasible and prudent avoidance alternatives, a least harm analysis was completed for each Section 4(f) resource by alternative.

The results of the analysis are detailed in this chapter for each identified resource.

4.3 Temporary Occupancy of Trails

As stated earlier, temporary occupancy of Section 4(f) resources may result in a Section 4(f) use. However, under FHWA regulations [23 § 774.13(d)], temporary occupancies of land that are so minimal as to not constitute a use within the meaning of Section 4(f) are excepted from the requirement of Section 4(f) approvals when the following conditions are satisfied:

- ▶ The occupancy must be of temporary duration (i.e., shorter than the period of construction) and not involve a change in ownership of the property;
- ▶ The scope of work must be minor, with only minimal changes to the protected resource;
- ▶ There are no permanent adverse physical effects to the protected resource, and there will be no temporary or permanent interference with activities or purpose of the resource:
- ▶ The property being used must be fully restored to a condition that is at least as good as that which existed prior to the proposed project; and
- ▶ There must be documented agreement of the appropriate officials having jurisdiction over the resource regarding the foregoing requirements.

Five trails identified as Section 4(f) resources were determined to meet these criteria and therefore are not considered Section 4(f) uses. These include the following:

- ▶ Big Dry Creek Trail—The existing underpass that carries the trail beneath I-25 will be reconstructed to accommodate the wider highway profile under both Package B and the Preferred Alternative. Impacts to the trail include extension of the underpass by approximately 80 feet and temporary closure of this segment of the trail during construction of the bridge. A detour is available that would make use of Huron St. and either 136th Avenue or 128th Avenue depending on whether the user is connecting to the Big Dry Creek Trail or the Farmers Highline Canal Trail.
- ▶ Big Thompson River Corridor Trail—Under Package A, a temporary closure of the trail would be required for construction of a new bridge accommodating a parallel track that would carry the commuter rail over the existing trail. The only effect to the trail would be temporary closure during construction with a reasonable detour provided that would make use of 1st Street and South Railroad Ave.
- ▶ Box Elder Creek Trail—This proposed trail currently has no potential crossing opportunities for I-25. As part of the highway improvements a culvert is being constructed at this location. If the trail is constructed prior to highway improvements proposed under Package B and the Preferred Alternative there is a possibility that short term closures would be required. The nearest opportunity for a highway crossing is located approximately one mile south at CR 58.



- ▶ Fossil Creek Drive Trail—This is a proposed trail that would pass under the existing rail line at the Red-tail Grove Natural Area. Under Package A, a parallel rail line would be constructed requiring a new bridge over Fossil Creek at this location. If the trail is constructed prior to rail improvements proposed under Package A there is a possibility that short term closures would be required. The nearest crossing is located one mile north at Harmony Road.
- ▶ Spring Creek Trail—This trail currently passes under the existing rail line at Creekside Park in Ft. Collins. Construction of the new parallel rail track proposed under Package A would require a new bridge structure at this location. Impacts to the trail would include the extension of the existing underpass and temporary closure during construction of the underpass. A detour would provided that would cross the rail line on Prospect Road a quarter-mile north of the existing trail underpass.

Each of these five trails meets the requirements for temporary occupancy as described above. Letters requesting concurrence from the officials with jurisdiction over the resources have been sent and are included along with the official's responses in **Appendix A**.

4.4 Use of Historic Properties

The uses of the significant historic Section 4(f) resources are shown in **Table 3**. Additionally, the table lists the type of Section 4(f) use of each resource. Properties with a use and no adverse effect determination in consultation with SHPO have been evaluated as *de minimis* findings. These properties are addressed in **Section 5.0** *De Minimis Impacts*. This project would result in a use and a full Section 4(f) evaluation for nine historic properties.

Indirect effects to Section 4(f) resources were evaluated based on the current activities, features, or attributes of the resource that may be sensitive to proximity impacts. None of the indirect effects identified for the following resources rose to a level where the protected activities, qualities, or features would be substantially impaired.



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Table 3 Use of Section 4(f) Historic Resources

ID	_	Section 4(f) Use				
Number	Resource	Package A	Package B	Preferred Alternative		
I-25 Improvements						
5LR.8930	Louden Ditch	316 linear feet of open ditch placed inside new (90 feet) and extended existing (225 feet) culverts	357 linear feet of open ditch placed inside new (87 feet) and extended (270 feet) culverts	1,084 linear feet of ditch (5LR.8930.1: 788 feet & 5LR.8930.2: 296 feet) used through being placed inside new and extended existing culverts or being capped or moved		
5LR.11209	Schmer Farm	A total of 6.61 acres of the historic farm would be subject to use. This includes an approximately 1,800-foot by 124-foot strip (5.09 acres) of farmland incorporated into new elevated and at-grade ramps, which would intoduce visual elements that diminish the qualities that make the property eligible for the NRHP, and 1.52 acres for construction of new access from US 34 to the frontage road.	A total of 7.0 acres of the historic farm would be subject to use. This includes an approximately 1,800-foot by 134-foot strip (5.48 acres) of farmland incorporated into new elevated and at grade ramps, which would intoduce visual elements that diminish the qualities that make the property eligible for the NRHP, and 1.52 acres for construction of new access from US 34 to the frontage road.	A total of 5.38 acres of the historic farm would be subject to direct use. This includes an approximately 1,800-foot by 94-foot strip (3.86-acre) of farmland incorporated into new elevated and at-grade ramps, which would intoduce visual elements that diminish the qualities that make the property eligible for the NRHP, and 1.52 acres for construction of new access from US 34 to the frontage road.		
5LR.11242	Mountain View Farm	A total of 4.76 acres of the property would be subject to use by incorporation of a 65-foot by 3,200-foot strip of farmland adjacent to I-25 and SH 402 and visual elements that diminish the qualities that make the property eligible for the NRHP would be introduced.	A total of 5.28 acres of the property would be subject to use by incorporation of a 60-foot by 3,900-foot strip of farmland adjacent to I-25 and SH 402 and visual elements that diminish the qualities that make the property eligible for the NRHP would be introduced.	A total of 1.82 acres in a 45-foot by 2,800-foot-long strip of farmland would be subject to use adjacent to I-25 and SH 402 and visual elements that diminish the qualities that make the property eligible for the NRHP would be introduced.		
5WL.5203	Bein Farm	A total of 17.94 acres by incorporation of a 4,600-foot by 150-foot strip of farmland adjacent to I-25 and an 800-foot by 110-foot strip of farmland adjacent to SH 60.	A total of 20.04 acres by incorporation of a 4,600-foot by 170-foot strip of farmland adjacent to I-25 and an 800-foot by 110-foot strip of farmland adjacent to SH 60.	A total of 16.10 acres by incorporation of a 170-foot wide by 4,600-foot long strip of farmland adjacent to I-25 and a 45-foot wide by 800-foot long strip of farmland adjacent SH 60.		



Table 3 Use of Section 4(f) Historic Resources

ID	Resource	Section 4(f) Use				
Number		Package A	Package B	Preferred Alternative		
Commuter Rail						
5BL.1245	Old City Electric Building	0.85 acre and demolition of property	No Use	No Use		
5BL.1244	Colorado and Southern/BNSF Depot	0.51 acre and demolition of property	No Use	No Use		
5WL.5263	Hingley Farm	7.34 acres of property; incorporation of 2,585 feet by 125-foot strips of farmland into project and demolition of the farmhouse	No Use	7.40 acres of property incorporated into transportation infrastructure and demolition of the farmhouse		
5WL.6564	Jillson Farm	7.34 acres of property incorporated into transportation infrastructure	No Use	7.34 acres of property incorporated into transportation infrastructure		
5WL.1969, 5BF.130	Denver Pacific/ Kansas Pacific/ Union Pacific Railroad, Denver & Boulder Valley Branch	2.9-mile abandoned segment modernized for double-track commuter rail operations; demolition of 2 historic bridges	No Use	2.9-mile abandoned segment modernized for single-track commuter rail operations; demolition of 2 historic bridges		



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Louden Ditch (5LR.8930)

Description

Location: T6N/R68W, N½ Sec. 27; T6N/R69W, SW¼ Sec. 26

Type: Historic ditch
Section 106 Effect Finding: Adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Louden Ditch by Alternative

Package A
A-H2 GP Highway Improvements:
SH 14 to SH 60

Package B B-H2 Tolled Express Lanes: SH 14 to SH 60

Total 316 feet of open ditch placed inside new (90 feet) and extended existing (225 feet) culverts.

Total 357 feet of open ditch placed inside new (87 feet) and extended existing (270 feet) culverts.

Preferred Alternative I-25 Highway Improvements and Commuter Rail

Total 1,084 linear feet of ditch used between segment 5LR.8930.1 (788 feet) and segment 5LR.8930.2 (296 feet). Ditch will be placed inside new and extended existing culverts with other portions being capped or moved.

Resource Description

The ditch was originally built in 1871. The entire ditch is approximately 23.25 miles long. Two segments of the historic Louden Ditch are located in proximity of Package A and B transportation improvements. Segment 5LR.8930.1 crosses I-25 and the existing frontage road at Larimer County Road 30 (LCR 30) East. The excavated earthen ditch is approximately 20 feet wide. The portion of the ditch that crosses under I-25 and the frontage road was altered when I-25 was constructed in the 1960s and the ditch was placed inside a concrete box culvert. The documented segment (5LR.8930.1) is 3,316 feet long. Heavy riparian growth exists along the northwest banks of the ditch. The remainder of the ditch has been dredged within the project area and no vegetation is present along the ditch levee. The surrounding area includes agricultural and residential development.

Eligibility Determination

The entire Louden Ditch (5LR.8930) is eligible for listing on the NRHP under Criterion A for its important association with the development of water rights and agriculture in Larimer County. Both segments have experienced modifications near the highway and railway, but much of the ditch remains in its original alignment. Both segments (5LR.8930.1 and 5LR.8930.2) were found to retain sufficient integrity of location, setting, feeling, and use to support the eligibility of the entire linear resource.



Section 4(f) Use

Package A

Only segment 5LR.8930.1 of the Louden Ditch experiences a direct use as a result of Package A transportation improvements. This segment is presently conveyed beneath I-25 inside a box culvert measuring approximately 260 feet long. At this location, Package A involves re-alignment of the I-25 northbound and southbound lanes approximately 90 feet to the east of existing highway and widening each direction from two lanes to three lanes. The new corridor footprint would include relocating the east frontage road farther east of the current alignment. To provide adequate space for the re-aligned northbound lanes and east frontage road, an additional 225 feet of open ditch would be enclosed inside a box culvert underneath the new roadways. The new culvert would be extended from the end of the existing box culvert located on the east flank of the existing east frontage road.

LCR 30 on the west side of I-25 would be rebuilt along the same alignment, although the template would be widened slightly to the north. The west frontage road would be abandoned south of the interchange. A new road (Byrd Road) would run south from LCR 30 and is functionally intended to replace the west frontage road. At this location, the historic ditch follows a parallel course close to the south edge of existing LCR 30. A 91-foot-long segment of open ditch would be enclosed inside a new box culvert to pass beneath the new Byrd Drive connection to LCR 30.

Construction of the new culverts would likely require temporary occupancy of the historic property for equipment access and culvert installation activities. The ditch would possibly be temporarily diverted during construction, but would remain operational. Ditch waters would be protected from all sediment and physical encroachment by construction.

The direct use of 316 feet of open ditch, or less than one percent of the total ditch length, being placed into a new box culvert extension on the east side of I-25, and a short culvert beneath Byrd Drive, do not affect its historic alignment or function. The physical integrity of the channel of the ditch segment would be compromised by placing it in culverts. Although these changes affect a relatively small portion of the overall linear resource, they would result in an *adverse effect* to the entire Louden Ditch. See **Figure 8** for uses associated with Package A.

Package B

The uses of the Louden Ditch under Package B are similar to those described for Package A, although an additional 45 feet of open ditch for a total use of 270 feet on the east side of I-25 would be placed in a box culvert extension due to the wider I-25 template. There would also be a new culvert enclosing 87 feet of open ditch beneath the proposed Byrd Drive. Package B would directly use 357 feet, or less than 1 percent of open ditch, as opposed to 316 feet of open ditch under Package A.

The direct uses resulting from Package B are similar in nature but slightly greater than those resulting from Package A and would result in an *adverse effect* to the entire Louden Ditch. See **Figure 9** for uses associated with Package B.

Preferred Alternative

Under the Preferred Alternative, Segment 5LR.8930.1 of the Louden Ditch would experience a direct use similar to Packages A and B except that the portions adjacent to East LCR 30 east of Byrd Drive would also experience toe-of-slope impacts that would require capping or moving the ditch an additional 524 linear feet. Only 173 feet of open ditch would be enclosed inside the extended box culvert underneath the new northbound lanes and east frontage road, less than under the other Packages. The new culvert beneath the proposed Byrd Drive would be 91 feet for a total of 1,084 linear feet of use to this segment.

Segment 5LR.8930.2 would also experience direct uses of 296 feet to accommodate the maintenance road required to parallel the Commuter Rail line under the Preferred Alternative. See **Figure 10** and **Figure 11** for uses associated with the Preferred Alternative.



Avoidance Alternatives

Packages A, B and the Preferred Alternative

Avoidance alternatives for Louden Ditch were examined and it was determined that no feasible and prudent avoidance alternatives existed for the following reasons.

Avoiding use of Louden Ditch at the Byrd Road intersection with East LCR 30 would require raising the grade of the intersection by several feet in order to bridge the ditch at this location. The grade of the roads to accommodate this solution would be raised several feet creating an elongated impact to the existing and planned roadways. This would result in additional physical and noise intrusion at 14 to 25 residence locations north of Byrd Road, which is an identified community of Environmental Justice concern. Therefore this is not a feasible and prudent avoidance alternative because it results in severe disproportionately high and adverse impacts to minority populations.

Avoidance of Louden Ditch where it passes under I-25 is not possible because the ditch currently flows underneath and perpendicular to I-25 inside a concrete culvert structure. This pre-existing condition precludes avoidance of the resource because any change from the existing conditions would not represent a satisfactory change in historic setting or integrity.

All Possible Planning To Minimize Harm

Packages A, B and Preferred Alternative

The proposed design includes a retaining wall along the east edge of the frontage road that was intended to limit impacts to a wetland area; this retaining wall also minimizes the length of ditch subject to direct uses. No other minimization, mitigation, or enhancement measures were possible. Although the Preferred Alternative involves a greater expansion of highway infrastructure in this area, additional use of that segment of the ditch were avoided through a design alteration that involved widening the highway into the median as opposed to outward from the existing highway.

Mitigation Measures for Louden Ditch

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Operation of irrigation ditch maintained during construction.
- Appropriate erosion and sediment control Best Management Practices (BMPs) employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



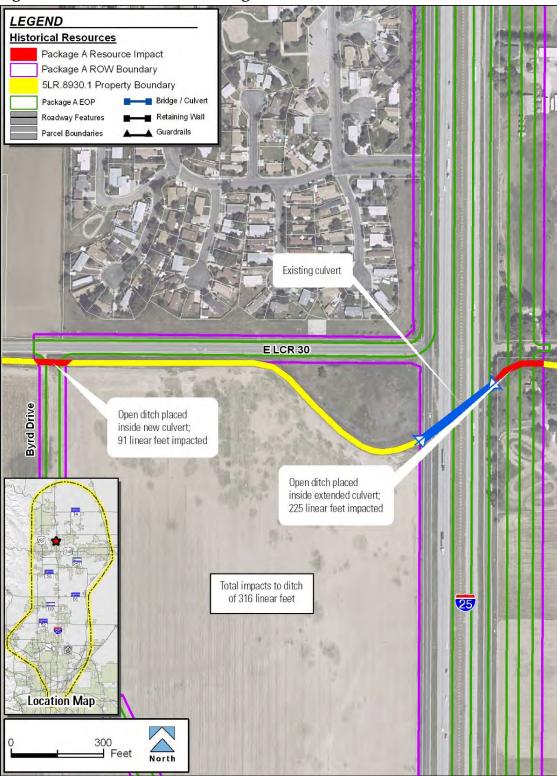


Figure 8 Louden Ditch Package A Use



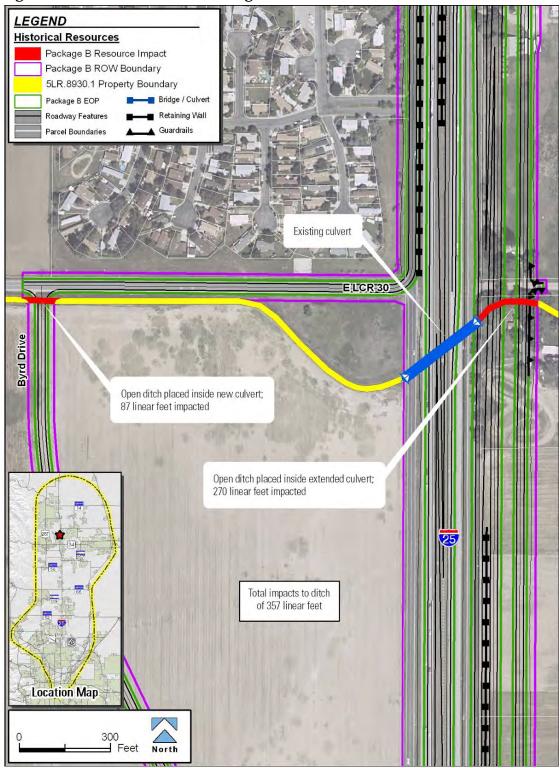


Figure 9 Louden Ditch Package B Use



LEGEND Historical Resources Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5LR.8930.1 Resource Boundary Retaining Wall E LCR 30 **Byrd Drive** Additional 524 Linear Feet Impacted Open ditch placed Open ditch placed inside extended culvert, inside new culvert; 91 Linear Feet Impacted 173 linear feet impacted Total impacts to ditch of 788 linear feet 1 Location Map 300 ∃ Feet Note: EOP = Edge of Pavement

Figure 10 Louden Ditch Preferred Alternative Use



LEGEND Historical Resources Preferred Alternative Resource Impact Preferred Alternative Comm Rail **ROW Boundary** 5LR.8930.2 Resource Boundary Preferred Alternative Comm Rail Footprint Commuter Rail Design Parcel Boundaries Bridge / Culvert Maintenance road centerline; 296 Linear Feet Impacted Location Map 200 Feet

Figure 11 Louden Ditch Preferred Alternative Use

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Schmer Farm (5LR.11209)

Description

Location: 5464 E. US 34

Type: Historic farm

Section 106 Effect Finding: Adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criteria A and C

Use of Schmer Farm by Package

Package A A-H2 GP Highway Improvements: SH 14 to SH 60

A total of 6.61 acres of the historic farm would be subject to use. This includes an approximately 1,800-foot by 124-foot strip (5.09 acres) of farmland incorporated into new elevated and at-grade ramps, which would intoduce visual elements that diminish the qualities that make the property eligible for the NRHP, and 1.52 acres for construction of new access from US 34 to the frontage road.

Package B B-H2 Tolled Express Lanes: SH 14 to SH 60

A total of 7.0 acres of the historic farm would be subject to use. This includes an approximately 1,800-foot by 134-foot strip (5.48 acres) of farmland incorporated into new elevated and at grade ramps, which would intoduce visual elements that diminish the qualities that make the property eligible for the NRHP, and 1.52 acres for construction of new access from US 34 to the frontage road.

Preferred Alternative I-25 Highway Improvements

A total of 5.38 acres of the historic farm would be subject to direct use. This includes an approximately 1,800-foot by 94-foot strip (3.86-acre) of farmland incorporated into new elevated and at-grade ramps, which would intoduce visual elements that diminish the qualities that make the property eligible for the NRHP, and 1.52 acres for construction of new access from US 34 to the frontage road.

Resource Description

The Schmer Farm is located at 5464 East US 34 and dates to the early 1900s. The property is a fairly complete example of a Larimer County farm from the turn of the century. The 124-acre farm is operational and includes a well-preserved farmhouse, barn, and outbuildings. The Schmer Farm has the most intact complex of farm buildings of the farms evaluated for this project. The Schmer Farm has six outbuildings that date to the 1940s and seven buildings that date from 1905 to 1920. The other farms evaluated for this project have only a few of the outbuildings that were originally on the property. However, there are two modern sheds on the Schmer Farm and part of the farm was sold for commercial development decades ago.



Eligibility Determination

This historic farm is NRHP-eligible under Criterion A because of its association with early agriculture around the Loveland area, including sugar beet cultivation. It is also NRHP-eligible under Criterion C for containing excellent examples of agricultural architecture.

Section 4(f) Use

Package A

This historic farm would be used by proposed improvements to the I-25/US 34 interchange associated with Package A. Use of the site would occur in two locations, along the eastern boundary of the site and in a small area on the northern edge of the property. Uses would result from the construction of new interchange ramps, including long curving, elevated ramps from westbound US 34 to southbound I-25, and a new southbound on-ramp from eastbound US 34 on the southwest quadrant of the interchange, replacing the existing loop ramp.

Land acquired from the farm would be necessary to provide a foundation for support piers for the new elevated flyover ramps between US 34 and I-25. Additionally, land would be needed from the farm to allow construction of fill slopes used to support the widened highway lanes and near-grade ramps located just west of the existing southbound on-ramp. Farmland acquisition related to construction of these new ramps would use as many as 5.09 acres of land in an 1,800-foot by 124-foot strip along the east edge of the property. Another small area of direct use would occur west of the farmhouse, where a new access would be constructed from US 34 to the frontage road leading to the Schmer farmhouse, gas station, and hotel on the southwest corner of the interchange. Approximately 1.52 acres of farmland would be used in this location. A total of 6.61 acres of open farmland would be subject to direct use under Package A. No direct impacts to the historic farm building complex along US 34 would occur under Package A. See **Figure 12** for uses associated with Package A.

Indirect effects include the on-ramp, which would bring westbound US 34 traffic directly to southbound I-25 and would be elevated 30 feet higher than the existing highway feature in the area introducing an additional transportation element into the visual setting of the Schmer Farm. Transportation features have been part of the rural atmosphere and setting of the Schmer Farm since the 1960s, when I-25 and US 34 were completed.

The location, design, materials and workmanship of the farm would remain the same. The mountains to the west of the farm continue to be a key element of its historic setting. The setting of the land to the north of the Schmer farm has changed significantly. What was once all agricultural land has been developed over the last decades into commercial development with the Loveland Outlet Stores and other retail businesses directly north of the Schmer Farm and the large Promenade Shops at Centerra to the northeast of the farm. The highways on both the north and east have been there for over forty years and were a part of the setting when the property was determined eligible for the NRHP. The feeling would remain one of an active farm established in the early part of the 20th century.

The Schmer Farm was determined significant under the National Register criteria A and C. Significance under criterion C relates to the farms excellent examples of agricultural architecture. Design of Package A has included measures that result in the complete avoidance of all the architectural character-defining features associated with the property and no direct impacts to the historic farm building complex will occur.

The Schmer Farm's significance under criterion A relates to its association with 20th century Loveland area farming, including its history of sugar beet growing, which means the agricultural fields retain integrity and are considered character-defining features of the property. An adverse effect happens when a "change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance" and when there is an "(i)ntroduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features." Package A would use 6.61 acres of character-defining agricultural land and also construct an elevated roadway within the historic boundary of the property. FHWA and CDOT have determined that the loss of farmland and construction of the elevated roadway as proposed under Package A would diminish the quality of the



character-defining agricultural land and therefore would result in an *adverse effect and a Section 4(f)* use of the Schmer Farm.

Package B

Use resulting from Package B transportation improvements are similar in nature to those expected under Package A, although slightly more acreage would be acquired under Package B than in Package A because of the additional managed lanes on I-25, creating a slightly wider highway footprint.

This historic farm would be used by proposed improvements to the I-25/US 34 interchange associated with Package B. Use of the site would occur in two locations, along the eastern boundary of the site and in a small area on the northern edge of the property. Uses would result from the construction of new interchange ramps, including long curving, elevated ramps from westbound US 34 to southbound I-25, and a new southbound on-ramp from eastbound US 34 on the southwest quadrant of the interchange, replacing the existing loop ramp.

Land acquired from the farm would be necessary to provide a foundation for support piers for the new elevated flyover ramps between US 34 and I-25. Additionally, land would be needed from the farm to allow construction of fill slopes used to support the widened highway lanes and near-grade ramps located just west of the existing southbound on-ramp. Farmland acquisition related to construction of these new ramps would use as many as 5.48 acres of land in an 1,800-foot by 134-foot strip along the east edge of the property. Another small area of direct use would occur west of the farmhouse, where a new access would be constructed from US 34 to the frontage road leading to the Schmer farmhouse, gas station, and hotel on the southwest corner of the interchange. Approximately 1.52 acres of farmland would be used in this location. A total of 7.0 acres of open farmland would be subject to direct use under Package B. No use of the historic farm building complex along US 34 would occur under Package B. See **Figure 13** for uses associated with Package B.

Indirect effects include the on-ramp, which would bring westbound US 34 traffic directly to southbound I-25 and would be elevated 30 feet higher than the existing highway feature in the area introducing an additional transportation element into the visual setting of the Schmer Farm. Transportation features have been part of the rural atmosphere and setting of the Schmer Farm since the 1960s, when I-25 and US 34 were completed.

The location, design, materials and workmanship of the farm would remain the same. The mountains to the west of the farm continue to be a key element of its historic setting. The setting of the land to the north of the Schmer farm has changed significantly. What was once all agricultural land has been developed over the last decades into commercial development with the Loveland Outlet Stores and other retail businesses directly north of the Schmer Farm and the large Promenade Shops at Centerra to the northeast of the farm. The highways on both the north and east have been there for over forty years and were a part of the setting when the property was determined eligible for the NRHP. The feeling would remain one of an active farm established in the early part of the 20th century.

The Schmer Farm was determined significant under the National Register criteria A and C. Significance under criterion C relates to the farms excellent examples of agricultural architecture. Design of Package B has included measures that result in the complete avoidance of all the architectural character-defining features associated with the property and no direct impacts to the historic farm building complex will occur.

The Schmer Farm's significance under criterion A relates to itsassociation with 20th century Loveland area farming, including its history of sugar beet growing, which means the agricultural fields retain integrity and are considered character-defining features of the property. An adverse effect happens when a "change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance" and when there is an "(i)ntroduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features." Package B would use 7.0 acres of character-defining agricultural land and also construct an elevated roadway within the historic boundary of the property. FHWA and CDOT have determined that the loss of farmland and construction of the elevated roadway as proposed under Package B would diminish the quality of the character-defining agricultural



land and therefore would result in an adverse effect and a Section 4(f) use ofthe Schmer Farm.

Preferred Alternative

Use resulting from Preferred Alternative transportation improvements are similar in nature to those expected under Packages A and B although slightly less acreage would be acquired under the Preferred Alternative than under Packages A and B because of the removal of the center median of I-25 under the Preferred Alternative.

This historic farm would be used by proposed improvements to the I-25/US 34 interchange associated with the Preferred Alternative. Use of the site would occur in two locations, along the eastern boundary of the site and in a small area on the northern edge of the property. Uses would result from the construction of new interchange ramps, including long curving, elevated ramps from westbound US 34 to southbound I-25, and a new southbound on-ramp from eastbound US 34 on the southwest quadrant of the interchange, replacing the existing loop ramp.

Land acquired from the farm would be necessary to provide a foundation for support piers for the new elevated flyover ramps between US 34 and I-25. Additionally, land would be needed from the farm to allow construction of fill slopes used to support the widened highway lanes and near-grade ramps, located just west of the existing southbound on-ramp. Farmland acquisition related to construction of these new ramps would use as many as 3.86 acres of land in an 1,800-foot by 94-foot strip along the east edge of the property. Another small area of direct use would occur west of the farmhouse, where a new access would be constructed from US 34 to the frontage road leading to the Schmer farmhouse, gas station, and hotel on the southwest corner of the interchange. Approximately 1.52 acres of farmland would be used in this location. A total of 5.38 acres of open farmland would be subject to use under the Preferred Alternative. No use of the historic farm building complex along US 34 would occur under the Preferred Alternative (see Figure 14).

Indirect effects include the on-ramp, which would bring westbound US 34 traffic directly to southbound I-25 and would be elevated 30 feet higher than the existing highway feature in the area introducing an additional transportation element into the visual setting of the Schmer Farm. Transportation features have been part of the rural atmosphere and setting of the Schmer Farm since the 1960s, when I-25 and US 34 were completed.

The location, design, materials and workmanship of the farm would remain the same. The mountains to the west of the farm continue to be a key element of its historic setting. The setting of the land to the north of the Schmer farm has changed significantly. What was once all agricultural land has been developed over the last decades into commercial development with the Loveland Outlet Stores and other retail businesses directly north of the Schmer Farm and the large Promenade Shops at Centerra to the northeast of the farm. The highways on both the north and east have been there for over forty years and were a part of the setting when the property was determined eligible for the NRHP. The feeling would remain one of an active farm established in the early part of the 20th century.

The Schmer Farm was determined significant under the National Register criteria A and C. Significance under criterion C relates to the farms excellent examples of agricultural architecture. Design of the Preferred Alternative has included measures that result in the complete avoidance of all the architectural character-defining features associated with the property and no direct impacts to the historic farm building complex will occur.

The Schmer Farm's significance under criterion A relates to itsassociation with 20th century Loveland area farming, including its history of sugar beet growing, which means the agricultural fields retain integrity and are considered character-defining features of the property. An adverse effect happens when a "change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance" and when there is an "(i)ntroduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features." The Preferred Alternative would use 5.38 acres of character-defining agricultural land and also construct an elevated roadway within the historic boundary of the property. FHWA and CDOT have determined that the loss of farmland and construction of the elevated roadway as proposed under the Preferred Alternative would diminish the



quality of the character-defining agricultural land and therefore would result in an *adverse effect* and a Section 4(f) use of the Schmer Farm.

Avoidance Alternatives

Packages A, B and the Preferred Alternative

Avoidance alternatives for Schmer Farm were examined and it was determined that no feasible and prudent avoidance alternatives existed for the following reasons.

The I-25 design has already been minimized to limit the impacts along the eastern edge of the Schmer Farm through the use of 1,570 linear feet of retaining wall and 600 linear feet of bridge structures. extending along the entire eastern edge of the Schmer Farm. Without the retaining walls and bridge structures, the use of the farm would have been greater because the retaining walls and bridge structures eliminate the need for fill slopes extending away from the elevated roadway to the existing ground surface within the farm. In order to completely avoid impacts along the east edge of the Schmer farm, the entire alignment of I-25, including the ramps, would need to shift 145 feet to the east. This would result in the acquisition of additional property from the Hatch farm, an NRHP eligible Section 4(f) property located on the east side of I-25 across from the Schmer farm. The Hatch farm is eligible to the NRHP under criterion C because of the architecture of the barn. Under the current design of all alternatives, a small amount of land is being acquired from the Hatch property; however, the historic barn would not be impacted. As a result, all alternatives would have a de minimis use of the Hatch farm. The additional property that would be required to shift the alignment and avoid the Schmer farm entirely would result in the need to demolish the Hatch barn. This would be an adverse effect to the historic property, a Section 4(f) use, and result in the loss of eligibility of the Hatch property in contrast to a strip take to the Schmer farm, which will be able to maintain its eligibility.

The US 34 design has already been minimized to limit the impacts along the northern edge of the Schmer Farm through the use of two retaining walls totaling 1,990 linear feet along US 34, and by locating a required water quality pond on the north side of US 34 outside of Schmer Farm. Without the retaining walls, the use of the farm would have been greater because the retaining walls eliminate the need for fill slopes extending away from the elevated roadway to the existing ground surface within the farm. In order to completely avoid impacts along the north edge of the Schmer farm, the entire alignment of US 34, including the interchange and flyover ramps, would need to shift 125' to the north. This would result in the full acquisition of the Loveland Chamber of Commerce and Business Center and eight businesses (seven restaurants and one bank) fronting US 34 at a cost of over thirteen million dollars for acquisitions. These businesses that would be displaced employ a total of approximately 250 people and pay annual property taxes of over \$400,000. In addition, these businesses generate sales tax revenue. These businesses are located along US 34 in order to take advantage of the traffic exiting I-25 at this location and no other available sites exist that could provide a similar advantage. In addition, the shift to the north would remove an existing water detention pond, which provides detention for the water flowing from parking lots located north of US 34 associated with the Promenade Shops at Centerra and increase wetland impacts.

Also located north of the US 34 are two additional Section 4(f) resources, the McWhinney Hahn Sculpture Garden and the historic Farmers Ditch. McWhinney Hahn Sculpture Garden would be fully acquired resulting in a Section 4(f) use for the property under all alternatives whether US 34 is shifted to the north or not. Currently impacts to the Farmers Ditch have been determined to have *no adverse effect* as a result of the proposed alternatives and has been determined to be a *de minimis* use under Section 4(f). If US 34 is shifted north to avoid impacts to the Schmer farm additional impacts to the Farmers ditch would occur potentially resulting in an adverse effect determination for the property.

In summary, no true avoidance alternative exists for the Schmer farm because all options still result in uses of other Section 4(f) resources. Additionally, these potential options to avoid Schmer Farm result in social impacts from the loss of the Chamber of Commerce offices, economic impacts from the loss of the businesses on the north side of US 34 that employ a total of approximately 250 people and generate local property and sales tax revenues, historic resource impacts to the Hatch farm and the Farmer's Ditch, potential water quality impacts from the loss of the detention pond, increased wetland impacts, and



increased property acquisition costs in excess of \$13 million. Because of these reasons, avoidance of the Schmer farm through the actions described above was determined to not be a feasible and prudent avoidance alternative because it would not entirely avoid all Section 4(f) resources and it would result in impacts to multiple other resources that cumulatively would cause impacts of an extraordinary magnitude.

All Possible Planning to Minimize Harm

Packages A, B, and Preferred Alternative

Alternatives to the directional interchange mainline ramps and alignment changes as measures to minimize harm have been evaluated. Traffic analysis indicated that there was some flexibility in phasing the directional ramp improvements to address the movements that are critical to maintaining the operational capacity of the diamond interchange at I-25/US 34. The eastbound-to-northbound flyover ramp would likely have required the removal of the Schmer Farm buildings on the south side of US 34. The original design also involved an on-ramp to southbound I-25 departing from the elevated US 34 flyover that would have caused direct use of the east edge of the Schmer Farm. It was confirmed that the eastbound-to-northbound directional ramp could be eliminated and an adequate level-of-service for 2035 traffic volumes could still be provided. As such, this modified design is serving as a measure to minimize harm for this property.

Mitigation Measures for Schmer Farm

- Property acquisition will be completed under the Uniform Relocation Act.
- Work with SHPO during final design to formulate acceptable aesthetic treatment of highway ramps and flyways (facades, pier treatments, elevation changes, landscaping, etc.).
- Maintain operation of farm during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND **Historical Resources** Package A Resource Impact Package A ROW Boundary 5LR.11209 Property Boundary Bridge Guardrails Package A EOP Retaining Wall Roadway Features Guardrails Parcel Boundaries Area = 66,347 Sq. Ft Acres = 1.52Area = 221,661 Sq. Ft Acres = 5.09Indirect effect to farm setting caused by elevated ramp structures. Ramps would be at least 30 feet higher than existing roadways. Location Map E LCR 20E 400 **∃** Feet EOP = Edge of Pavement

Figure 12 Schmer Farm Package A Use

Note:



LEGEND Historical Resources Package B Resource Impact Package B ROW Boundary 5LR.11209 Property Boundary Package B EOP Bridge Guardrails Roadway Features Retaining Wall Parcel Boundaries Guardrails Area = 66,302 Sq. Ft Acres = 1.52Area = 238,569 Sq. Ft Acres = 5.48Indirect effect to farm setting caused by elevated ramp structures. Ramps would be at least 30 feet higher than existing roadways. Location Map E LCR 20E 400 **Ⅎ** Feet

Figure 13 Schmer Farm Package B Use



LEGEND **Historical Resources** Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5LR.11209 Property Boundary Guardrails Parcel Boundaries 34 Area = 66,312 Sq. Ft Acres = 1.52 Area = 168,203 Sq. Ft Acres = 3.86Indirect effect to farm setting caused by elevated ramp structures. Ramps would be at least 30 feet higher than existing roadways. Location Map E LCR 20E 400 ∃ Feet

Figure 14 Schmer Farm Preferred Alternative Use

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Mountain View Farm (5LR.11242)

Description

Location: 5531 E. SH 402, Loveland

Type: Historic farm
Section 106 Effect Finding: Adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A and C

Use of Mountain View Farm by Package

Package A A-H2 GP Improvements: SH 14 to SH 60

A total of 4.76 acres of the property would be subject to use by incorporation of a 65-foot by 3,200-foot strip of farmland adjacent to I-25 and SH 402 and visual elements that diminish the qualities that make the property eligible for the NRHP would be introduced.

Package B B-H2 Tolled Express Lanes: SH 14 to SH 60

A total of 5.28 acres of the property would be subject to use by incorporation of a 60-foot by 3,900-foot strip of farmland adjacent to I-25 and SH 402 and visual elements that diminish the qualities that make the property eligible for the NRHP would be introduced.

Preferred Alternative I-25 Highway Improvements

A total of 1.82 acres in a 45-foot by 2,800-foot-long strip of farmland would be subject to use adjacent to I-25 and SH 402 and visual elements that diminish the qualities that make the property eligible for the NRHP would be introduced.

Resource Description

The Mountain View Farm is located at 5531 SH 402, just west of the I-25 and SH 402 interchange. The original farm located in this area (160 acres in SW ¼ of Section 22) was patented in June 1895 by William A. Bean under the Timber Culture Act. Land is patented when the U.S. Government conveys the first ownership title to a piece of land to a citizen who applies for it. There are five historic buildings on the site, six modern buildings and nine modern features. The historic buildings include the farmhouse, a milking parlor built in the 1950s, a calving shed, a feedlot shed and another shed all dating to the 1930s. The total acreage of the farm is 136.22 acres.

Eligibility Determination

This historic farm is significant for its association with early agriculture in Larimer County, including sugar beet cultivation. The farmhouse and associated farm buildings retain good integrity, and are significant examples of agricultural architecture. For these reasons, the Mountain View Farm is eligible for the NRHP under Criteria A and C.



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Section 4(f) Use

Package A

This historic farm would experience a direct use associated with proposed improvement of the I-25/SH 402 interchange. Package A would realign the I-25 southbound off-ramp west of the existing off-ramp, and would require the acquisition of a 60- to 100-foot-wide strip of cultivated farmland at the east edge of the historic farm property to accommodate the proposed new off-ramp from southbound I-25 to SH 402.

Another direct use would occur near the farmhouse as a result of widening along the north edge of SH 402 to add turn and through lanes at the off-ramp. The new width of roadway along SH 402 would convert a maximum of 100 feet of farm property at the intersection with the southbound off-ramp, tapering to a 20-foot wide strip of new transportation right-of-way near the driveway to the farmhouse. The highway overpass and ramp intersections would be approximately 22 feet above the highway at the bridge similar to the existing interchange configuration. Package A design also necessitates extending the slope from the elevated overpass and ramp intersections westward to the existing grade of SH 402 much closer to the historic farm house than is the case with the existing interchange configuration. No historic buildings would experience a direct use from these transportation improvements.

A temporary construction easement may be required along the western edge of the property to allow for haul roads, construction access, and/or staging areas to facilitate roadway widening and slope construction. No permanent use would be anticipated from this temporary construction occupancy of the farmland property.

A total use of 4.76 acres of land would result due to open farmland being converted to paved roadway and fill slopes within the historic farm boundary. The presence of the existing I-25 highway ramps and interchange already introduce modern elements into this agricultural setting. However, the larger fill slopes and ramps would be moved closer to the eastern edge of the farm. These slopes and ramps would be slightly taller than the existing slopes, ramps, and overpass, which results in the introduction of visual elements that were less obvious in the existing conditions. Another change would be construction of a proposed new park and ride parking lot on the south side of SH 402 near the farm.

Traffic noise levels at the farmhouse in 2035 with Package A improvements in place were calculated to be the same as existing conditions and three decibels lower than No-Action (2035). This is because the new I-25 interchange ramps would partially block noise from I-25 to the farmhouse, so overall; Package A would provide a traffic noise benefit. Away from the farmhouse on farm property, there would not be a difference between No-Action and Package A traffic noise levels.

A temporary construction easement may be required along the eastern edge of the property to allow haul roads, construction access, and/or staging areas to facilitate roadway widening and slope building. No permanent impacts would be anticipated from this temporary construction activity on the farmland property, and no farm structures would be affected. Construction-related noise generated by construction equipment and trucks would be temporary in nature.

The use associated with Package A would occur along the eastern edge of the farm adjacent to I-25 where the original integrity of the farm was compromised with the highway's intrusion on the visual landscape some 40 years ago. The farm buildings would not be directly affected, agricultural production would continue and the farm would continue to convey significance in terms of the lands' association with early agricultural development in Larimer County. The land in the far southeast corner of the property is being used as a cattle feed lot and pasture. To the north of the pasture, the land is being used to produce grain. Air photos from previous years show that parts of the land on this farm have been irrigated with center pivot irrigation. A concrete-lined irrigation ditch lateral is located along the east side of the property in the take strip. The land that would be taken along the southern property boundary has recently been cropped with grains.

The location, design, materials and workmanship of the farm would remain the same. The mountains



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to the west of the farm continue to be a key element of its historic setting. The interstate highway on the east has been there for over forty years and was a part of the setting when the property was determined eligible for the NRHP. The feeling would remain one of an active farm. The association is still strong as it is clear that this is still an active farm. The Mountain View Farm was determined eligible under Criterion A for its association with 20th century Larimer County farming. That association would not change as a result of implementation of Package A.

Through consultation with the SHPO, FHWA and CDOT have determined that the transportation improvements associated with Package A would result in an *adverse effect* and Section 4(f) use to this farm. This is due to change of the character and physical use of the character-defining feature of the agricultural fields to transportation use, as well as the introduction of visual elements that diminish the qualities that make the property eligible for the NRHP, but not so much that the property would lose its eligibility to the NRHP. See **Figure 15** for uses associated with Package A.

Package B

Anticipated direct use of the property under Package B is similar in character and extent to that expected from Package A improvements. A slightly larger portion of the farm would be incorporated into the project as a result of the realignment of the I-25 southbound off-ramp, and would require the acquisition of a 60-foot- by 3,900-foot-long strip of farmland adjacent to I-25 and SH 402. The additional impact over Package A results from the wider footprint required to accommodate the managed express lanes.

Another direct use would occur near the farmhouse as a result of widening along the north edge of SH 402 to add turn and through lanes at the off-ramp. The new width of roadway along SH 402 would convert a maximum of 100 feet of farm property at the intersection with the southbound off-ramp, tapering off near the driveway to the farmhouse. The highway overpass and ramp intersections would be approximately 22 feet above the highway at the bridge similar to the existing interchange configuration. However, Package B design necessitates extending the slope from the elevated overpass and ramp intersections westward to the existing grade of SH 402 closer to the historic farm house than is the case with the existing interchange configuration.

A total area of 5.28 acres of land would be used from open farmland and converted to paved roadway and fill slopes within the historic farm boundary. No historic buildings would be directly impacted by these transportation improvements. The presence of the existing I-25 highway ramps and interchange already introduce modern elements into this agricultural setting. However, the larger fill slopes and ramps would be moved closer to the eastern edge of the farm. They would be slightly taller than the existing slopes, ramps, and overpass, which results in the introduction of visual elements that were less obvious in the existing conditions. Another change would be construction of a proposed new park and ride parking lot on the south side of SH 402 near the farm.

Traffic noise levels at the farmhouse in 2035 with the Package B improvements in place were calculated to be the same as existing conditions and three decibels lower than No-Action (2035). This is because the new I-25 interchange ramps would partially block noise from I-25 to the farmhouse, so overall, Package B would provide a traffic noise benefit. Away from the farmhouse on farm property, there would not be a difference between No-Action and Package B traffic noise levels.

A temporary construction easement may be required along the eastern edge of the property to allow haul roads, construction access, and/or staging areas to facilitate roadway widening and slope building. No permanent impacts would be anticipated from this temporary construction activity on the farmland property, and no farm structures would be affected. Construction-related noise generated by construction equipment and trucks would be temporary in nature.

The use associated with Package B would occur along the eastern edge of the farm adjacent to I-25 where the original integrity of the farm was compromised with the highway's intrusion on the visual landscape some 40 years ago. The farm buildings would not be directly affected, agricultural production would continue and the farm would continue to convey significance in terms of the lands' association with early agricultural development in Larimer County. The land in the far southeast corner



of the property is being used as a cattle feed lot and pasture. To the north of the pasture, the land is being used to produce grain. Air photos from previous years show that parts of the land on this farm have been irrigated with center pivot irrigation. A concrete-lined irrigation ditch lateral is located along the east side of the property in the take strip. The land that would be taken along the southern property

The location, design, materials and workmanship of the farm would remain the same. The mountains to the west of the farm continue to be a key element of its historic setting. The interstate highway on the east has been there for over forty years and was a part of the setting when the property was determined eligible for the NRHP. The feeling would remain one of an active farm. The association is still strong as it is clear that this is still an active farm. The Mountain View Farm was determined eligible under Criterion A for its association with 20th century Larimer County farming. That association would not change as a result of implementation of Package B.

Through consultation with the SHPO, FHWA and CDOT have determined that the transportation improvements associated with Package B would result in an *adverse effect* and Section 4(f) use to this farm. This is due to change of the character and physical use of the character-defining feature of the agricultural fields to transportation use, as well as the introduction of visual elements that diminish the qualities that make the property eligible for the NRHP, but not so much that the property would lose its eligibility to the NRHP. See **Figure 16** for uses associated with Package B.

Preferred Alternative

boundary has recently been cropped with grains.

Anticipated direct use of the property under the Preferred Alternative is similar in character and extent to that expected from Package A and B improvements. A smaller portion of the farm would be incorporated into the project as a result of the realignment of the I-25 southbound off-ramp, and would require the acquisition of a 45-foot wide by 2,800-foot long strip of cultivated farmland at the east edge of the historic farm property to accommodate the proposed new off-ramp from southbound I-25 to SH 402.

Another direct use would occur near the farmhouse as a result of widening along the north edge of SH 402 to add turn and through lanes at the off-ramp. The new width of roadway along SH 402 would convert a maximum of 100 feet of farm property at the intersection with the southbound off-ramp, tapering off near the driveway to the farmhouse. The highway overpass and ramp intersections would be approximately 22 feet above the highway at the bridge similar to the existing interchange configuration. However, the Preferred Alternative design necessitates extending the slope from the elevated overpass and ramp intersections westward to the existing grade of SH 402 closer to the historic farm house than is the case with the existing interchange configuration.

A total area of 1.82 acres of land would be used from open farmland and converted to paved roadway and fill slopes within the historic farm boundary. No historic buildings would be used by these transportation improvements (see **Figure 17**). The presence of the existing I-25 highway ramps and interchange already introduce modern elements into this agricultural setting. However, the larger fill slopes and ramps would be moved closer to the eastern edge of the farm. They would be slightly taller than the existing slopes, ramps, and overpass, which results in the introduction of visual elements that were less obvious in the existing conditions. Another change would be construction of a proposed new park and ride parking lot on the south side of SH 402 near the farm.

Traffic noise levels at the farmhouse in 2035 with the Preferred Alternative in place were calculated to be the same as existing conditions and three decibels lower than No-Action (2035). This is because the new I-25 interchange ramps would partially block noise from I-25 to the farmhouse, so overall; the Preferred Alternative would provide a traffic noise benefit. Away from the farmhouse on farm property, there would not be a difference between No-Action and Preferred Alternative traffic noise levels.

A temporary construction easement may be required along the eastern edge of the property for to allow haul roads, construction access, and/or staging areas to facilitate roadway widening and slope building. No permanent impacts would be anticipated from this temporary construction activity on the farmland property, and no farm structures would be affected. Construction-related noise generated by



construction equipment and trucks would be temporary in nature.

The use associated with the Preferred Alternative would occur along the eastern edge of the farm adjacent to I-25 where the original integrity of the farm was compromised with the highway's intrusion on the visual landscape some 40 years ago. The farm buildings would not be directly affected, agricultural production would continue and the farm would continue to convey significance in terms of the lands' association with early agricultural development in Larimer County. The land in the far southeast corner of the property is being used as a cattle feed lot and pasture. To the north of the pasture, the land is being used to produce grain. Air photos from previous years show that parts of the land on this farm have been irrigated with center pivot irrigation. A concrete-lined irrigation ditch lateral is located along the east side of the property in the take strip. The land that would be taken along the southern property boundary has recently been cropped with grains.

The location, design, materials and workmanship of the farm would remain the same. The mountains to the west of the farm continue to be a key element of its historic setting. The interstate highway on the east has been there for over forty years and was a part of the setting when the property was determined eligible for the NRHP. The feeling would remain one of an active farm. The association is still strong as it is clear that this is still an active farm. The Mountain View Farm was determined eligible under Criterion A for its association with 20th century Larimer County farming. That association would not change as a result of implementation of the Preferred Alternative.

Through consultation with the SHPO, FHWA and CDOT have determined that the transportation improvements associated with the Preferred Alternative would result in an *adverse effect* and Section 4(f) use to this farm. This is due to change of the character and physical use of the character-defining feature of the agricultural fields to transportation use, as well as the introduction of visual elements that diminish the qualities that make the property eligible for the NRHP.

Avoidance Alternatives

Packages A, B, and Preferred Alternative

Avoidance alternatives for Mountain View Farm were examined and it was determined that no feasible and prudent avoidance alternatives existed for the following reasons.

Use of the Mountain View farm occurs along the eastern boundary of the farm property adjacent to I-25 and along the southern boundary of the farm property along SH 402. To completely avoid this use, it would be necessary to realign segments of both I-25 and SH 402. To completely avoid impacts to the east edge of Mountain View Farm, the southbound I-25 mainline and off-ramp at SH 402 would have to be horizontally realigned and a 2,250-foot-long retaining wall would have to be added. To completely avoid impacts to the south edge of the farm, a one-mile segment of SH 402 would have to be realigned approximately 18 feet to the south. The realignment of I-25 and SH 402 would result in safety concerns, and other impacts as described in the following paragraphs.

Realignment of the southbound I-25 mainline and off-ramp to SH 402 would result in safety concerns because the realigned off-ramp would closely parallel the I-25 mainline, which is counter to driver expectations for an off-ramp to diverge from the mainline. The typical divergence of the off-ramp from the mainline reinforces to the driver the need to slow down quickly from mainline speed as they approach the intersection of the ramp and intersecting roadway (SH 402 in this case). Violations of highway expectancies can often lead to driver error which is exacerbated in higher speed situations such as those found on interstate highways. In this case, the deviation from driver expectations caused by a more parallel alignment of the off-ramp and the mainline may cause some drivers to slow insufficiently from highway speed as they travel along the off-ramp. This could lead to rear end collisions with vehicles stopped at the ramp intersection, or, if the driver on the ramp fails to slow sufficiently to be able to stop, to t-bone collisions with vehicles traveling along SH 402 through the intersection.

Realignment of SH 402 would result in safety concerns because it would require SH 402 to curve to the south immediately west of the ramp intersection on the east side of I-25, and at the eastbound



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approach to the ramp intersection on the west side of I-25. The curve at this location would be contrary to driver expectancy which may result in confusion and therefore a safety issue for some drivers. The safety concerns would occur because the curve in SH 402 would be at a location where drivers would normally be looking ahead to identify the preferred ramp access location for accessing I-25. At the curve, the lane of the driver would align with the opposing traffic lane, creating the possibility for headon accidents at this location because some drivers simultaneously negotiating the curve and looking ahead to identify the desired I-25 entrance ramp may stray from their lane into the oncoming traffic.

In addition to the safety concerns, realignment of the I-25 mainline and off-ramp and realignment of SH 402 will impact existing drainage facilities and utilities, requiring modification of these facilities and resulting in higher cost. These costs combined with increased transportation facility and structure cost (including \$1.5 million for the retaining wall and in excess of \$0.5 million in mainline realignment cost) would increase project costs by more than \$2 million.

In summary, the realignment of both the I-25 mainline/off-ramp and SH 402 that would be needed to avoid Mountain View Farm would result in several exacerbated safety issues related to driver expectancy and potential for increases in head on, rear-end and t-bone accidents, and additional transportation facility and structure costs in excess of \$2 million. Therefore, it has been determined that there is no feasible and prudent avoidance alternative to the use of Mountain View farm because, as described above, this would result in unacceptable safety problems.

All Possible Planning to Minimize Harm

<u>Packages A, B, and Preferred Alternative</u>
The farm flanks the existing southbound lanes and off-ramp of I-25 at the junction of SH 402. The increased number of highway lanes included in Packages A and B would require widening of the I-25 footprint and a corresponding expansion westward of the I-25 off-ramp onto SH 402. This would result in an intrusion onto pasture and farmland along much of the I-25 frontage. The overall footprint of this new highway configuration has incorporated a narrow center median to minimize the impact to the farmland. The ramp configuration is the most compact alignment and roadway width to meet safety and design standards for planned highway speeds.

Impacts caused by expansion of SH 402 would result from wider toe slopes at the interchange and overpass. Because of the overpass height, the toe slopes would have a longer reach into the farm property. Retaining walls at the interchange were deemed not a feasible and prudent engineering design solution for this location because of the turning movements at the ramps, maintenance issues, and the non-urbanized setting of the interchange would pose a safety risk.

Mitigation Measures for the Mountain View Farm

- Property acquisition will be completed under the Uniform Relocation Act.
- Maintain operation of farm during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND **Historical Resources** Package A Resource Impact Package A ROW Boundary 5LR.11242 Property Boundary Bridge Guardrails Package A EOP Retaining Wall Roadway Features Parcel Boundaries Area = 207,442 Sq. Ft Acres = 4.76 Location Map 400 North

Figure 15 Mountain View Farm Package A Use



LEGEND Historical Resources Package B Resource Impact Package B ROW Boundary 5LR.11242 Property Boundary Package B EOP Bridge Guardrails Retaining Wall Roadway Features Parcel Boundaries Guardrails Area = 230,144 Sq. Ft Acres = 5.28Location Map 400 ∃ Feet

Figure 16 Mountain View Farm Package B Use



LEGEND **Historical Resources** Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5LR.11242 Property Boundary Bridge Guardrails Retaining Wall Roadway Features Guardrails Parcel Boundaries Area = 79,554 Sq. FtAcres = 1.82402 Location Map 400 ∃ Feet Note: NOTE: EOP = Edge of Pavement

Figure 17 Mountain View Farm Preferred Alternative Use



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Bein Farm (5WL.5203)

Description

Location: 3766 CR 48, Berthoud

Historic farm Type: **Section 106 Effect Finding:** Adverse effect

Private Ownership:

Significance: NRHP-Eligible, Criterion A

Use of Bein Farm by Package

Package A A-H3 GP Improvements: SH 60 to E-470

Package B **B-H3 Tolled Express Lanes:** SH 60 to E-470

A total of 17.94 acres by incorporation of a 4,600-foot by 150-foot strip of farmland adjacent to I-25 and an 800-foot by 110foot strip of farmland adjacent to SH 60

A total of 20.04 acres by incorporation of a 4,600-foot by 170-foot strip of farmland adjacent to I-25 and an 800-foot by 110foot strip of farmland adjacent to SH 60

Preferred Alternative **I-25 Highway Improvements**

A total of 16.10 acres by incorporation of a 170-foot wide by 4,600-foot long strip of farmland adjacent to I-25 and a 45-foot wide by 800-foot long strip of farmland adjacent to SH 60

Resource Description

The Bein Farm is located at 3766 CR 48 near the I-25 and SH 60 interchange. This property was owned by Fred Bein, a pioneer Berthoud stockman and farmer, and one of the most widely-known residents of the Berthoud community until his death in 1933. The property contains a variety of farm buildings constructed in the late 19th century. The total acreage of the farm is 288.45 acres.

Eligibility Determination

The Bein Farm is eligible for the NRHP under Criterion A because of its important association with early ranching and farming in the Berthoud area during the late 19th century.

Section 4(f) Use

<u>Package A</u>
This historic farm is located on the west side of the mainline of I-25, and on the southwest quadrant of the I-25/SH 60 interchange, both of which would be improved under Package A. Package A includes widening of I-25 in this area to accommodate three general purpose lanes in each direction. The proposed wider highway template would require the acquisition and permanent conversion of a 150-foot-wide, 4,600-foot-long strip of cultivated farmland west of the existing southbound I-25 lanes into new highway and slopes, resulting in a direct use. West of I-25, SH 60 would be widened to provide for a safe transition from the interchange ramps to the existing roadway section. The new SH 60 roadway would consist of four general lanes and turning lanes at the interchange, tapering back to two general lanes on the west side of the existing driveway to the farm building complex. Widening of



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SH 60 would require the acquisition and permanent conversion of a 110-foot-wide, 800-foot-long strip of cultivated farmland south of the existing SH 60 into new highway and slopes, resulting in a direct use.

The combined I-25 widening along the length of the Bein Farm, realignment of the southbound onramp from the SH 60 interchange, and the widening and reconfiguring of a tapered section of SH 60 on the west side of this interchange would use 17.94 acres along the east and north edges of the property. No farm buildings would be directly impacted.

There would be no change to the historic access to this property. The retaining wall along the southbound off-ramp is located on the opposite side of the interchange from the historic farm and would not result in a direct use of the property.

The uses associated with Package A would occur along the eastern edge of the farm adjacent to I-25 where the original integrity of the farm was compromised with the highway's intrusion on the visual landscape some 40 years ago. There would be no materially different visual perception of the farm from Package A. The farm buildings would not be directly affected, agricultural production would continue and the farm would continue to convey significance in terms of its association with early agricultural development in Weld County. The location, design, materials, and workmanship of the farm would remain the same. The mountains to the west of the farm continue to be a key element of its historic setting. The setting of the land to the north of the Bein farm has changed. What was once all agricultural land has been developed over the last decades into commercial and industrial development. The feeling would remain one of an active farm established in the early part of the 20th century. The association is still strong as it is clear that this is still an active farm.

The farm would continue on as it was in 2007 when determined eligible for the NRHP except for the removal of approximately 17.94 acres in a strip of land along portions of the north and east borders of the farm. In recent growing seasons, the Bein farm land was irrigated cropland. The center pivot irrigation system sits on the property today. The land was planted to the edge of their property which abuts the I-25 right-of-way on the east and the CR 38 right-of-way on the north. All of the 17.94 acres that are to be used for Package A are currently used as irrigated cropland. The Bein Farm, in spite of a loss of these 17.94 acres of land for the improvement of I-25, would still convey significance under Criterion A.

Through consultation with the SHPO, FHWA and CDOT have determined that the transportation improvements associated with Package A would result in an *adverse effect* and Section 4(f) use to this farm. This is due to change of the character and physical use of the character-defining feature of the agricultural fields to transportation use. See **Figure 18** for uses associated with Package A.

Package B

Package B calls for the widening of I-25 in this area to accommodate two general purpose lanes plus two barrier-separated managed lanes in each direction. The resulting direct impacts from widening of I-25 would be similar to Package A, but Package B would require a slightly longer southbound I-25 on-ramp to better join with managed lanes of I-25 that occupy more land than the shorter Package A on-ramp. A total of 20.04 acres would be used by incorporation of a 4,600-foot by 170-foot strip of farmland adjacent to I-25 and an 800-foot by 110-foot strip of farmland adjacent to SH 60.

There would be no change to the historic access to this property. The retaining wall along the southbound off-ramp is located on the opposite side of the interchange from the historic farm and would not result in a direct use of the property.

The uses associated with Package B would occur along the eastern edge of the farm adjacent to I-25 where the original integrity of the farm was compromised with the highway's intrusion on the visual landscape some 40 years ago. There would be no materially different visual perception of the farm from Package B. The farm buildings would not be directly affected, agricultural production would continue and the farm would continue to convey significance in terms of its association with early agricultural development in Weld County. The location, design, materials, and workmanship of the



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farm would remain the same. The mountains to the west of the farm continue to be a key element of its historic setting. The setting of the land to the north of the Bein farm has changed. What was once all agricultural land has been developed over the last decades into commercial and industrial development. The feeling would remain one of an active farm established in the early part of the 20th century. The association is still strong as it is clear that this is still an active farm.

The farm would continue on as it was in 2007 when determined eligible for the NRHP except for the removal of approximately 20.4 acres in a strip of land along portions of the north and east borders of the farm. In recent growing seasons, the Bein farm land was irrigated cropland. The center pivot irrigation system sits on the property today. The land was planted to the edge of their property which abuts the I-25 right-of-way on the east and the CR 38 right-of-way on the north. All of the 20.4 acres that are to be used for Package B are currently used as irrigated cropland. The Bein Farm, in spite of a loss of these 20.4 acres of land for the improvement of I-25, would still convey significance under Criterion A.

Through consultation with the SHPO, FHWA and CDOT have determined that the transportation improvements associated with Package B would result in an *adverse effect* and Section 4(f) use to this farm. This is due to change of the character and physical use of the character-defining feature of the agricultural fields to transportation use. See **Figure 19** for uses associated with Package B.

Preferred Alternative

This historic farm is located on the west side of the mainline of I-25, and on the southwest quadrant of the I-25/SH 60 interchange, both of which would be improved under the Preferred Alternative. The Preferred Alternative calls for the widening of I-25 in this area to accommodate three general purpose lanes and one TEL in each direction. The combined I-25 widening along the length of the Bein Farm, re-alignment of the southbound on-ramp from the SH 60 interchange, and the widening and reconfiguring of a tapered section of SH 60 on the west side of this interchange would use 16.10 acres in a 170-foot wide by 4,600 foot long strip of farmland along the eastern edge and a 45-foot wide by 800-foot long strip along the north edge of the property.

West of I-25, SH 60 would be widened to provide for a safe transition from the interchange ramps to the existing roadway section. The new SH 60 roadway would consist of four general lanes and turning lanes at the interchange, tapering back to two general lanes on the west side of the existing driveway to the farm building complex.

The combined I-25 widening along the length of the Bein Farm, re-alignment of the southbound onramp from the SH 60 interchange, and the widening and reconfiguring of a tapered section of SH 60 on the west side of this interchange would use 16.10 acres along the east and north edges of the property. No farm buildings would be directly impacted (see **Figure 20**).

There would be no change to the historic access to this property. The retaining wall along the southbound off-ramp is located on the opposite side of the interchange from the historic farm and would not result in an indirect impact to the property.

The uses associated with the Preferred Alternative would occur along the eastern edge of the farm adjacent to I-25 where the original integrity of the farm was compromised with the highway's intrusion on the visual landscape some 40 years ago. There would be no materially different visual perception of the farm from the Preferred Alternative. The farm buildings would not be directly affected, agricultural production would continue and the farm would continue to convey significance in terms of its association with early agricultural development in Weld County. The location, design, materials, and workmanship of the farm would remain the same. The mountains to the west of the farm continue to be a key element of its historic setting. The setting of the land to the north of the Bein farm has changed. What was once all agricultural land has been developed over the last decades into commercial and industrial development. The feeling would remain one of an active farm established in the early part of the 20th century. The association is still strong as it is clear that this is still an active farm.



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The farm would continue on as it was in 2007 when determined eligible for the NRHP except for the removal of approximately 16.10 acres in a strip of land along portions of the north and east borders of the farm. In recent growing seasons, the Bein farm land was irrigated cropland. The center pivot irrigation system sits on the property today. The land was planted to the edge of their property which abuts the I-25 right-of-way on the east and the CR 38 right-of-way on the north. All of the 16.10 acres that are to be taken for the Preferred Alternative are currently used as irrigated cropland. The Bein Farm, in spite of a loss of these 16.10 acres of land for the improvement of I-25, would still convey significance under Criterion A.

Through consultation with the SHPO, FHWA and CDOT have determined that the transportation improvements associated with the Preferred Alternative would result in an adverse effect to this farm. This is due to change of the character and physical use of the character-defining feature of the agricultural fields to transportation use.

Avoidance Alternatives

Packages A, B, and Preferred Alternative

Avoidance alternatives for Bein Farm were examined and it was determined that no feasible and prudent avoidance alternatives existed for the following reasons.

Use of the Bein Farm occurs along the northern boundary of the property adjacent to SH 60 and the eastern boundary of the farm property adjacent to I-25. To completely avoid this use, it would be necessary to realign segments of both SH 60 and I-25. To prevent the toe of slope from encroaching on northern edge of Bein Farm, SH 60 would need to be shifted approximately10 feet to the north and approximately 6,000 linear feet of retaining walls would be added along the south side of highway. This would introduce a new visual elment that may diminish the qualities that make the property eligible for the NRHP. To completely avoid impacts on the eastern edge of Bein Farm, up to two miles of the mainline alignment of I-25 would need to be shifted up to approximately 150 feet to the east. The realignment of SH 60 and I-25 would result in safety concerns, and other impacts as described in the following paragraphs.

Realignment of SH 60 would result in safety concerns because realignment would require SH 60 to curve to the north at a point where drivers would normally be looking ahead to identify the preferred ramp location for accessing I-25. The curve at this location would be contrary to driver expectancy which may result in confusion and safety issues for some drivers. At the curve, the lane of the driver would align with the opposing traffic lane, creating a safety concern for head-on accidents at this location because some drivers simultaneously negotiating the curve and looking ahead to identify the desired ramp to enter I-25 may stray from their lane into the oncoming traffic.

Realigning SH 60 to the north would also bring traffic closer to the historic Bashor Barn (5WL.5204), which would result in changes to visual and auditory environment of the property, although no direct use would result. The Final EIS makes a determination that project alternatives would result in no historic properties affected related to the Bashor Barn; it is likely that these changes would not adversely affect the Bashor Barn. Shifting I-25 to the east would also change the impacts to the historic Great Western Railroad segment (5WL.841.11) where it crosses I-25 adjacent to the Bein Farm. These impacts would likely not alter the no adverse effect determination for the Great Western Railroad.

Realigning I -25 to the east would result in the demolition of one existing residence on the east side of I-25. In order to accommodate this realignment, the SH 60 interchange would need to be reconfigured resulting in a reduced median width between the northbound I-25 ramps and the east frontage road or a shift in the frontage road further to the east.

The shift in alignment of SH 60 and added retaining walls would increase construction costs by approximately \$4 million.

In summary, realignment of both SH 60 and I-25 to avoid Bein Farm would result in exacerbated safety issues on SH 60 with potential for increases in head-on accidents, and increased community



impacts from an additional residential acquisition. Therefore, it has been determined that there is no feasible and prudent avoidance alternative to the use of Bein farm because, as described above, this

would result in unacceptable safety problems, social impacts, and additional costs that cumulatively would cause unique problems and impacts of an extraordinary magnitude.

All Possible Planning to Minimize Harm

<u>Packages A, B, and Preferred Alternative</u>

The proposed design is an offset diamond interchange that incorporates southbound off- and onramps to and from I-25 that were shifted eastward toward the I-25 mainline in order to avoid use of the gasoline station/convenience store located on the northwest side of the I-25/SH 60 interchange. This configuration also reduces the size of the directly used area on the east edge of this historic farm.

Mitigation Measures for the Bein Farm

- Property acquisition will be completed under the Uniform Relocation Act.
- Maintain operation of farm during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.

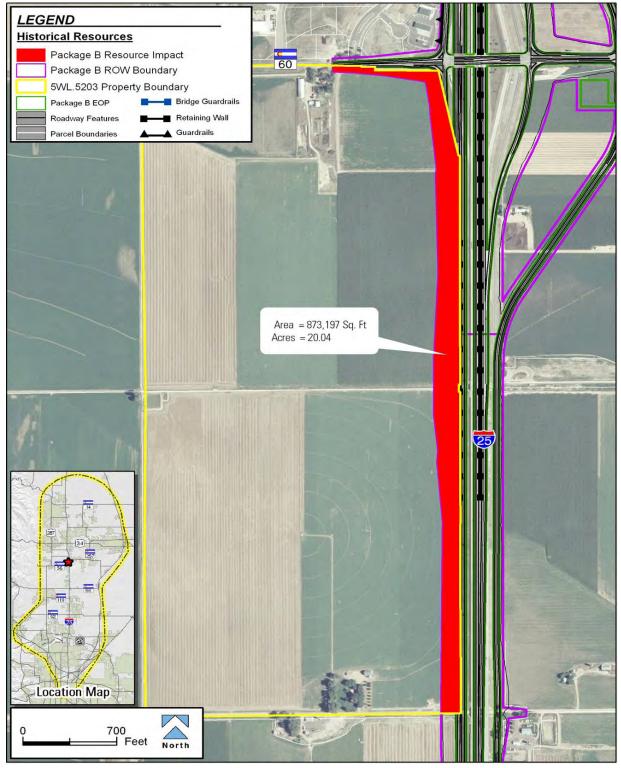


LEGEND **Historical Resources** Package A Resource Impact Package A ROW Boundary 5WL.5203 Property Boundary Bridge Guardrails Package A EOP Retaining Wall Parcel Boundaries Guardrails Area = 781,428 Sq. Ft Acres = 17.94 Location Map 700 Feet North

Figure 18 Bein Farm Package A Use



Figure 19 Bein Farm Package B Use





LEGEND **Historical Resources** Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5WL.5203 Property Boundary Preferred Alternative EOP Bridge Guardrails Retaining Wall Roadway Features Guardrails Parcel Boundaries Area = 701,217 Sq. Ft Acres = 16.10Location Map WCR 46 700 — Feet

Figure 20 Bein Farm Preferred Alternative Use

Old City Electric Building (5BL.1245)

Description

Location: 103 Main Street, Longmont

Type: Historic building/local landmark

Section 106 Effect Finding: Adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criteria A and C

Use of Old City Electric Building by Alternative

Package A Package B
A-T2 Transit Component-Commuter Rail: B-T2 Transit Component-BRT: Fort

Longmont to FasTracks North Metro Collins to DIA

0.85 acre/demolition of property No use

Preferred Alternative Commuter Rail

No use

Resource Description

The Old City Electric Building (5BL.1245) is located at 103 Main Street in Longmont. It is an excellent example of 1930s industrial architecture featuring large windows, an open plan, and solid brick construction. This building served the city's power needs from 1931 to 1969. Longmont was one of the first cities in Colorado to develop a municipally owned electric generation plant.

Eligibility Determination

The Old City Electric Building is eligible for the NRHP under Criterion A for its significant role in the development of Longmont, and under Criterion C as an excellent, intact example of industrial architecture. This early power generation plant has also been designated as a Local Landmark by the City of Longmont.

Section 4(f) Use

Package A

Construction of a new commuter railroad line alongside the existing commercial rail line on the north side of 1st Avenue in Longmont would require right-of-way acquisition and demolition of the entire 0.85-acre property, including a portion of the parcel containing this historic building. The building would need to be demolished or moved to a new location to accommodate the new rail line and associated construction activities. This direct use would result in the loss of integrity of this resource; therefore CDOTand FHWA have determined that Package A would result in an *adverse effect* under Section 106, and a use under Section 4(f). See **Figure 21** for use associated with Package A.

Package B

There is no direct use of any portion of this resource resulting from Package B transportation improvements.



Preferred Alternative

There is no direct use of any portion of this resource resulting from the Preferred Alternative.

Avoidance Alternatives

Package A

In order to tie into the FasTracks design at the 1st Avenue and Terry Street location, the new track requires location on the west (or north) of the existing BNSF track. The narrow corridor where the existing track is located passes directly along the south side of the Old City Electric Building. A variety of alternatives were examined in an attempt to avoid use of this property under Package A.

An avoidance alternative was considered that would terminate the commuter rail line at the Sugarmill Station and not connect to the FasTracks Northwest rail line, removing the possibility for potential riders to continue on to Boulder from the proposed northern commuter rail. This alternative would cause potential transit ridership to drop by approximately 6 percent. Therefore this is not considered feasible and prudent because it would compromise the project in light of the stated purpose and need to provide for modal alternatives.

The location of the 1st Avenue and Terry Street Station in an urbanized area of Longmont, and the relatively short distance of two miles between it and the proposed Sugar Mill Station, allows for very few alternative corridor alignments for this segment. To avoid the historic property, the existing rail alignment would have to be realigned to the south side of 1st Avenue, encroaching on approximately 85 feet of property for approximately 2,000 linear feet. Construction of the railway at this location would require the acquisition, demolition, and relocation of approximately seven businesses. Businesses at this location are industrial in nature and include needs that require large lots, such as recreational vehicle and boat storage, automotive sales, and warehouse operations. Finding vacant property to accommodate these space intensive businesses nearby would be difficult. Relocation of these businesses to a new location outside the local district would jeopardize the businesses' sustainability. This alignment would also create two additional at-grade crossings, decreasing the overall level of safety for the motoring public within this heavily traveled area. Therefore, this is not a feasible and prudent avoidance alternative because it would result in unacceptable safety problems, and severe economic impacts. Cumulatively, these factors would cause impacts of an extraordinary magnitude, making the avoidance alternative not feasible and prudent.

Allowing the BNSF railway to remain in place and re-routing the new commuter rail alignment north of the Old City Electric Building would result in several impacts. The Butterball processing facility, located in the northeast quadrant of the 1st Street and Main Street intersection, would be removed. This is one of seven major processing facilities in the company and is Longmont's fifth largest employer, with 920 employees. Additionally, part of the electrical substation located at 1st Street and Coffman Street would be removed, causing the site to be reconfigured. This alignment would also generate an additional atgrade rail crossing on US 287/Main Street, 200 feet from the existing crossing, decreasing the overall level of safety. This alternative is not a feasible and prudent avoidance alternative because it would result in unacceptable safety problems and severe economic impacts. Cumulatively, these factors would cause impacts of an extraordinary magnitude, making the avoidance alternative not feasible and prudent.

Package B and the Preferred Alternative

These alternatives avoid the use of the Old City Electric Building.

All Possible Planning to Minimize Harm

Under Package A, a property acquisition would be necessary to accommodate the commuter rail track and alignment.



Mitigation Measures for Old City Electric Building

- Property acquisition will be completed under the Uniform Relocation Act.
- Continued consultation with SHPO is recommended prior to final design to implement possible revised design elements to facilitate historic preservation.
- Detailed recording of the building, in accordance with the Colorado Historical Society's Standards for Level II Documentation, is recommended.
- All mitigation measures are pending SHPO concurrence.



LEGEND **Historical Resources** Package A Resource Impact Package A Comm Rail ROW Boundary 5BL.1245 Property Boundary Package A Comm Rail Footprint Commuter Rail Design Parcel Boundaries Area = 37,055 Sq. Ft Acres = 0.85 Location Map BOSTON AV 300 Feet North

Figure 21 Old City Electric Building Package A Use



Colorado and Southern/BNSF Depot (5BL.1244)

Description

Location: 100 Main Street, Longmont

Type: Historic building
Section 106 Effect Finding: Adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criteria A and C

Use of Colorado & Southern/BNSF Depot by Alternative

Package A
A-T2 Transit Component-Commuter Rail:
Longmont to North Metro Corridor End-ofLine Station

Package B
B-T2 Transit Component-BRT:
Fort Collins to DIA

0.51 acre/demolition of property

No use

Preferred Alternative Commuter Rail

No use

Resource Description

The historic Colorado & Southern/BNSF Depot (5BL.1244) is located at 100 Main Street in Longmont. The depot was built in 1905. It is one of the two early railroad depots in Longmont and is one of the finest small masonry depots in the state. The depot is the only existing Richardsonian Romanesque style building in Longmont.

Eligibility Determination

This depot (5BL.1244) is NRHP-eligible under Criterion A for its association with railroad transportation and its contribution to the development of Longmont. The building is also NRHP-eligible under Criterion C as an excellent and well-preserved example of masonry railroad depot architecture in Colorado.

Section 4(f) Use

Package A

Construction of a new commuter railroad line alongside the existing commercial rail line on the north side of 1st Avenue in Longmont would require right-of-way acquisition and demolition of the entire 0.51-acre property, including the area occupied by this historic building. The building would need to be demolished or moved to a new location to accommodate the new commuter rail tracks and associated construction activities. This direct use would result in the loss of integrity of this resource; therefore, CDOT and FHWA have determined that Package A would result in an *adverse effect* under Section 106, and a use under Section 4(f). See **Figure 22** for use associated with Package A.

Package B

There is no direct use of any portion of this resource resulting from Package B transportation improvements.

Preferred Alternative

There is no direct use of any portion of this resource resulting from the Preferred Alternative.



Avoidance Alternatives

Package A

In order to tie into the FasTracks design at the 1st Avenue and Terry Street location, the new track requires location on the west (or north) of the existing BNSF track. The narrow corridor where the existing track is located passes directly along the south side of the Colorado and Southern/BNSF Depot. A variety of alternatives were examined in an attempt to avoid use of this property under Package A.

An avoidance alternative was considered that would terminate the commuter rail line at the Sugarmill Station and not connect to the FasTracks Northwest rail line, removing the possibility for potential riders to continue on to Boulder from the proposed northern commuter rail. This alternative would cause potential transit ridership to drop by approximately 6 percent. Therefore, this is not considered feasible and prudent because it would compromise the project in light of the stated purpose and need to provide for modal alternatives.

The location of the 1st Avenue and Terry Street Station in an urbanized area of Longmont, and the relatively short distance of two miles between it and the proposed Sugar Mill Station, allows for very few alternative corridor alignments for this segment. To avoid the historic property, the existing rail alignment would have to be realigned to the south side of 1st Avenue, encroaching on approximately 85 feet of property for approximately 2,000 linear feet. Construction of the railway at this location would require the acquisition, demolition, and relocation of approximately seven businesses. Businesses at this location are industrial in nature and include needs that require large lots, such as recreational vehicle and boat storage, automotive sales, and warehouse operations. Finding vacant property to accommodate these space intensive businesses nearby would be difficult. Relocation of these businesses to a new location outside the local district would jeopardize the businesses' sustainability. This alignment would also create two additional at-grade crossings, decreasing the overall level of safety for the motoring public within this heavily traveled area. Therefore, this is not a feasible and prudent avoidance alternative because it would result in unacceptable safety problems, and severe economic impacts. Cumulatively, these factors would cause impacts of an extraordinary magnitude, making the avoidance alternative not feasible and prudent.

Allowing the BNSF railway to remain in place and re-routing the new commuter rail alignment north of the Colorado and Southern/BNSF Depot would result in several impacts. The Butterball processing facility, located in the northeast quadrant of the 1st Street and Main Street intersection, would be removed. This is one of seven major processing facilities in the company and is Longmont's fifth largest employer, with 920 employees. Additionally, part of the electrical substation located at 1st Street and Coffman Street would be removed, causing the site to be reconfigured. This alignment would also generate an additional at-grade rail crossing on US 287/Main Street, 200 feet from the existing crossing, decreasing the overall level of safety. This alternative is not a feasible and prudent avoidance alternative because it would result in unacceptable safety problems and severe economic impacts. Cumulatively, these factors would cause impacts of an extraordinary magnitude, making the avoidance alternative not feasible and prudent.

Package B and the Preferred Alternative

These alternatives avoid the use of the Colorado and Southern/BNSF Depot.

All Possible Planning to Minimize Harm

Under Package A, relocation of the historic structure to another site would minimize the destructive nature of the use. No other minimization measures would reduce the Section 4(f) use.



Mitigation Measures for the Colorado & Southern/BNSF Depot

- Property acquisition will be completed under the Uniform Relocation Act.
- Continued consultation with SHPO is recommended prior to final design to implement possible revised design elements to facilitate historic preservation.
- Detailed recording of the building, in accordance with the Colorado Historical Society's Standards for Level II Documentation, is recommended.
- All mitigation measures are pending SHPO concurrence.



LEGEND Historical Resources Package A Resource Impact Package A Comm Rail ROW Boundary 5BL.1244 Property Boundary Package A Comm Rail Footprint Commuter Rail Design Parcel Boundaries 2ND State State Main St Area = 22,151 Sq. Ft Acres = 0.51 BOSTON AV Location Map 300 Feet North

Figure 22 Colorado and Southern/BNSF Depot Package A Use



Hingley Farm (5WL.5263)

Description

Location: 7523 Weld County Road 7, Erie

Type: Historic farm
Section 106 Effect Finding: Adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criteria A and C

Use of Hingley Farm by Alternative

Package A
A-T2 Transit ComponentCommuter Rail:
Longmont to FasTracks North Metro

Package B
B-T2 Transit Component-BRT:
Fort Collins to DIA

7.34 acres; incorporation of 2,585 feet by 125 feet strip of farmland into project and demolition of the farmhouse

No use

Preferred Alternative Commuter Rail

7.40 acres; incorporation of 2,585 feet by 125 feet strip of farmland into project and demolition of the farmhouse

Resource Description

The farmstead is located at 7523 Weld County Road (CR) 7 in Erie. This farm is a very intact example of a historic agricultural operation in Weld County. Built in 1900, the hipped roof farmhouse is an intact example of the Classic Cottage domestic architectural style in a rural context.

Eligibility Determination

This farmstead is eligible for the NRHP under Criterion A because of its important association with early settlement and agricultural development in Weld County, and under Criterion C for its significance as an intact early farmhouse and farmstead.

Section 4(f) Use

Package A

Proposed development of a new commuter rail alignment within a 125-foot-wide right-of-way corridor parallel to CR 7 would cause direct use of this historic farm. A strip of land within the historic property, measuring 2,585 feet long and 125 feet wide, would be acquired and converted from agricultural to transportation use. The area to be acquired comprises 7.34 acres. An entirely new transportation feature would be introduced into the rural, agricultural setting.



The majority of this affected land is currently utilized as cultivated fields. The proposed rail corridor would pass through the original farmstead complex at the southeast corner of the property, and would require removal of the contributing, architecturally significant farmhouse. The property, if the farmhouse were either rebuilt or replaced elsewhere on the property, could still serve its present agricultural function, albeit in diminished capacity due to the loss of arable land. These direct and indirect effects would result in the major reduction or loss of integrity of this resource; therefore, FHWA and CDOT have determined that an *adverse effect* under Section 106 would result. **Figure 23** depicts the uses associated with Package A.

Package B

There is no direct use of any portion of this resource resulting from Package B transportation improvements.

Preferred Alternative

Proposed development of a new commuter rail alignment including passing track, parallel to CR 7 would cause direct use of this historic farm. A strip of land within the historic property, would be acquired and converted from agricultural to transportation use. The area to be acquired comprises 7.4 acres. An entirely new transportation feature would be introduced into the rural, agricultural setting.

The majority of this affected land is currently utilized as cultivated fields. The proposed rail corridor would pass through the original farmstead complex at the southeast corner of the property, and would require removal of the contributing, architecturally significant farmhouse. The property, if the farmhouse were either rebuilt or replaced elsewhere on the property, could still serve its present agricultural function, albeit in diminished capacity due to the loss of arable land (see **Figure 24**).

Avoidance Alternatives

Package A and the Preferred Alternative

Avoidance Alternatives for the Hingley Farm were explored in detail, and it was determined that it could only be avoided if the commuter rail alignment were placed on the east side of CR 7 in this area. If this alignment were used, there would be severe environmental impacts, including impacts to approximately 21 acres of prairie dog towns, and 18 more acres of habitat than a western alignment. There would also be an increase in impacts to wetlands of 0.25 acres, for a total of 0.36 acres of impacts, some of which are higher quality wetlands than those found on the western alignment. The western alignment would also avoid impacts to ponds.

Additionally, there would be an increase in social impacts, increased disruption to established communities, and increased impacts to minority populations. These include impacts to 66 properties and 55 structures, 18 more properties and 22 more structures than are impacted with the western alignment. Twenty-two of these properties are located in areas identified as minority, resulting in 16 relocations.

To shift the alignment only for the length of the Hingley Farm property would require two crossing structures over CR 7, at an approximate cost of \$5 million (\$2.5 million per structure).

Therefore, due to severe environmental impacts, including increased impacts to wetlands that are a federally protected resource, disruption to established communities and severe impacts to minority populations, it was decided that avoidance of the Hingley Farm by rerouting the alignment to the eastern side of CR 7 is not a feasible and prudent avoidance alternative.

<u>Package B</u>

Package B would avoid use of Hingley Farm.



All Possible Planning to Minimize Harm

The location of the rail line to the west side of CR 7 makes avoidance, minimization, and mitigation of the use of the farm not feasible and prudent because it would require either the crossing of CR 7 twice or the re-alignment of the road, and result in greater impacts to environmental resources as noted above. This solution would increase the cost of the project in addition to affecting properties on the east side of CR 7.

Mitigation Measures for Hingley Farm

- Property acquisition will be completed under the Uniform Relocation Act.
- Continued consultation with SHPO is recommended prior to final design to implement possible revised design elements to facilitate historic preservation.
- Detailed recording of the building in accordance with the Colorado Historical Society's Standards for Level II Documentation, is recommended.
- All mitigation measures are pending SHPO concurrence.



LEGEND **Historical Resources** Package A Resource Impact Package A Comm Rail ROW Boundary 5WL.5263 Property Boundary WCR 18 Package A Comm Rail Footprint Commuter Rail Design Parcel Boundaries Area = 319,587 Sq. Ft Acres = 7.34 Demolition of farmhouse Location Map 400 Feet

Figure 23 Hingley Farm Package A Use





Figure 24 Hingley Farm Preferred Alternative Use



Jillson Farm (5WL.5263)

Description

Location: 2877 WCR 18, Longmont

Type: Historic farm 106 Effect Finding: Adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criteria A and C

Use of Jillson Farm by Package

Package A **A-T2 Transit Component-**Commuter Rail: **Longmont to FasTracks North Metro**

Package B **B-T2 Transit Component-BRT:** Fort Collins to DIA

7.34 acres incorporated into transportation infrastructure

No use

Preferred Alternative Commuter Rail

7.34 acres incorporated into transportation infrastructure

Resource Description

The farm is significant as an important example of one of the northern Colorado farms from the late 19th century. It played an important role in the agricultural development and settlement of the region. The farm remains in the Jillson family after more than 120 years of continuous production. The house on the property is also architecturally significant as an excellent intact example of the Craftsman style with a wide, recessed porch, tapered supports and bracketed eaves.

Eligibility Determination

In the summer of 2010, the Jillson Farm was field assessed as eligible for inclusion on the NRHP under Criterion A for its importance in the agricultural development and settlement of the region for more than 120 years. It was also assessed as eligible under Criterion C as a good intact example of a Craftsman style house.

Section 4(f) Use

<u>Package A</u>
The Jillson farm includes 153 acres on the west side of WCR 7 and 80 acres on the east side. The use associated with Package A would occur along the western edge of WCR 7. A strip of 7.34 acres adjacent to the roadway would be needed for construction of the rail alignment. This strip of land goes roughly through the center of the farm which is currently bisected by the roadway. This part of the farm is currently used as pasture for the Jillson herd of about 70 cattle. The farm buildings would not be directly affected by this project as they are located approximately 500 feet west of WCR7.



Package B

There is no direct use of any portion of this resource resulting from Package B transportation improvements.

Preferred Alternative

Use of the Jillson Farm as a result of the Preferred Alternative would be identical to those described under Package A. **Figure 25** depicts the uses associated with the Preferred Alternative.

Avoidance Alternatives

Package A and the Preferred Alternative

Avoidance Alternatives for the Jillson Farm were explored in detail, and it was determined that it could only be avoided if the commuter rail alignment were placed on the east side of CR 7 in this area. If this alignment were used, there would be severe environmental impacts, including impacts to approximately 21 acres of prairie dog towns, 18 more acres of habitat than a western alignment. There would also be an increase in impacts to wetlands of 0.25 acre, for a total of 0.36 acre of impacts, some of which are higher quality wetlands than those found on the western alignment. The western alignment would also avoid impacts to ponds.

Additionally, there would be an increase in social impacts, increased disruption to established communities, and increased impacts to minority populations. These include impacts to 66 properties and 55 structures, 18 more properties and 22 more structures than are impacted with the western alignment. Twenty-two of these properties are located in areas identified as minority, resulting in 16 relocations.

To shift the alignment only for the length of the Jillson Farm property would require two crossing structures over CR 7, at an approximate cost of \$5 million (\$2.5 million per structure).

Therefore, due to severe environmental impacts, including increased impacts to wetlands that are a federally protected resource, disruption to established communities and severe impacts to minority populations, it was decided that avoidance of the Jillson Farm by rerouting the alignment to the eastern side of CR 7 is not a feasible and prudent avoidance alternative.

Package B

Package B would avoid use of Jillson Farm.

All Possible Planning to Minimize Harm

The location of the rail line to the west side of CR 7 makes avoidance, minimization, and mitigation of the use of the farm not feasible and prudent because it would require either the crossing of CR 7 twice or the re-alignment of the road, and result in greater impacts to environmental resources as noted above. This solution would increase the cost of the project in addition to affecting properties on the east side of CR 7.

Mitigation Measures for Jillson Farm

- Property acquisition will be completed under the Uniform Relocation Act.
- Continued consultation with SHPO is recommended prior to final design to implement possible revised design elements to facilitate historic preservation.
- Detailed recording of the building in accordance with the Colorado Historical Society's Standards for Level II Documentation, is recommended.
- All mitigation measures are pending SHPO concurrence.



LEGEND <u>Historical Resources</u> Preferred Alternative Resource Impact Preferred Alternative Comm Rail ROW Boundary 5WL.6564 Property Boundary Preferred Alternative Comm Rail Footprint Area = 319,825 Sq. Ft. Acres = 7.34 Commuter Rail Design Parcel Boundaries Bridge Guardrails WCR 7 **WCR 18** Location Map 500 North

Figure 25 Jillson Farm Package A and Preferred Alternative Use



Denver Pacific/Kansas Pacific/Union Pacific Railroad, Denver & Boulder Valley Branch (5WL.1969, 5BF.130)

Description

Location: T1N/R68W, NW 1/4 Sec 24

Type: Historic railroad

Section 106 Effect Finding: Adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of UPRR-Denver & Boulder Valley Branch by Package

Package A Package B
A-T2 Transit Component-Commuter Rail: B-T2 Transit Component-BRT:
Longmont to FasTracks North Metro Fort Collins to DIA

2.9-mile abandoned segment modernized for double-track commuter rail operations; demolition of two historic bridges

No use

Preferred Alternative Commuter Rail

Demolition of two historic bridges.

Resource Description

This linear historic resource is the abandoned Denver Pacific/Kansas Pacific/Union Pacific, Denver & Boulder Valley Branch (UPD&BVB) that ran a distance of 26 miles from Boulder to Brighton. The rail line was originally built in 1870. Two segments of this rail line in Weld County enter the project APE, including 2,310-foot-long (0.44-mile) segment 5WL.1969.41, and 11,620-foot-long (2.2-mile) segment 5WL.1969.1, both of which follow the original alignment. Both segments are in a deteriorated state. One 2,083-foot-long (0.39-mile) segment of the same rail line in Broomfield County is designated 5BF.130.1, and includes a contributing wooden trestle bridge that carries the rails over Little Dry Creek.

Segment 5WL.1969.1 runs east-west 2,000 feet north of CR 8. The segment is 2.2-mile-long part of abandoned UPD&BVB between Boulder and Brighton. Construction started in 1870. Rails and ties have been removed near I-25 and parts have been paved over by county roads. This abandoned portion of the railroad includes a wooden trestle bridge located east of CR 7 and west of I-25. The railroad bridge crossing I-25 was removed soon after 1999.

Eligibility Determination

The OAHP has officially determined that the UPD&BVB is eligible for the NRHP under Criterion A because of its important role in the development of the agricultural economy of the Front Range of Colorado. Segments 5WL.1969.41 and 5BF.130.1 retain sufficient integrity of location and association to support the eligibility of the entire linear resource. Segment 5WL.1969.1 does not retain enough integrity to support the eligibility of the entire resource.



Section 4(f) Use

Package A

The proposed new commuter rail would utilize the existing track alignment and add a parallel track alignment following the historic UPD&BVB in this area before joining the Dent Branch (5WL.1317.11) and turning southward. Where the new commuter rail line would cross onto the Dent Branch, there would be direct use of as much as 260 feet of track by the replacement of existing "through rail" with switching tracks and associated apparatus (see **Figure 26**). The existing historic bed, ballast, and grade along the entire affected extent of the historic railway (segments 5WL.1969.1. 5WL.1969.41, and 5BF.130.1) would be preserved. Deteriorated ties and abandoned rail would be replaced as required to meet safety and design standards.

Where the abandoned railroad crosses I-25, the commuter rail would require a new 470-foot-long bridge spanning I-25. The original railroad bridge was demolished during a previous I-25 highway widening project. A new bridge crossing would not be expected to negatively affect the historic setting beyond its already diminished integrity at this location (see **Figure 27**).

Additionally, the new double-track rail alignments would require a new supporting structure over an unnamed drainage at the historic wooden timber and log footer bridge (5WL.1969.1 Feature 1). This 47-foot-long by 17-foot-wide historic bridge would be demolished to allow for construction of a new railroad bridge measuring approximately 60 feet-long and 70 feet-wide (see **Figure 27**).

The installation of the double-track configuration for the commuter rail would also require a new supporting structure over Little Dry Creek. The existing 69 foot long by 27 foot wide, wooden trestle bridge (5BF.130.1 Feature 1) would be demolished and a new bridge measuring approximately 75 feet long and 70 feet wide would be constructed at that site. Although new rail would be placed upon existing bed, ballast, and grade, and a new track placed adjacent to the historic alignment, this is a compatible effect with the historic use and setting of the historic railroad line, and would be expected to preserve an otherwise deteriorating resource (see **Figure 28**).

A continuous 2.9 miles of the entire linear resource would be re-occupied with new track on the existing bed, grade, and ballast, and an additional new track located 15 feet away and parallel to the existing historic alignment. New commuter rail tracks along the transportation corridor would introduce new but compatible rail infrastructure elements to the historic setting. Demolition of two historic bridge features along the Boulder Valley Branch would result in a use of the resource.

These direct and indirect effects would result in the major reduction or loss of integrity of this resource; therefore, FHWA and CDOT have determined that an *adverse effect* under Section 106 would result to the historic Denver Pacific/Kansas Pacific/UPD&BVB railroad line (5WL.1969 and 5BF.130).

Package B

This segment originally bridged I-25, but the structure has been removed. Because Package B improvements occur at ground level within the span of the original bridge, there would be no use of the railroad segment by improvements associated with Package B. No direct or indirect impacts would occur at any segment locality. FHWA CDOT therefore have determined that the improvements would result in *no historic properties affected* with respect to the historic UPD&BVB (5WL.1969 and 5BF.130).

Preferred Alternative

The proposed new commuter rail would utilize the existing track alignment following the historic UPD&BVB in this area before joining the Dent Branch (5WL.1317.11) way and turning southward. The existing historic bed, ballast, and grade along the entire affected extent of the historic railway (segments 5WL.1969.1. 5WL.1969.41, and 5BF.130.1) would be preserved. Deteriorated ties and abandoned rail would be replaced as required to meet safety and design standards.

Where the abandoned railroad crosses I-25, the commuter rail would require a new 470-foot-long bridge spanning I-25. The original railroad bridge was demolished during a previous I-25 highway widening project. A new bridge crossing would not be expected to negatively affect the historic setting



beyond its already diminished integrity at this location (see Figure 27).

Additionally, the new single-track rail alignment would require a new supporting structure over an unnamed drainage at the historic wooden timber and log footer bridge (5WL.1969.1 Feature 1). This 47-foot-long by 17-foot-wide historic bridge would be demolished to allow for construction of a new railroad bridge measuring approximately 60-feet-long and 70-feet-wide (see **Figure 27**). The installation of the single-track configuration for the commuter rail would also require a new supporting structure over Little Dry Creek. The existing 69-foot-long by 27-foot-wide, wooden trestle bridge (5BF.130.1 Feature 1) would be demolished and a new bridge measuring approximately 75 feet long and 70 feet wide would be constructed at that site. Although new rail would be placed upon existing bed, ballast, and grade, and a new track placed adjacent to the historic alignment, this is a compatible effect with the historic use and setting of the historic railroad line, and would be expected to preserve an otherwise deteriorating resource (see **Figure 28**).

A continuous 2.9 miles of the entire linear resource would be re-occupied with new track on the existing bed, grade, and ballast, and an additional new track located 15 feet away and parallel to the existing historic alignment. New commuter rail tracks along the transportation corridor would introduce new but compatible rail infrastructure elements to the historic setting. Demolition of two historic bridge features along the Boulder Valley Branch would result in use of the resource.

These direct and indirect effects would result in the major reduction or loss of integrity of this resource; therefore, FHWA and CDOT have determined that an *adverse effect* under Section 106 would result to the historic Denver Pacific/Kansas Pacific/UPD&BVB railroad line (5WL.1969 and 5BF.130).

Avoidance Alternatives

Package A and Preferred Alternative

A variety of avoidance alternatives were considered under Package A and the Preferred Alternative. Shifting the alignment of the commuter rail tracks off the historic railway alignment would require substantial acquisition of non-transportation corridor land from private and public ownership along a 3.03-mile distance. There are no vacant, adjacent, or parallel linear corridors onto which the rail could be relocated.

Environmental impacts include impacts to prairie dog colonies, and an additional 0.3 acre of high quality wetlands, which are a Federally protected resource. Social impacts include impacts to three residential properties, which would require relocation. Economic impacts would include those resulting from approximately 36 acres of farm and ranch land impacted by the realignment of the rail tracks. This farm and ranch land is located in an area that contains Prime Farmland and Farmland of Statewide Importance, increasing farmland impacts if the alternative alignment were used.

These measures would also result in use of other Section 4(f) resources including an additional 70 linear feet of impacts to each of the historic and Section 4(f) protected Bull Canal/Standley Ditch (5WL.1966) and Community Ditch (5WL.2247). Bull Canal/Standley Ditch is currently eligible for listing on the NRHP because of its important association with the development of water rights and agriculture in northeastern Colorado and as an important example of irrigation engineering. The Community Ditch is eligible for inclusion on the NRHP for its important association with the development of water rights and agriculture in Weld County. Impacts to the Bull Canal/Standley Ditch are currently *de minimis* under Section 4(f). There are currently no permanent impacts expected to Community Ditch. Impacts to these two resources as a result of avoidance of the single resource of the UPD&BVB, which has been recorded as being in a deteriorated state, would have the potential to increase the impacts to these two resources to adverse levels.

Therefore, this alternative is not a feasible and prudent avoidance alternative for the following reasons:



- After reasonable mitigation it still causes:
 - Severe social, economic, or environmental impacts.
 - Severe impacts to environmental resources protected under other Federal statutes.
- It involves multiple factors that cumulatively cause unique problems or impacts of an extraordinary magnitude.
- It does not provide avoidance of Section 4(f) resources.

Package B

This alternative would avoid the use of the Denver Pacific/Kansas Pacific/Union Pacific Railroad, Denver & Boulder Valley Branch.

All Possible Planning to Minimize Harm

The physical railway template for a new double-track rail configuration has been reduced to the minimum width necessary to meet Federal Railroad Administration (FRA) and FTA design and safety standards. This minimizes the dimensions of new bridges and culverts. Re-utilization of abandoned historic track, bed, and ballast helps to preserve the historic rail alignment. Also, the commuter rail analysis indicates that use of this rail alignment allows for tie-in to the Dent Branch of the Union Pacific Railroad, which is the most cost effective manner to terminate at the proposed FasTracks North Metro Corridor end-of-line station.

Mitigation Measures for UPD&BVB

- Detailed recording of the affected railway, in accordance with the Colorado Historical Society's Standards for Level II Documentation, is recommended pending SHPO concurrence.
- Continued consultation with SHPO is recommended prior to final design to implement possible revised design elements to facilitate historic preservation.



Figure 26 Denver Pacific/Kansas Pacific/Union Pacific Railroad, Denver & Boulder Valley Branch – Package A Use

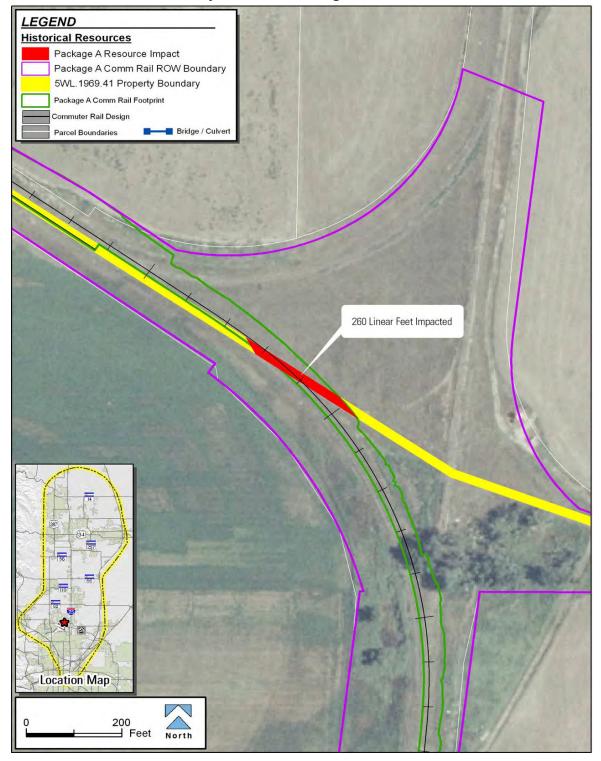




Figure 27 Denver Pacific/Kansas Pacific/Union Pacific Railroad, Denver & Boulder Valley Branch – Package A and Preferred Alternative Use

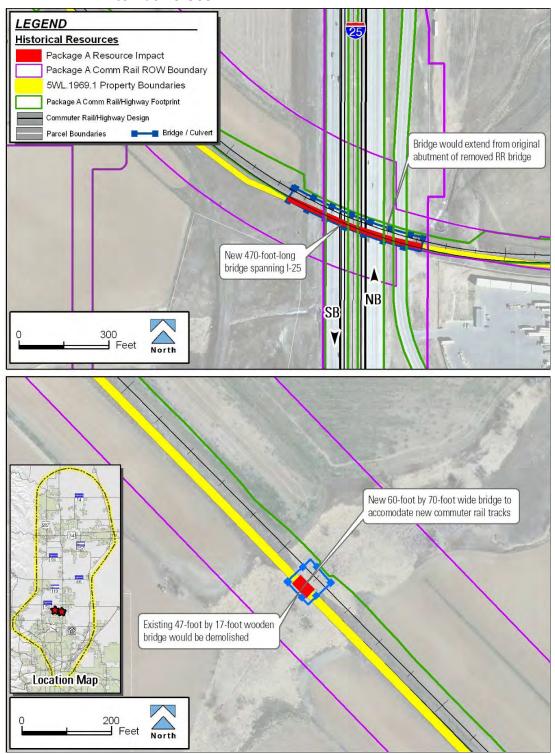
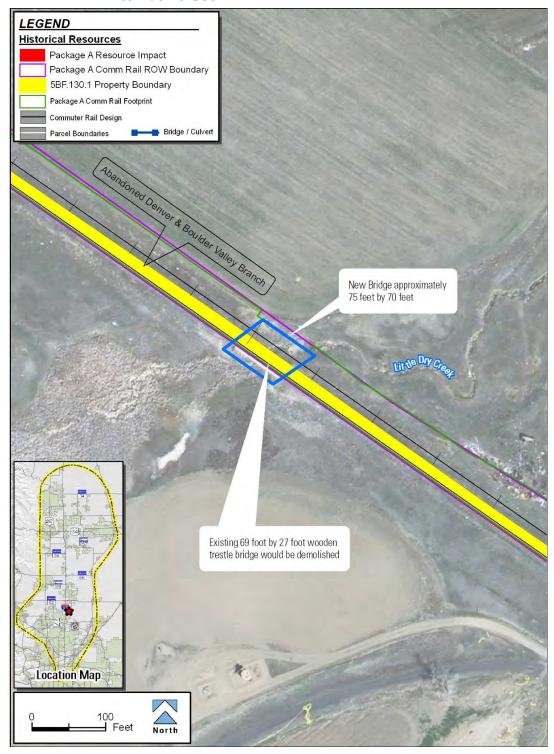




Figure 28 Denver Pacific/Kansas Pacific/Union Pacific Railroad,
Denver & Boulder Valley Branch – Package A and Preferred
Alternative Use





4.5 Use of Public Parks, Recreation Areas, and Wildlife, and Waterfowl Refuge Resources

Table 4 summarizes the proposed use of the individual parks, recreation areas, and wildlife and waterfowl refuge Section 4(f) resources in the regional study area.

Table 4 Use of Parks, Recreation Areas, Wildlife and Waterfowl Section 4(f) Resources

ID	Resource	Section 4(f) Use			
Number	Resource	Package A	Package B	Preferred Alternative	
		A-H2 GP Highway Improvements: SH 14 to SH 60	B-H2 Tolled Express Lanes: SH 14 to SH 60	I-25 Highway Improvements	
5	McWhinney Hahn Sculpture Park	A total of 1.21 acres of park used for placement of new ramps	A total of 1.21 acres of park used for placement of new ramps	A total of 1.21 acres of park used for placement of new ramps	



McWhinney Hahn Sculpture Park (Map ID Number 7)

Description

Location: West of I-25, north of US 34, Loveland

Size: 4.5 acres

Type: Park

Access: Public access

Facilities/Amenities: Visitor's center, sculpture park, houses the Chamber of

Commerce, restrooms, gateway to the City branding the City as an "Art City," drinking fountain, public telephone.

Usage/Patronage: 3,200/year

Relationship to Other Resources: One of 27 developed parks in Loveland; Loveland Chamber

of Commerce Visitor Center is located adjacent to the park.

Ownership/Jurisdiction: City of Loveland

Significance: As a Community Park, McWhinney Hahn serves the

community of Loveland as a whole by providing a special use area for art exhibition and serving as "gateway" to the City. Comparing the availability and function of this resource with the park and recreation objectives of the community, the resource in question plays an important role in meeting

those objectives.

Use of McWhinney Hahn Sculpture Park by Package

A-H2 GP Highway Improvements: SH 14 to SH 60

A total of 1.21 acres (approximately 875foot by 60-foot strip of land) of park used for placement of new ramps; includes impacts to sculptures, trails, and access. Serves as "gateway" to the city.

B-H2 Tolled Express Lanes: SH 14 to SH 60

A total of 1.21 acres (approximately 875foot by 60-foot strip of land) of park used for placement of new ramps; includes impacts to sculptures, trails, and access. Serves as "gateway" to the city.

Preferred Alternative SH 14 to SH 60

A total of 1.21 acres (approximately 875-foot by 60foot strip of land) of park used for placement of new ramps; includes impacts to sculptures, trails, and access. Serves as "gateway" to the city.



Resource Description

This public park is included in the *Parks and Recreation Master Plan* prepared by the City of Loveland, 2001. The park includes an artificial pond, trail, and picnic tables. A special use is provided to display art and sculptures in a public setting. The Chamber of Commerce/Visitor Center building and parking lot are included in the park's total acreage. The City has placed the art and sculpture in the park so that they are visible to motorists to signify a "gateway" to the city and promote visitation to the Visitors Center. The park also provides visitors with a direct view of the Front Range of the Rocky Mountains.

Section 4(f) Use

Package A

Use at this location would result from reconfiguration of the US 34 interchange from a fully directional cloverleaf to a three-quarter directional interchange. The northbound off-ramp from I-25 to westbound US 34 would affect the southernmost portion of the park, resulting in the use of 1.21 acres. The interchange ramps adjacent to the park would be elevated 20 feet to 30 feet on retaining walls. The US 34/I-25 northbound-to-westbound interchange ramp and new grade-separated interchange at US 34 and Rocky Mountain Avenue would directly use land from this Section 4(f) property. The land used at this property includes sculpture exhibit area and the trail around the man-made pond. Access to the park is from Foxtrail Drive, which is likely to be closed because of the proximity to the US 34/Rocky Mountain Avenue interchange ramps.

The City describes the property as serving as a "gateway" to the city and was planned to be oriented to the Front Range with views of the mountains. A park planning goal was to place art in highly visible locations and the identified use would decrease that visibility. The use would be of such magnitude that the function of the park would be largely lost. See **Figure 29** for park use.

Package B

Uses of the Section 4(f) resource or park at this location would be the same as those associated with Package A resulting in 1.21 acres directly incorporated into the project.

Preferred Alternative

Uses of the Section 4(f) resource or park at this location would be the same as those associated with Package A resulting in 1.21 acres directly incorporated into the project. See **Figure 30** for park use.

Avoidance Alternatives

Package A, B, and Preferred Alternative

A direct interchange at the crossing of US 34 and I-25, two major regional transportation facilities, is necessary for each facility to function in a manner that meets purpose and need. Avoidance of this use could occur if this interchange was closed and no connection was provided. This is not considered feasible and prudent because it would not meet the purpose and need factor of improving accessibility.

The McWhinney Hahn Sculpture Park could be avoided if the regional interchange facility could be moved further to the north or to the south of its existing location. Moving the facility 500 feet to the north to avoid using the McWhinney-Hahn Sculpture Park would substantially increase the total impacts throughout the development in the northwest and northeast quadrants of the I-25 and US 34 interchange. Approximately 50 retail and restaurant establishments, many as part of the newly constructed Centerra Marketplace, would be demolished, as would three office buildings, three hotels, and the Loveland Chamber of Commerce. This shopping center is designed to have immediate access to I-25; prices at the Marketplace are dependent on the easy access of goods to and from the Marketplace from I-25. Additionally there are a number of restaurants that offer "fast-food service," making them appealing to those utilizing the Marketplace primarily for shopping. The "fast-food" restaurants are also appealing for those traveling through the region on I-25 seeking a convenient meal. Demolishing 50 buildings in the newly constructed Centerra development would result in a severe loss of property tax revenue to the City of Loveland. Relocation of the large number of resources with the same access to I-25 and proximity to each other would cause a unique problem.



Additional affected resources include the Medical Center of the Rockies, high-functioning wetlands, riparian areas harboring high quality habitat, and the two NRHP-eligible features—the Loveland and Greeley Canal and the Farmers Ditch. The Loveland and Greeley Canal is NRHP eligible under Criterion A for its important contribution to agricultural development in the Loveland Area. The segment near the interchange retains integrity, and avoiding the park would impact approximately 180 linear feet of this historic canal. Farmers Ditch is NHRP eligible under Criterion A for its important contribution to water rights and agriculture in Larimer County. Moving the facility to the north would impact approximately 2,800 linear feet of the ditch.

Avoidance of use of the park by moving the facility to the north would still require new on-ramps to be built as part of the existing interchange to accommodate future traffic volumes at this location. These proposed on-ramps would be elevated 30 feet higher than the existing highway on-ramps. This change to vertical profile, while not causing direct use to the park, would substantially affect the values that provide the basis for the function of the park as a "gateway" to the City. The addition of the walls would impede the views of the park users to the Front Range of the Rocky Mountains and would impede the views from passing motorists to the park showcasing the art. Both of these views constitute attributes that serve the primary function of the park as a "gateway" to the city, thus the function of the park would be largely lost. In a meeting held August 2007 with the City of Loveland (the agency with jurisdiction). the City cited both the views of the mountains and the view to the sculptures as the reason for locating the Visitors Center there and touting it as the "gateway" to the City. The City expressed concern that the proposed walls would impair the view to the Visitors Center as well, and the new interchange would move people quickly through the area making them less likely to stop at the Visitors Center. The City asked for additional meetings to discuss the possibility of moving the Sculpture Park and Visitors Center in their entirety to a location that would function more as a "gateway." Mitigating the land lost by replacing it with adjacent land in the same location would not effectively address the uses of the park. Cumulatively, the severe and unique impacts to wetlands, riparian areas, two eligible ditches and 50 buildings make moving the interchange (and US 34) to the north not feasible and prudent.

Moving the facility to the south to avoid the sculpture garden would create additional use at the Section 4(f)-protected Schmer Farm. This historic farm is eligible for the NRHP under Criterion A for its association with early agriculture and under Criterion C for containing excellent examples of agricultural architecture. The property is one of the last remaining intact examples of a Larimer County Farm from the turn of the century. A field trip was conducted in the North I-25 corridor in June 2006 with the SHPO's office and CDOT historian for the purpose of assessing historic properties in the study area. The Schmer Farm was one of the properties assessed. It was found that the Schmer Farm maintains a very high level of integrity because the land area of the farm has remained essentially unchanged since 1916, and the farmhouse and outbuildings exhibit very little alteration. Within two months of that field visit, the SHPO recommended that the property be officially assessed as eligible for inclusion on the NRHP. Moving the interchange at this location to the south to avoid the park would create an additional 3.7 acres of use, and require demolition of the farmhouse and associated outbuildings. The use at the farm would be elevated from a *de minimis* to an adverse effect. Due to the high level of architectural integrity, loss of this resource would undermine the intent of Section 4(f) to preserve significant historic sites.

Avoiding the sculpture garden by moving the alignment to the south would also result in impacts to low-to medium-function wetlands and riparian areas associated with a man-made feature in the southeast quadrant, impacts to high-quality wetland and riparian areas associated with the Big Thompson River, impacts to potential Preble's meadow jumping mouse habitat and impacts to the NHRP-eligible properties of the Loveland and Greeley Canal and Farmers Ditch. Impacts to the NRHP properties of the Loveland and Greeley Canal and Farmers Ditch would be new compared to the impacts associated with the original alignment. Cumulatively, the severe and unique impacts to the Schmer Farm, wetlands and riparian areas associated with the Big Thompson River, potential Preble's meadow jumping mouse habitat and two eligible ditches of moving the interchange south would make this alternative not feasible and prudent.



Similar to the northern avoidance alternative, total avoidance of the park by moving the interchange south would still severely impact the features and attributes (views to and from the park) of the park that make the park achieve the City's goals. This impact would severely affect the park basically rendering the park unusable for its intended purpose, as a gateway feature.

The use of the sculpture garden can be effectively mitigated by moving the sculpture garden to a location more suited to its primary purpose as a gateway to the City of Loveland. A new location would provide better access and better visibility so the sculpture gardens features, attributes and activities are consistent with the City's goals for the park. Moving the eligible farmhouse and associated out buildings on the Schmer Farm would destroy the integrity of this property. The SHPO views this property as a unique significant property with a high degree of integrity since it has remained essentially unchanged since 1916.

All Possible Planning to Minimize Harm

The US 34/I-25 interchange has been designed to accommodate major movements between these regional facilities as well as accommodate safe and efficient local system traffic. Previous interchange design configurations were much wider and would have used a greater area of the McWhinney Hahn Sculpture Park and the Schmer Farm. The US 34/I-25 interchange is the most compact design possible to minimize right-of-way acquisition. Retaining walls have been included to minimize direct impacts.

CDOT would pursue replacing acquired park land with a suitable replacement property of similar size for the McWhinney Hahn Sculpture Park due to the magnitude and character of parkland lost as a result of Packages A and B.

Mitigation Measures for McWhinney Hahn Sculpture Park

- Coordinate with City of Loveland to relocate park to new location.
- Coordinate with City of Loveland to identify new park, gateway, and visitors center location.
- Continue coordination with City of Loveland into final design to assure no disruption of services.



LEGEND Package A Park Impacts Package B Park Impacts MCWHINNEY HAHN SCULPTURE PARK Package A 1.21 Acres Package B 1.21 Acres **Location Map**

Figure 29 McWhinney Hahn Sculpture Park Packages A and B Use



LEGEND Park and Recreation Resources Preferred Alternative Resource Impact Preferred Alternative ROW Boundary McWhinney Hahn Sculpture Park Bridge Guardrails Retaining Wall Guardrails Preferred Alternative Total Impacts = 1.21 Acres **Location Map** 300 North

Figure 30 McWhinney Hahn Sculpture Park Preferred Alternative Use



5.0 DE MINIMIS IMPACTS

SAFETEA-LU was enacted in August 2005. Guidance for addressing *de minimis* was provided in December 2005. This guidance authorizes the FHWA to approve a project that results in a *de minimis* impact to a Section 4(f) resource without the evaluation of avoidance alternatives typically required in a Section 4(f) evaluation. Section 6009 of SAFETEA-LU amended 23 USC 138 which now states:

"[T]he Secretary shall not approve any program or project (other than any project for a park road or parkway under Section 204 of this title) which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use."

- "(b) De Minimis Impacts.—
- (1) Requirements.—
 - (A) Requirements for historic sites.—The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph
 (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project would have a *de minimis* impact on the area.
 - (B) Requirements for parks, recreation areas, and wildlife or waterfowl refuges.—The requirements of subsection (a) (1) shall be considered to be satisfied with respect to an area described in paragraph (3) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a *de minimis* impact on the area. The requirements of subsection (a) (2) with respect to an area described in paragraph (3) shall not include an alternatives analysis.
 - (C) Criteria.—In making any determination under this subsection, the Secretary shall consider to be part of transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project."

There are different processes for evaluating *de minimis* for historic resources and park and recreational resources. These processes are outlined below.

5.1 *De Minimis* for Historic Resources

Historic sites qualifying for Section 4(f) protection must be officially listed on or eligible for inclusion in the NRHP. The NRHP eligibility is established through the Section 106 process. Section 6009 of SAFETEA-LU amended Title 23 USC Section 138(b)(2) which now states:



"With respect to historic sites, the Secretary may make a finding of *de minimis* impact only if—

- (A) the Secretary has determined, in accordance with the consultation process required under Section 106 of the National Historic Preservation Act (16 U.S.C 470f), that—
 - (i) the transportation program or project will have no adverse effect on the historic site; or
 - (ii) there will be no historic properties affected by the transportation program or project;
- (B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process; and
- (C) the finding of the Secretary has been developed in consultation with the parties consulting as part of the process referred to in subparagraph (A)."

The following Section 4(f) properties are recommended for *de minimis* determination. These properties are shown on **Figure 31** through **Figure 95**. Use of the properties has been evaluated based on current engineering design. The EIS and Section 4(f) Evaluation is documentation and notification to SHPO that FHWA intends to make *de minimis* findings for the properties outlined in this section. Final *de minimis* findings cannot be made until SHPO has concurred with the effect determinations outlined in **Section 3.15** *Historic Preservation* **of the Final EIS**. Although some consultations on effects for Packages A and B have occurred, this document provides the opportunity for consultation on all of the alternatives. The Final *de minimis* Finding will be included in the Record of Decision pending consultation outcome with the SHPO. Informal coordination with the SHPO has been ongoing. Concerns raised to date by the SHPO have been addressed.

As described in **Section 5.0**, a *de minimis* finding for significant historic resources is recommended when the Section 4(f) use is minimal or trivial. The *de minimis* impact finding is based on the degree or level of use, including any avoidance, minimization and mitigation, or enhancement measures that are included in the project to address the Section 4(f) use. *De minimis* impact findings must be expressly conditioned upon the implementation of any measures that were relied upon to reduce the use to a *de minimis* level.

Table 5, *De Minimis* Uses of Section 4(f) Historical Resources by Component, summarizes the effects on the individual historical resources. Additionally, the table lists the type of Section 4(f) use of each resource.



Table 5 De Minimis Use of Section 4(f) Historical Resources					
ID Number		Section 4(f) Use			
ID Number	Resource	Package A	Package B	Preferred Alternative	
I-25 Improvements					
5LR.8932	Larimer County Ditch	83 feet placed in two culvert extensions.	83 feet placed in two culvert extensions.	55 feet placed in two culvert extensions.	
5LR.11396	Einarsen Farm	1.76 acres of property as incorporation of 1,600- foot by 50-foot strip of farmland into project.	1.76 acres of property as incorporation of 1,600-foot by 50-foot strip of farmland into project.	1.9 acres of property as incorporation of 1,600-foot by 50-foot strip of farmland into project.	
5LR.11409	Cache la Poudre Reservoir Inlet	A total length of 85 feet of open ditch in culvert extensions.	A total length of 85 feet of open ditch in culvert extensions.	A total length of 85 feet of open ditch in culvert extensions.	
5LR.2160	Boxelder Ditch	A total of 137.5 feet of total ditch length incorporated into a new 62.5-foot-long culvert and a 75-foot-long culvert extension.	A total of 137.5 feet of total ditch length incorporated into a new 62.5-foot-long culvert and a 75-foot-long culvert extension.	A total of 194 feet of total ditch length incorporated into a new 124-foot-long culvert and a 70-foot-long culvert extension.	
5LR.503.2	Loveland and Greeley Canal	A total of 70 feet of total ditch length in culvert extension.	A total of 70 feet of total ditch length in culvert extension.	A total of 65 feet of total ditch length in culvert extension.	
5LR.8928	Farmers Ditch	A total of 2,539 linear feet would be placed inside culvert extension.	A total of 2,539 linear feet would be placed inside culvert extension.	A total of 2,532 linear feet would be placed inside culvert extension.	
5LR.1710.1	Handy Ditch	No use	No use	A total of 115 feet would be placed into a culvert extension	
5LR.11210	McDonough Farm	A total of 1.64 acres by incorporation of a thin strip of farmland adjacent to US 34.	A total of 1.64 acres by incorporation of a thin strip of farmland adjacent to US 34.	A total of 1.64 acres by incorporation of a thin strip of farmland adjacent to US 34.	
5LR.11408	Zimmerman Grain Elevators	No use	No use	0.03 acre of land acquired from the western edge of the property for transportation improvements	
5LR.850 5WL.841 5BL.514	Great Western Railway	A total of 170 feet of total railroad length incorporated into a new bridge.	A total of 240 feet of total railroad length incorporated into a new bridge.	A total of 155 feet of total railroad length incorporated into a new bridge.	
5LR.11382	Hatch Farm	A total of 2.1 acres of total property by incorporation of narrow 850-foot and 450-foot strips of farmland into two water quality ponds.	A total of 2.2 acres of total property by incorporation of narrow 850-foot and 450-foot strips of farmland into two water quality ponds.	A total of 1.33 acres of total property by incorporated into the transportation infrastructure.	

Table 5 De Minimis Use of Section 4(f) Historical Resources					
ID Number		Section 4(f) Use			
id Nullibei	Resource	Package A	Package B	Preferred Alternative	
I-25 Improvements (cont'd)					
5LR.8927	Hillsboro Ditch	A total of 135 feet of total ditch length would be incorporated into culvert extensions.	A total of 135 feet of total ditch length would be incorporated into culvert extensions.	A total of 55 feet of total ditch length would be incorporated into culvert extensions.	
5WL.3149	Handy/Home Supply Ditch Confluence	A total of 60 feet incorporated into culvert extensions.	A total of 60 feet incorporated into culvert extensions.	A total of 74 feet incorporated into culvert extensions.	
5WL.5198	Olson Farm	A total of 12.74 acres by incorporation of land from both sides of I-25.	A total of 12.81 acres by incorporation of land from both sides of I-25.	A total of 4.63 acres by incorporation of land from both sides of I-25.	
5LR.488	Colorado & Southern Railway Depot—Loveland Depot	A total of 0.03 acres total property	No Use	No Use	
5WL.1966, 5BF.76, 5BF.72, 5AM.457	Bull Canal/ Standley Ditch	A total of 908 feet of the total ditch length would be placed into three culvert extensions.	A total of 850 feet of the total ditch length would be placed into two culvert extensions.	A total of 736 feet of the total ditch length would be placed into two culvert extensions.	
		Commuter i	Rail		
5BL.3449	Supply Ditch	A total of 65 feet of total ditch length would be placed into a culvert extension.	No use	A total of 45 feet of total ditch length would be placed into a culvert extension.	
5BL.3113	Rough & Ready Ditch	A total of 35 feet of total ditch length placed into a culvert extension.	No use	A total of 45 feet of total ditch length placed into a culvert extension.	
5BL.4832	Oligarchy Ditch	Culvert extension of 48 feet.	No use	Culvert extension of 64 feet.	
5BL.9163	Kitely House	A small strip of land totaling 385 square feet on the eastern edge of the property would be acquired for construction of a retaining wall that would prevent greater use of the property.	No use	A small strip of land totaling 385 square feet on the eastern edge of the property would be acquired for construction of a retaining wall that would prevent greater use of the property.	
5LR.1729	Big Thompson Ditch	A total of 60 feet of total ditch length, placed into a culvert extension.	No use	No Use	
5BL.513	Great Western Sugar	A total of 0.33 acre of the property would be used for pedestrian walkway.	No use	No use	
5WL.712	Sandstone Ranch	A total of 2.17 acres of unused land within the historic district used for new railroad right-of-way.	No use	A total of 1.45 acres of unused land within the historic district used for new railroad right-of-way.	



Table 5	Table 5 De Minimis Use of Section 4(f) Historical Resources				
ID Number	Resource	Section 4(f) Use			
id Number		Package A	Package B	Preferred Alternative	
Commuter Rail (cont'd)					
5WL.5461	Boulder & Weld County Ditch	A total of 63 feet of open ditch would be placed into a new culvert.	No use	A total of 63 feet of open ditch would be placed into a new culvert.	
5WL.1974	Rural Ditch	A total of 130 feet of open ditch would be placed into a new culvert.	No use	A total of 108 feet of open ditch would be placed into a new culvert.	
5WL.1317	UPRR-Dent Branch	4.89-mile abandoned segment modernized for double-track commuter rail operations. 200-foot sections modified to install switching tracks.	No use	4.89-mile abandoned segment modernized for single-track commuter rail operations.	



Larimer County Ditch (5LR.8932.1)

Description

Location: I-25, north of Larimer County Road (CR 56)

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Water supply and storage company

Significance: NRHP-Eligible, Criterion A

Use of Larimer County Ditch by Package

Package A
A-H1 Highway Component:
Safety Improvement:
SH 1 to SH 14

Package B
B-H1 Highway Component:
Safety Improvement:
SH 1 to SH 14

83 feet of open ditch would be placed inside new culvert extensions

83 feet of open ditch would be placed inside new culvert extensions

Preferred Alternative SH 1 to SH 14

55 feet placed in two culvert extensions

Resource Description

The Larimer County Ditch crosses I-25 approximately 900 feet north of Larimer County Road (CR) 56, south of the Town of Wellington. The ditch has been owned and operated by the Water Supply and Storage Company since 1892. The open ditch crosses underneath I-25 and the east frontage road inside two almost continuous concrete culverts. The earthen ditch segment is approximately 20 feet wide with grassy levees, and traverses rural terrain.

Eligibility Determination

In 2001, the Larimer County Ditch (5LR.8932) was determined to be eligible for the NRHP under Criterion A for its important contribution to irrigation in Larimer County. Segment 5LR.8932.1 does not support the eligibility of the greater ditch resource because of past modifications to its structure at the culvert crossings underneath I-25 and the existing east frontage road.

Section 4(f) Use

Package A

Package A improvements include a wider frontage road along the existing alignment parallel to the southbound I-25 mainline, requiring a 38-foot-long culvert extension to the west side of the existing 35-foot-long culvert. A new 40-foot-wide frontage road would be built parallel to the east side of the northbound I-25 mainline, requiring a new concrete box culvert crossing of the ditch at that location. The new culvert would place 45 feet of open ditch within a concrete culvert. The length of open ditch placed inside new culvert extensions would total 83 feet. There would be no mainline I-25 improvements in this area (see **Figure 31**).



Because the qualities that make the entire resource NRHP-eligible have already been compromised by modifications associated with construction of I-25 and frontage road, and Package A improvements are minor in relative extent, FHWA and CDOT have determined that Package A would result in *no adverse*

Package B

Package B improvements include the same uses as Package A. Because the qualities that make the entire resource NRHP-eligible have already been compromised by modifications associated with construction of I-25 and frontage road, and Package B improvements are minor in relative extent, FHWA and CDOT have determined that Package B would result in *no adverse effect* to the Larimer County Ditch (see **Figure 31**).

Preferred Alternative

effect to the Larimer County Ditch.

Preferred Alternative improvements include a wider frontage road along the west side of the existing alignment parallel to the southbound I-25 mainline and a new 40-foot-wide frontage road parallel to the east side of the northbound I-25 mainline. The Preferred Alternative also includes one new travel lane and a buffer separated TEL in each direction. The overall footprint for improvements has been reduced from Packages A and B as a result of moving the additional highway lanes to the center median as opposed to outside the existing highway footprint. The resulting use of this resource is the addition of a 25-foot-long culvert extension to the west side and a 30-foot-long culvert extension on the east side of the existing 35-foot-long culvert under I-25. The length of open ditch placed inside new culvert extensions would total 55 feet (see **Figure 32**).

Because the qualities that make the entire resource NRHP-eligible have already been compromised by modifications associated with construction of I-25 and the frontage road and Preferred Alternative improvements are minor in relative extent, FHWA and CDOT therefore have determined that the Preferred Alternative would result in *no adverse effect* to the Larimer County Ditch. It is the intent of FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Planning and Measures Included to Reach a De Minimis Finding

Packages A, B, and Preferred Alternative

The I-25 frontage road improvements incorporate safety shoulder widening in conformance with standard engineering design, and have been moved outside of the safety clear zone for the mainline I-25 travel lanes.

Mitigation Measures for Larimer County Ditch

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



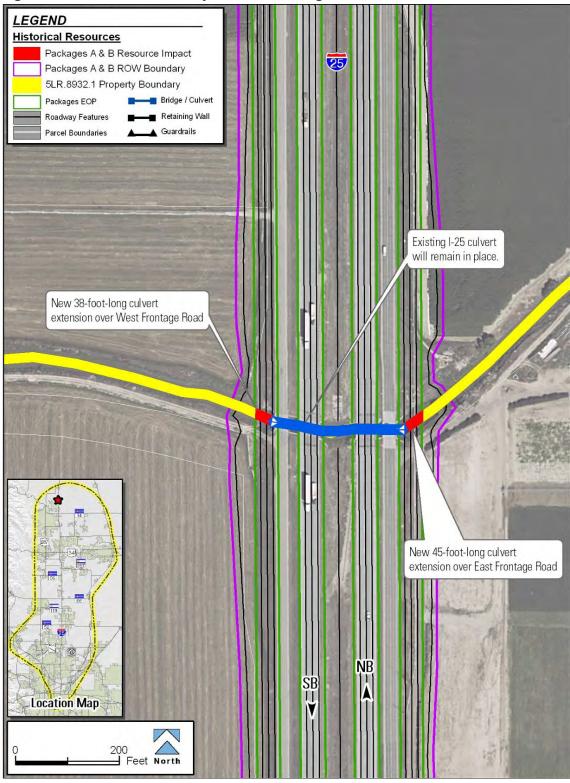


Figure 31 Larimer County Ditch – Packages A and B Use



LEGEND Historical Resources Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5LR.8932.1 Resource Boundary Parcel Boundaries Existing I-25 culvert will remain in place New 25-foot-long culvert extension over West Frontage Road New 30-foot-long culvert extension over East Frontage Road Location Map 200

Figure 32 Larimer County Ditch – Preferred Alternative Use



Einarsen Farm (5LR.11396)

Description

Location: 1320 Northeast Frontage Road

Type: Historic farm

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criteria A and C

Use of Einarsen Farm by Package

Package A
A-H1 Highway Component:
Safety Improvement:
SH 1 to SH 14

Package B
B-H1 Highway Component:
Safety Improvement:
SH 1 to SH 14

1.76 acres of property as incorporation of 1,600-foot by 50-foot strip of farmland into project

1.76 acres of property as incorporation of 1,600-foot by 50-foot strip of farmland into project

Preferred Alternative SH 1 to SH 14

1.9 acres of property as incorporation of 1,600-foot by 50-foot strip of farmland into project.

Resource Description

The historic Einarsen Farm (5LR.11396) is located on the east side of I-25 at 1320 Northeast Frontage Road. The farm, which was established in 1890, consists of an intact barn and hipped roof cottage-style farmhouse.

Eligibility Determination

Based on its association with 19th century Larimer County agriculture and the good integrity of the farm structures built during the period of significance (1880s to 1940s), this farm has been determined to be eligible for listing on the NRHP under Criterion A and C.

Section 4(f) Use

<u>Package A</u>

At this location, the existing configuration of two general-purpose lanes in each direction would be maintained and the east frontage road would be widened to add paved shoulders. Realignment and widening of the east frontage road and associated right-of-way expansion would encroach upon the southwestern edge of this historic farm property. Under Package A, a narrow strip of land extending north from East Vine Drive would be permanently incorporated into the transportation right-of-way. This acquired right-of-way would allow construction of wider roadway shoulders and would permanently bury open farmland along the southwestern edge of this historic farm property under fill slopes associated with the wider frontage road. This strip of land measures approximately 1,600 feet in length, and 50 feet at its widest extent near the East Vine Drive intersection, tapering to zero feet wide at the northernmost point near the ranch access road. The used area is along the edge of a cultivated field and contains 1.76 acres within the historic boundary. No historical buildings are located



near the proposed improvements. See **Figure 33** for Package A uses of this property.

The historical farm setting was permanently altered in the 1960s by initial construction of I-25 and introduction of the highway and associated traffic noise. Currently, the farmhouse is located 80 feet from the east edge of the existing frontage road. Changes in noise and physical setting and atmosphere are not expected to diminish the function, character, feel, or attributes that render the farm or farm buildings and farmhouse NRHP-eligible.

A temporary construction easement could be necessary along the western edge of the property for haul roads, construction access, and staging areas to facilitate roadway widening and slope building. No permanent impacts would be anticipated from this temporary occupancy of the farmland property, and no farm structures would be affected. Construction-related noise generated by construction equipment and trucks would be temporary in nature, and would not permanently affect the atmosphere of the farm setting. Thus, indirect effects caused by temporary construction activities would occur, but would not be expected to significantly diminish the function, character, or attributes that render the farm, farm structures and farmhouse NRHP-eligible.

Because of the small amount of farmland directly used, its proximity to the existing non-historic frontage road, and the fact that no historic farm buildings are located in this vicinity, FHWA and CDOT have determined that Package A would result in *no adverse effect* to the Einarsen Farm. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 33** for Package A uses of this property.

Package B

Use of this historical farm under Package B are very similar in nature and extent to those anticipated under Package A. A slightly shorter segment of the east frontage road would be realigned and widened. The acquired right-of-way to allow construction of wider roadway shoulders would permanently bury open farmland along the southwestern edge of this historical farm property under fill slopes associated with the wider frontage road. The used strip of land measures approximately 1,600 feet in length, and 50 feet at its widest extent near the East Vine Drive intersection tapering to zero feet wide at the northernmost point. The used 1.76 acres are located along the edge of a cultivated field within the historic boundary. No historical buildings are located near the proposed improvements.

Because of the small amount of farmland impacted, its proximity to the existing non-historic frontage road, and the fact that no historic farm buildings are located in this vicinity, FHWA and CDOT have determined that Package B would result in *no adverse effect* to the Einarsen Farm. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 34** for Package B uses of this property.

Preferred Alternative

The Preferred Alternative would add one general purpose lane and one TEL in each direction. A narrow sliver of land extending along and north from East Vine Drive would be permanently incorporated into the transportation right-of-way to accommodate these improvements and construct wider shoulders along the eastern frontage road. This acquired right-of-way would permanently bury open farmland along the southwestern edge of this historic farm property under fill slopes associated with the wider frontage road and at the intersection with East Vine Drive. The area of use is along the edge of a cultivated field within the historic boundary. No historical buildings are near the proposed improvements (see **Figure 35**).

With the Preferred Alternative improvements, the farmhouse would be 70 feet away from the east edge of the frontage road as opposed to the 80 feet away it currently sits. Noise levels associated with increased traffic levels on I-25 and the frontage road would result in a two-decibel increase over existing conditions. This noise increase is barely perceptible. The changes to the local terrain are



minimal and there are no highway features introduced by the proposed improvements that would indirectly affect the historic farm or visual context of the farm. Changes in noise and physical setting and atmosphere are not expected to diminish the function, character, feel, or attributes that render the farm or farm buildings and farmhouse NRHP-eligible.

A temporary construction easement could be necessary along the western edge of the property for haul roads, construction access, and staging areas to facilitate roadway widening and slope building. No permanent use would be anticipated from this use of the farmland property, and no farm structures would be affected. Construction related noise generated by construction equipment and trucks would be temporary in nature, and would not permanently affect the atmosphere of the farm setting. Thus indirect effects caused by temporary construction activities would occur, but would not be expected to significantly diminish the function, character, or attributes that render the farm, farm structures and farmhouse NRHP-eligible.

Due to the small amount of farmland impacted, its proximity to the existing non-historic frontage road, and the fact that no historical farm buildings are located in this vicinity, FHWA and CDOT have determined that the Preferred Alternative would result in *no adverse effect* to the Einarsen Farm. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Planning and Measures Included to Reach a *De Minimis* Finding *Packages A, B, and Preferred Alternative*

The design of the transportation improvements was dictated by safety requirements for the intersections of the frontage roads and Vine Drive on either side of I-25. All possible measures to minimize harm were included.

Mitigation Measures for Einarsen Farm

- Property acquisition will be completed under the Uniform Relocation Act.
- Maintain operation of farm during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND **Historical Resources** Package A Resource Impact Package A ROW Boundary 5LR.11396 Property Boundary Bridge Guardrails Package A EOP Retaining Wall Roadway Features Guardrails Parcel Boundaries Area = 76,694 Sq. Ft Acres = 1.76 E VINE DR Location Map 400 H Feet

Figure 33 Einarsen Farm Package A Use

Note: EOP = Edge of Pavement



LEGEND **Historical Resources** Package B Resource Impact Package B ROW Boundary 5LR.11396 Property Boundary Bridge Guardrails Package B EOP Guardrails Area = 76,694 Sq. Ft Acres = 1.76 E VINE DR Location Map 400 Feet

Figure 34 Einarsen Farm Package B Use

Note: EOP = Edge of Pavement



LEGEND **Historical Resources** Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5LR.11396 Property Boundary Area = 82,660 Sq. Ft Acres = 1.90 E-VINE DR Location Map Feet

Figure 35 Einarsen Farm – Preferred Alternative Use

Note: EOP = Edge of Pavement



Cache la Poudre Reservoir Inlet (5LR.11409) Lake Canal (5LR.995.4)

Description

Location: North I-25 and Prospect Road

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criteria A and C

Use of Cache la Poudre Reservoir Inlet by Package

Package A
A-H2 GP Highway Improvements:
SH 14 to SH 60

Package B
B-H2 Tolled Express Lanes:
SH 14 to SH 60

A total length of 85 feet of open ditch in culvert extensions

A total length of 85 feet of open ditch in culvert extensions

Preferred Alternative SH 14 to SH 60

A total length of 85 feet of open ditch in culvert extensions.

Resource Description

The entire inlet ditch was built as part of a larger irrigation system developed in 1892. The ditch is 10 miles long ending at Cache la Poudre Reservoir. The ditch crosses I-25 approximately 1,400 feet north of Prospect Road. The ditch crosses I-25 at a drop box that runs east under I-25. It continues southeast, terminating at a point where the ditch parallels Prospect Road. The well maintained segment is 3,750 feet long, 36 feet wide, and 10 feet deep. The ditch segment is concrete lined and contains a modern drop box, control house, and complex system of gated box culverts that are interactive with Lake Canal. The ditch traverses cultivated fields and is sporadically lined with riparian habitat of shrubs, willows, and cottonwoods.

Eligibility Determination

The entire feature (5LR.11409) is eligible under Criteria A and C. The Cache la Poudre Reservoir Inlet is eligible under Criterion A for its association with a period of intensive development of successful agriculture. The inlet ditch is significant as part of an engineered water storage and delivery system associated with corporate irrigation projects in Colorado prior to the sugar beet industry. The portion of the inlet ditch crossing I-25 (5LR.11409.1) is non-supporting due to earlier modifications including piping under I-25 and other improvements.

Section 4(f) Use

Package A

Package A would require an extended culvert at Station 4050. A 75-foot-long extension of a culvert farther east of the existing concrete box culvert outflow and a 10-foot-long extension west of the intake at the same culvert would be needed to carry the widening of existing west frontage road shoulders and the Prospect Road interchange widened northbound I-25 on-ramp. The total length of the inlet



ditch placed inside a new culvert extensions would be 85 feet.

Because the qualities that make the entire resource NRHP-eligible have already been compromised by modifications associated with construction of the I-25 ramps and frontage road, and Package A improvements are minor in relative extent, FHWA and CDOT have determined that Package A would result in *no adverse effect* to the Cache la Poudre Reservoir Inlet. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 36** for uses associated with Package A.

Package B

Package B would require an extended culvert at Station 4050. A 75-foot-long extension of double concrete box culvert farther east of the existing culvert outflow and a 10-foot-long extension west of the intake at the same double concrete box culvert would be needed to carry the widening of west frontage road shoulders and Prospect Road interchange widened northbound I-25 on-ramp. The total length of the inlet ditch placed inside new culvert extensions would be 85 feet.

Because the qualities that make the entire resource NRHP-eligible have already been compromised by modifications associated with construction of the I-25 ramps and frontage road, and Package B improvements are minor in relative extent, FHWA and CDOT have determined that Package B would result in *no adverse effect* to the Cache la Poudre Reservoir Inlet. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See Figure **Figure 36** for uses associated with Package B.

Preferred Alternative

The Preferred Alternative would require an extended culvert at STA 4050. A 75-foot-long extension of double CBC farther east of the existing culvert outflow and a 10-foot-long extension west of the intake at the same double CBC would be needed to carry the widening of west frontage road shoulders and the widened Prospect Road interchange northbound I-25 on-ramp.

Because the qualities that make the entire resource NRHP-eligible have already been compromised by modifications associated with construction of the I-25 ramps and frontage road and the Preferred Alternative improvements are minor in relative extent, FHWA and CDOT therefore, have determined that the Preferred Alternative would result in *no adverse effect* to the Cache la Poudre Reservoir Inlet. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence (see **Figure 37**).

Planning and Measures Included to Reach a *De Minimis* Finding

Packages A, B, and Preferred Alternative

The existing Cache la Poudre Reservoir Inlet passes underneath I-25 in a concrete box culvert and has lost its historic integrity. Use of retaining walls to minimize the need for culvert extensions along the west side of I-25 are incorporated into the proposed 10-foot extension. Because the integrity of this segment has already been compromised, the eastern outfall of the ditch would not be modified.

Mitigation Measures for the Cache la Poudre Reservoir Inlet

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



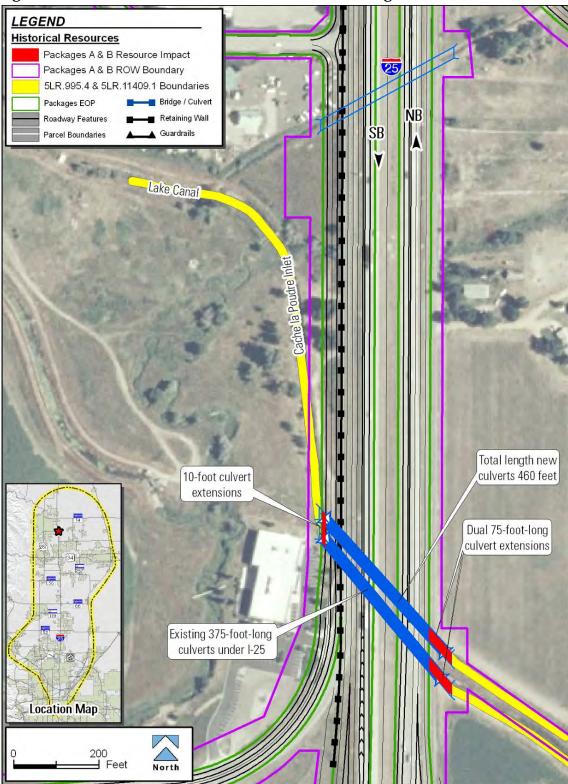


Figure 36 Cache la Poudre Reservoir Inlet – Packages A and B Use



LEGEND **Historical Resources** Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5LR.995.4 & 5LR.11409.1 Resource Boundary Retaining Wall 10-foot culvert extensions Dual 75-foot-long culvert extensions Existing 375-foot-long culverts under I-25 95 Linear Feet Impacted Prospect St Location Map

Figure 37 Cache la Poudre Reservoir Inlet – Preferred Alternative Use



Boxelder Ditch (5LR.2160)

Description

Location: North I-25 and SH 68 (Exit 265)

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Boxelder Ditch by Package

Package A
A-H2 GP Highway Improvements:
SH 14 to SH 60

Package B
B-H2 Tolled Express Lanes:
SH 14 to SH 60

A total of 137.5 feet incorporated into a new 62.5-foot-long new culvert and a 75foot-long culvert extension A total of 137.5 feet incorporated into a new 62.5-foot-long new culvert and a 75foot-long culvert extension

Preferred Alternative I-25 Highway Improvements

A total of 194 feet incorporated into a new 124-foot-long culvert and a 70-foot-long culvert extension. A greater length of ditch is used because of the wider highway footprint.

Resource Description

The ditch was originally built in the mid-1880s. The entire ditch is approximately 5 miles long. Boxelder Ditch crosses I-25, Harmony Road, and the northbound highway ramp at the Harmony Road interchange. The recorded segment in the project APE (5LR.2160.1) is 3,194 feet, or approximately 0.6-mile long. The earthen ditch is approximately 12 feet wide. The portion of the ditch that crosses under the existing roadways was altered when the highway was constructed and is routed through a steel pipe culvert. Grassy vegetation exists along both banks of the ditch in most areas. The surrounding area includes agricultural and residential development.

Eligibility Determination

The Boxelder Ditch (5LR.2160) was officially determined to be NRHP-eligible by the OAHP in 1996. The ditch is eligible for listing on the NRHP under Criterion A for its important association with the development of water rights and agriculture in Larimer County. The segment within the project APE retains sufficient integrity of location, design, and use to support the eligibility of the entire linear resource.

Section 4(f) Use

Package A

Under Package A, the I-25/Harmony Road interchange would be realigned, including widening of the onand off-ramps. Boxelder Ditch is currently enclosed inside a pipe underneath the existing ramps, fill slopes, and mainline I-25 traffic lanes. To accommodate construction of a new southbound off-ramp from I-25, which would be situated 90 feet west of the existing ramp alignment, a 75-foot-long section of the open Boxelder



Ditch would need to be enclosed inside a box culvert beneath the ramp. The remainder of the ditch located within the area proposed for Package A highway improvements is already piped under I-25, the northbound on-ramp to I-25, and Harmony Road, and no new direct use would occur in those locations.

A small direct use would occur where the ditch would pass beneath a new property access road on the southeast side of the interchange. This new access road would terminate at a cul-de-sac and is required to replace an existing access from the abandoned east frontage road. A total of 62.5 feet of open ditch would have to be enclosed inside a box culvert beneath the proposed cul-de-sac.

Installation of the new culvert would likely require a temporary use of the historic property for equipment access and construction activities. The ditch would remain operational and irrigation water would be protected from all sediment and physical encroachment by construction.

The two box culverts required under Package A would enclose a total of 137.5 feet of open ditch that retain integrity, but would not alter its historic alignment. Because these direct uses constitute less than one percent of the entire length of the Boxelder Ditch, and would not significantly diminish or alter characteristics that render the ditch eligible for NRHP, FHWAand CDOT have determined that Package A would result in no adverse effect to the resource. It is the intent of the FHWA and CDOT to make a finding of de minimis pending SHPO concurrence. See Figure 38 for uses associated with Package A.

<u>Package B</u>
This use is identical to Package A. CDOT has determined that Package B would also result in *no adverse* effect to the Boxelder Ditch. It is the intent of the FHWA and CDOT to make a finding of de minimis pending SHPO concurrence. See Figure 38 for uses associated with Package B.

Preferred Alternative

Under the Preferred Alternative, the I-25/Harmony Road interchange would be modified, including widening of the on- and off-ramps. Boxelder Ditch is currently enclosed inside a pipe underneath the existing ramps, fill slopes and mainline I-25 traffic lanes. To accommodate construction of a new southbound off-ramp from I-25, which would be situated 90 feet west of the existing ramp alignment, a 124-foot-long section of the open Boxelder Ditch would need to be enclosed inside a box culvert beneath the ramp. The remainder of the ditch located within the area proposed for Preferred Alternative highway improvements is already piped under I-25, the northbound on-ramp to I-25, and Harmony Road, and no new direct impacts would occur in those locations (see Figure 39).

A small use would occur where the ditch would pass beneath a new property access road on the southeast side of the interchange. This new access road is a cul-de-sac, required to replace the existing access from the abandoned east frontage road. A total of 70 feet of open ditch would have to be enclosed inside a box culvert beneath the proposed cul-de-sac.

Installation of the new culvert would likely require a temporary use of the historic property for equipment access and construction activities. The ditch would remain operational and irrigation water would be protected from all sediment and physical encroachment by construction. All disturbances caused by construction equipment or construction activities would be temporary in nature and affected areas would be restored to the original condition and appearance.

The two box culverts required under the Preferred Alternative would enclose a total of 194 feet of open ditch that retain integrity, but would not alter its historic alignment. A greater quantity of ditch length is used because of the wider highway footprint. These direct impacts constitute less than one percent of the entire length of the Boxelder Ditch, and would not significantly diminish or alter characteristics that render the ditch eligible for NRHP, and FHWA and CDOT have determined that the Preferred Alternative would result in no adverse effect to the resource. It is the intent of the FHWA and CDOT to make a finding of e minimis pending SHPO concurrence.



Planning and Measures Included to Reach a De Minimis Finding

Packages A, B, and Preferred Alternative

Impacts to the ditch in the northwest quadrant were minimized by adding a retaining wall along the west edge of the southbound off-ramp. Realigning the southbound off-ramp to avoid the ditch would result in a substandard design with regard to design speed and sight distance.

Impacts to the ditch in the southeast quadrant were minimized by realigning the northbound off-ramp. Realignment of this ramp to avoid use of the ditch was not possible without compromising accepted design standards.

Mitigation Measures for Boxelder Ditch

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND **Historical Resources** Packages A & B Resource Impact Total impacts to ditch: 137.5 feet Packages A & B ROW Boundary 5LR.2160.1 Property Boundary Bridge / Culvert Packages EOP Roadway Features Retaining Wall Guardrails Parcel Boundaries Open ditch placed inside extended culvert; 75 Linear Feet Impacted Existing culvert E HARMONY RD Open ditch placed inside new culvert; 62.5 Linear Feet Impacted Location Map 300 North ∃ Feet

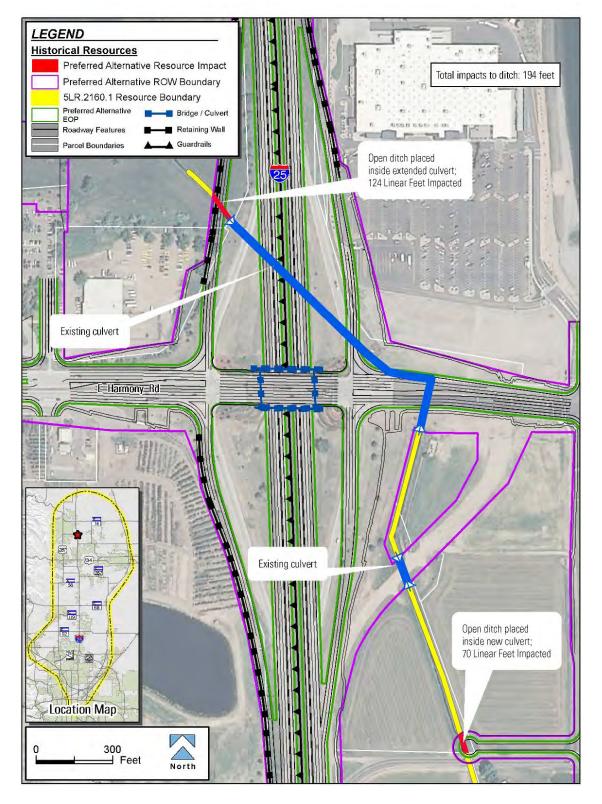
Figure 38 Boxelder Ditch Packages A and B Use

Note:

EOP = Edge of Pavement



Figure 39 Boxelder Ditch Preferred Alternative Use





Loveland and Greeley Canal (5LR.503.2)

Description

Location: Crosses project corridor at various points in the vicinity

east of I-25 along US 34

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Loveland and Greeley Canal by Package

Package A Package B
A-H2 GP Highway Improvements: B-H2 Tolled Express Lanes: SH 14 to SH 60 SH 14 to SH 60

A total of 70 feet in culvert extension

A total of 70 feet in culvert extension

Preferred Alternative I-25 Highway Improvements

A total of 65 feet in culvert extension.

Resource Description

The canal was originally built in 1861. The entire canal is approximately 31 miles long. Two documented segments are in the project APE. Segment 5LR.503.2 of the historic Loveland and Greeley Canal crosses I-25, as well as the parallel frontage road, and is 2.62 miles long. The canal is approximately 39 feet wide and 26 feet deep. During the construction of I-25 in the 1960s, the original canal alignment was preserved but the integrity of the canal in this location was compromised by placing it within a concrete box culvert under the highway. The three-sided, pre-cast concrete box culvert measures 23 feet wide and 402.6 feet long. Both banks of the canal are grass-covered, and riprap is used for bank stabilization in many areas. The area surrounding the canal segment includes retail and residential development.

The earthen ditch segment 5LR.503.4 follows the historic channel alignment through the old town area of Loveland. The surrounding area includes retail and residential development.

Eligibility Determination

In 1984, the Loveland & Greeley Canal was evaluated by the OAHP as NRHP-eligible under Criterion A for its important contribution to agricultural development in the Loveland area. The Loveland and Greeley Canal is nearly 150 years old and evokes the historic agricultural era and conveys the important contribution that irrigation canals made to local history. Segment 5LR.503.2 retains physical integrity except where it was placed in a culvert beneath I-25. Segment 5LR.503.4 retains sufficient integrity of location, setting, feeling, and use to support the eligibility of the entire linear resource.

Section 4(f) Use

Package A

Segment 5LR.503.2: Package A involves the widening of I-25 through this area, changing it from the existing configuration of two northbound and two southbound traffic lanes to a new section containing



three general purpose lanes in each direction for a total of six traffic lanes. Although more mainline travel lanes would be constructed on I-25, they would fit within the existing CDOT right-of-way without affecting the existing culvert conveying the canal underneath the highway.

A new US 34 interchange northbound I-25 on-ramp would be constructed outside the existing highway right-of-way and would cross the Loveland and Greeley Canal east of the existing culvert opening. The existing box culvert must be extended an additional 70 feet on the east side of I-25 and the northbound I-25 on-ramp would be built over the top of the new extended culvert.

Construction of the new culvert would likely require temporary use of the historic property for equipment access. The ditch would likely be diverted temporarily during culvert construction but would remain operational, and irrigation water would be protected from construction-related sedimentation.

The 70-foot culvert extension and temporary construction impacts required under Package A would enclose a very short section of open canal with integrity, and would not alter the canal's historic alignment. This change would affect only a fraction of the 31-mile-long channel, and would not substantially diminish or alter characteristics that render it NRHP-eligible.

Segment 5LR.503.4: None of the proposed improvements would cause changes to this historic property.

The 70-foot culvert extension and temporary construction impacts required under Package A would enclose a very short section of open canal with integrity, and would not alter the canal's historic alignment. Because this change would not diminish or alter characteristics that render it NRHP-eligible, FHWA and CDOT have determined that Package A would result in *no adverse effect* to the resource. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 40** for uses associated with Package A.

Package B

Segment 5LR.503.2: Package B involves the widening of I-25 through this area, changing it from the existing configuration of two northbound and two southbound traffic lanes to a new section containing a total of eight lanes: two managed lanes plus two general purpose lanes in each direction. Although more lanes would be constructed, they would fit within the existing CDOT right-of-way with the exception of a new US 34 to north-bound I-25 on-ramp. Effects to the historic canal would the same as would occur under Package A, and involves extending the existing three-sided concrete box culvert beneath I-25 an additional 70 feet to the east to accommodate the proposed new I-25 on-ramp. Temporary impacts due to construction of the US 34 ramp and installation of the new culvert would be the same as Package A.

Although 70 feet of canal with integrity on the east side of I-25 would be placed in a culvert extension, this change would not diminish or alter characteristics that render the canal eligible for the NRHP; therefore, FHWA and CDOT have determined that Package B would result in *no adverse effect* to the resource. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 40** for uses associated with Package B.

Preferred Alternative

Segment 5LR.503.2: The Preferred Alternative involves the widening of I-25 through this area, changing it from the existing configuration of two northbound and two southbound traffic lanes, to a new section containing three general purpose lanes and a buffer-separated TEL in each direction for a total of eight traffic lanes. Although more mainline travel lanes would be constructed on I-25, they would fit within the existing CDOT right-of-way without affecting the existing culvert conveying the canal underneath the highway.

A new US 34 interchange northbound I-25 on-ramp would be constructed outside the existing highway right-of-way and would cross the Loveland and Greeley Canal east of the existing culvert opening. The existing box culvert must be extended an additional 65 feet on the east side of I-25 and the north-bound I-25 on-ramp would be built over the top of the new extended culvert (see **Figure 41**).



Construction of the new culvert would likely require temporary use of the historic property for

equipment access. The ditch would likely be diverted temporarily during culvert construction but would remain operational, and irrigation water would be protected from construction-related sedimentation. All disturbance caused by construction equipment or construction activities would be temporary in nature and affected areas would be restored to their original condition and appearance.

The 65-foot culvert extension and temporary construction impacts required under Package A would enclose a very short section of open canal with integrity, and would not alter the canal's historic alignment. This change would affect only a fraction of the 31-mile-long channel, and would not substantially diminish or alter characteristics that render it NRHP-eligible.

Segment 5LR.503.4: None of the proposed improvements would cause changes to this historic property.

The 65-foot culvert extension and temporary construction impacts required under the Preferred Alternative would enclose a very short section of open canal with integrity, and would not alter the canal's historic alignment. Because this change would not diminish or alter characteristics that render it NRHP-eligible, FHWA and CDOT have determined that the Preferred Alternative would result in *no adverse effect* to the resource. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 41** for uses associated with the Preferred Alternative.

Planning and Measures Included to Reach a De Minimis Finding

Packages A,B, and Preferred Alternative

The northbound on-ramp was shifted closer to the I-25 mainline in order to avoid encroachment on the Centerra Shopping Center on the northeast quadrant of the I-25/US 34 interchange. This design change also resulted in a shorter length of the ditch being subject to direct uses. No other minimization, mitigation, or enhancement measures were possible.

Mitigation Measures for the Loveland and Greeley Canal

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND **Historical Resources** Packages A & B Resource Impact Packages A & B ROW Boundary 5LR.503.2 Property Boundary Retaining Wall Roadway Features Existing culvert Open ditch placed inside extended culverts; 70 Linear Feet Impacted Location Map 200 Feet EOP = Edge of Pavement Note:

Figure 40 Loveland and Greeley Canal Package A and B Use



LEGEND Historical Resources Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5LR.503.2 Resource Boundary Preferred Alternative Retaining Wall Existing culvert Open ditch placed inside extended culverts; 65 Linear Feet Impacted Location Map 200 Feet

Figure 41 Loveland and Greeley Canal Preferred Alternative Use

Farmers Ditch (5LR.8928.1)

Description

Location: US 34, immediately east of I-25/US 34

interchange

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Farmers Ditch by Package

Package A
A-H2 GP Highway Improvements:
SH 14 to SH 60

Package B
B-H2 Tolled Express Lanes:
SH 14 to SH 60

A total of 2,539 linear feet would be placed inside culvert extensions

A total of 2,539 linear feet would be placed inside culvert extensions

Preferred Alternative I-25 Highway Improvements

A total of 2,532 linear feet would be placed inside culvert extension.

Resource Description

This irrigation ditch was originally built in 1864. The entire Farmers Ditch is approximately 15 miles long. Three segments of the ditch are present within the APE (see **Figure 42**). Segment 5LR.8928.1 of the Farmers Ditch crosses I-25 parallel to US 34 in the vicinity of the I-25 and US 34 interchange. Here, the earthen canal is approximately 16 feet wide and 1.49 miles long. The levees and banks along both sides of the ditch are grass-covered. The surrounding area includes retail and residential development.

Segment 5LR.8928.2 is the portion of the irrigation ditch located west of I-25 and within the northeast quadrant of the interchange where Farmers Ditch crosses US 34. The ditch has been lined with concrete and realigned and modified by commercial development and construction of I-25 and US 34. The segment is 1.8 miles long.

Segment 5LR.8928.7 of the historic Farmers Ditch generally runs perpendicular to I-25 and crosses the proposed Package A commuter railway alignment. The earthen ditch is 151 feet long and 9 feet wide. Grassy vegetation lines both banks of the ditch in many areas. The surrounding area includes industrial and residential development.

Eligibility Determination

The entire Farmers Ditch (5LR.8928) is eligible for listing on the NRHP under Criterion A because of its important association with the development of water rights and agriculture in Larimer County. Segments 5LR.8928.1 and 5LR.8928.7 retain visual and structural integrity within a semi-rural setting, and both segments support the eligibility of the entire linear resource. Segment 5LR.8928.2 of Farmers Ditch has been modified to the point that its remaining features no longer support the eligibility of the entire resource.



Section 4(f) Use

Package A

Segment 5LR.8928.1: Under Package A, the Farmers Ditch segment that currently passes underneath US 34 in a concrete box culvert would be conveyed an additional 65 feet inside an extended culvert, south of US 34 to allow widening of the US 34 roadway. The new road would overly the ditch culvert. Figure 43 illustrates the US 34 culvert extension. Temporary construction activities associated with installation of new ditch culverts and nearby highway improvements would result in temporary occupancy of the ditch. A temporary construction easement may be acquired.

Segment 5LR.8928.2: The Farmers Ditch segment 5LR.8928.2 runs parallel to the north side of US 34 until it reaches the west frontage road of I-25, where it flanks the north side of that roadway as an open ditch for several hundred feet. The ditch enters a pipe where it crosses underneath the west frontage road, I-25, and I-25 ramps. The ditch remains underground inside a culvert pipe until it daylights at the east frontage road. Under the Package A improvements, direct use of the ditch would occur in four places along this ditch segment. Direct uses would occur at two locations on the west side of I-25 where this historic ditch parallels the north side of US 34. Approximately 1,225 feet of open ditch west of, and an 1,090-foot-long stretch of open ditch east of Rocky Mountain Avenue lies within the proposed wider US 34 roadway template. The open ditch would be encased inside an underground pipe to allow construction of the wider pavement and side slope.

Two direct uses would occur on the east side of I-25. These include a 115-foot-long portion of open ditch on the northeast quadrant of the I-25/US 34 interchange, which would require the ditch to be encased inside a culvert beneath the proposed new northbound I-25 on-ramps. A short distance farther to the east, the same ditch flows under US 34 inside a concrete box culvert. Proposed widening of the US 34 roadway in this location would require culvert extensions of approximately 44 feet on the north side of US 34 and 65 feet on the south side (5LR.8928.1) of US 34, totaling 109 feet more open ditch that would be conveyed inside a concrete culvert (see **Figure 43**).

Segment 5LR.8928.7: None of the proposed commuter rail improvements would cause changes to this historic property.

Ditch segments 5LR.8928.1 and 5LR.8928.2 would experience temporary construction impacts during culvert installation and highway construction activity. The use of these same segments cumulatively amount to 2,539 linear feet, or 0.48 mile, of open ditch, requiring placement inside underground pipes and box culvert extensions. Because the physical integrity of the channel of the ditch segment in much of the I-25/US 34 interchange area has already been compromised by numerous culvert installations, realignments and other modifications, and no longer supports the qualities that make the entire ditch NRHP-eligible, FHWA and CDOT have determined that the Package A transportation improvements would result in *no adverse effect* with respect to the entire Farmers Ditch (5LR.8928). It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Package B

Segment 5LR.8928.1: Under Package B, the Farmers Ditch segment that currently passes underneath US 34 in a concrete box culvert would be conveyed an additional 65 feet inside an extended culvert, south of US 34 to allow widening of the US 34 roadway. The new road would overly the ditch culvert. **Figure 44** illustrates the US 34 culvert extension. Temporary construction impacts would be the same as Package A.

Segment 5LR.8928.2: Package B improvements to the I-25/US 34 interchange, as well as US 34 and the Rocky Mountain Avenue intersection, would result in very similar use of the historic Farmers Ditch as Package A.

The proposed transportation improvements would result in temporary and direct impacts identical to those associated with Package A. The use of these same segments cumulatively amount to 2,539 linear feet, or 0.48 mile, of open ditch, requiring placement inside underground pipes and box culvert extensions. FHWA and CDOT have determined that the Package B transportation improvements would



result in a *no adverse effect* with respect to the entire Farmers Ditch (5LR.8928). It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Preferred Alternative

Segment 5LR.8928.1: Under the Preferred Alternative, the Farmers Ditch segment that currently passes underneath US 34 in a CBC would be conveyed an additional 78 feet inside an extended culvert, south of US 34 to allow widening of the US 34 roadway. The new road would overlay the ditch culvert. **Figure 45** illustrates the US 34 culvert extension.

Temporary construction activities associated with installation of new ditch culverts and nearby highway improvements would result in temporary impacts to the ditch. A temporary construction easement may be acquired.

Segment 5LR.8928.2: The Farmers' Ditch segment 5LR.8928.2 runs parallel to the north side of US 34 until it reaches the west frontage road of I-25 where it flanks the north side of that roadway as an open ditch for several hundred feet. The ditch enters a pipe where it crosses underneath the west frontage road, I-25, and I-25 ramps. The ditch remains underground, inside a culvert pipe, until it daylights at the east frontage road.

Under the Preferred Alternative improvements, uses of the ditch would occur in four places along this ditch segment. Direct use would occur at two locations on the west side of I-25 where this historic ditch parallels the north side of US 34. Approximately 1,225 feet of open ditch west of, and a 1,090-foot-long stretch of open ditch east of Rocky Mountain Avenue, lies within the proposed wider US 34 roadway template. The open ditch would be encased inside an underground pipe to allow construction of the wider pavement and side slope.

Two direct uses would occur on the east side of I-25. These include a 95-foot-long portion of open ditch on the northeast quadrant of the I-25/US 34 interchange, which would require the ditch to be encased inside a culvert beneath the proposed new northbound I-25 on-ramps. A short distance farther to the east, the same ditch flows under US 34 inside a CBC. Proposed widening of the US 34 roadway in this location would require culvert extensions of approximately 44 feet on the north side of US 34 and 78 feet on the south side (5LR.8928.1) of US 34, totaling 109 feet more open ditch that would be conveyed inside a concrete culvert (see **Figure 45**).

Segment 5LR.8928.7: None of the proposed commuter rail improvements would cause changes to this historic property.

Ditch segments 5LR.8928.1 and 5LR.8928.2 would experience temporary construction impacts during culvert installation and highway construction activity. The use of these same segments cumulatively amount to 2,532 linear feet, or 0.48 mile, of open ditch, requiring placement inside underground pipes and box culvert extensions. Because the physical integrity of the channel of the ditch segment in much of the I-25/US 34 interchange area has already been compromised by numerous culvert installations, realignments and other modifications, and no longer supports the qualities that make the entire ditch NRHP-eligible, FHWA and CDOT have determined that the Preferred Alternative transportation improvements would result in *no adverse effect* with respect to the entire Farmers Ditch (5LR.8928). It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Planning and Measures Included to Reach a *De Minimis* Finding

At the US 34 Interchange, the roadway template has been minimized as much as possible, and has utilized retaining walls throughout the interchange system(i.e., along all ramps, I-25 and US 34) to avoid and minimize impacts to the Schmer Farm and other environmental resources. It is the least harmful design without lanes and changing the level of service of the interchange system. The interchange design has balanced many system issues to accommodate both highway to regional arterial roadway movements, directly connecting ramps, and accommodating local traffic movements with the least amount of impact not only to environmental resources but also to existing developments in the northwest, northeast, and southeast quadrants.



All possible measures to minimize harm were taken to minimize impacts to other resources surrounding the I-25/US 34 interchange. These resources include McWhinney Hahn Sculpture Park in the northwest quadrant, the historic Schmer Farm in the southwest quadrant, as well as wetlands located in all quadrants of the interchange. The wetland complex located in the northeastern quadrant of the interchange is classified as a moderate wetland function and value rating based on its association with an existing waterway, mature riparian zone, and high diversity of vegetative species, which provide food and habitat for various wildlife species. The wetland complexes in the remaining quadrants are comprised of three man-made detention ponds and one emergent wetland complex located adjacent to an irrigation ditch, all of which contain a *low* wetland function and value rating.

Mitigation Measures for Farmers Ditch

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society/standards for Level II Documentation is recommended pending SHPO concurrence.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



EGEND
Historical Resource Impact
Package A ROW Boundary
SLR 8928.1 & SLR 8928.2 Boundaries
Location Map Boundaries
A Countralis
Parcel Boundaries
Location Map

Location Map

Figure 42 Farmers Ditch Packages A and B Location Map



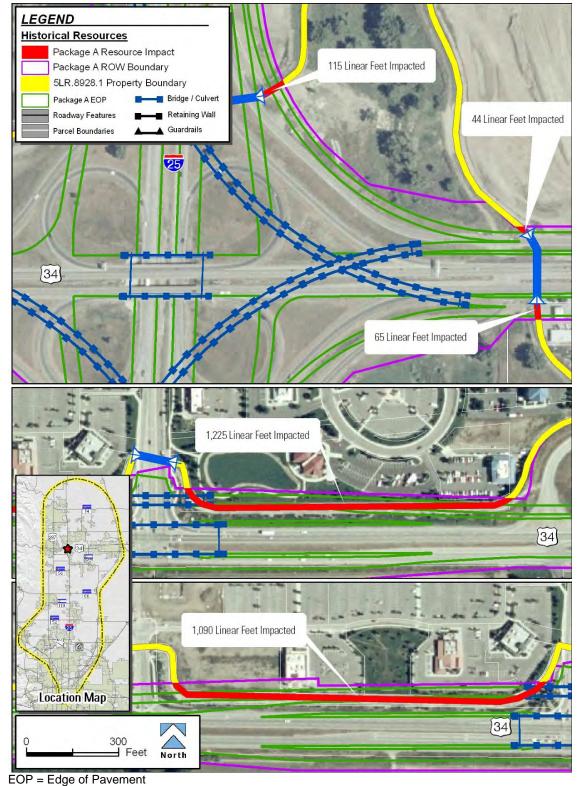


Figure 43 Farmers Ditch Package A Use



LEGEND Historical Resources 44 Linear Feet Impacted Package B Resource Impact Package B ROW Boundary 5LR.8928.1 Property Boundary Package B EOP Bridge / Culvert 115 Linear Feet Impacted Retaining Wall Roadway Features 1225 Linear Feet Impacted 1090 Linear Feet Impacted Location Map 300 Feet North EOP = Edge of Pavement

Figure 44 Farmers Ditch Package B Use

Note:



LEGEND Historical Resources Preferred Alternative Resource Impact 95 Linear Feet Impacted Preferred Alternative ROW Boundary 5LR.8928.1 & 5LR.8928.2 Boundaries EOP Roadway Features 44 Linear Feet Impacted 78 Linear Feet Impacted 1,225 Linear Feet Impacted 1,090 Linear Feet Impacted Location Map

Figure 45 Farmers Ditch Preferred Alternative Use



Handy Ditch (5LR.1710.1)

Description

Location: Just south of US 287 and east of Berthoud Reservoir

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Supply Ditch by Package

Package A
A-T1 Transit ComponentCommuter Rail:
Fort Collins to Longmont

Package B
B-T1 Transit Component/BRT:
Fort Collins/Greeley to Denver

No use

No use

Preferred Alternative Commuter Rail

A total of 115 feet would be placed into a culvert extension.

Resource Description

This segment of the Handy Ditch crosses under the railway alignment. The entire ditch is approximately 24 miles long. The segment within the project APE (5LR.1710.1) is 2.9 miles long and 24 feet wide from bank to bank. Both banks are covered by heavy riparian growth in many areas. The surrounding area includes residential development.

Eligibility Determination

In 1993, the OAHP officially determined the Handy Ditch to be NRHP-eligible. The ditch is eligible under Criteria A for its important association with the development of water rights and agriculture in Larimer County. This segment (5LR.1710.1) retains sufficient integrity to support the eligibility of the entire linear resource.

Section 4(f) Use

Package A

None of the proposed commuter rail improvements associated with Package A would cause changes to this historic property. Due to the lack of direct and indirect impacts, FHWA and CDOT have determined that the Package A transit improvements would result in no historic properties affected with respect to this historic resource.

Because there would be no direct use of the Handy Ditch under Package A, FHWA and CDOT have determined that Package A would result in no use of the Handy Ditch (5LR.1710.1).

Package B

This is a non-improvement area under Package B.



Preferred Alternative

Under the Preferred Alternative construction of the passing track and the required maintenance road would have a direct impact and use of the ditch (see **Figure 46**). Currently the historic ditch is carried beneath the existing track in a culvert. In order to construct the additional features a 55-foot-culvert extension would be required on the west side of the existing culvert and a 60-foot-culvert extension would be required on the east side. The portion of the ditch subject to use by the Preferred Alternative commuter rail line is adjacent to a preexisting impacted section (crossing under the active rail line). This additional impact would not substantially diminish the qualities that make this resource NRHP eligible. Therefore FHWA, FTA and CDOT have determined that the Preferred Alternative transit improvements would result in *no adverse effect* to the Handy Ditch. It is the intent of FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Planning and Measures Included to Reach a *De Minimis* Finding *Package A and Preferred Alternative*

The physical railway template has been reduced to the minimum width necessary to meet FRA and FTA design and safety standards.

Mitigation Measures for the Handy Ditch

- Permanent easement or property acquisition will be completed under the Uniform Relocation Act.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



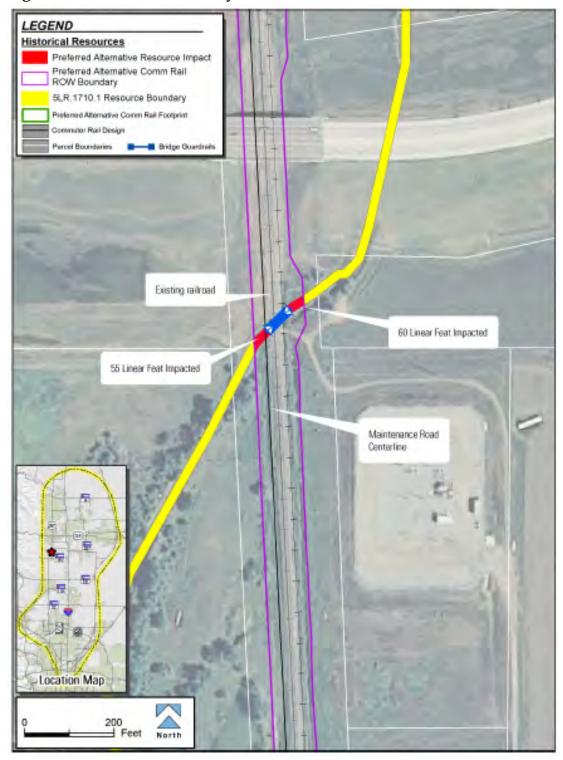


Figure 46 5LR.1710.1 Handy Ditch – Preferred Alternative Use



McDonough Farm (5LR.11210)

Description

Location: 4856 E. Highway 34, Loveland

Type: Historic farm

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion C

Use of McDonough Farm by Package

Package A
A-H2 GP Improvements:
SH 14 to SH 60

Package B B-H2 Tolled Express Lanes: SH 14 to SH 60

A total of 1.64 acres by incorporation of a thin strip of farmland adjacent to US 34 A total of 1.64 acres by incorporation of a thin strip of farmland adjacent to US 34

Preferred Alternative Highway

A total of 1.64 acres by incorporation of a thin strip of farmland adjacent to US 34.

Resource Description

This property is located east of Loveland on the south side of US 34 approximately one mile west of I-25. The farm is historically important because of the architectural significance of its barn. The barn is a good example of early 20th century barn architecture in the Loveland and Larimer County area. The farm still continues in production and the barn continues to convey significance under Criterion C.

Eligibility Determination

In August 2006, the McDonough Farm was determined officially eligible for inclusion on the NRHP under Criterion C because of the architectural significance of its barn.

Section 4(f) Use

Package A

The use associated with Package A would occur along the northern edge of the farm adjacent to US 34 where 1.64 acres of land would be acquired in a thin strip of land along portions of the north and east borders of the farm. It appears that a pumphouse adjacent to US 34 would be removed. On the 2006 survey of this property, the pumphouse was evaluated as not unique, utilitarian in nature, and not adequately representing the architecture typically associated with Loveland area farms during the first half of the 20th century. This farm would remain a working farm whose barn



conveys significance under Criterion C. The barn and other farm buildings would not be directly affected, agricultural production would continue and the barn would continue to convey architectural significance. See **Figure 47** for uses associated with Package A.

The material, workmanship, location and design of the barn would retain integrity and not be affected by a use of land from the site. Due to the fact that there would be no direct impact to the barn, FHWA and CDOT have determined that Package A would result in no adverse effect to the resource.

Package B

The impacts associated with Package B are identical to those described under Package A. This farm would remain a working farm whose barn conveys significance under Criterion C. The barn and other farm buildings would not be directly affected, agricultural production would continue and the barn would continue to convey architectural significance. The material, workmanship, location and design of the barn would retain integrity and not be affected by a loss of land from the site. Due to the fact that there would be no direct impact to the barn, FHWA and CDOT have determined that Package B would result in no adverse effect to the resource. See **Figure 47** for uses associated with Package B.

Preferred Alternative

The impacts associated with the Preferred Alternative would occur along the northern edge of the farm adjacent to US 34 where 1.64 acres would be removed in a thin strip of land along portions of the north and east borders of the farm. It appears that a pumphouse adjacent to US 34 would be removed. On the 2006 survey of this property, the pumphouse was evaluated as not unique, utilitarian in nature, and not adequately representing the architecture typically associated with Loveland area farms during the first half of the 20th century. This farm would remain a working farm whose barn conveys significance under Criterion C. The barn and other farm buildings would not be directly affected, agricultural production would continue and the barn would continue to convey architectural significance. See **Figure 47** for uses associated with the Preferred Alternative.

The material, workmanship, location and design of the barn would retain integrity and not be affected by a loss of land from the site. Due to the fact that there would be no direct impact to the barn, FHWA and CDOT have determined that the Preferred Alternative would result in no adverse effect to the resource.

Planning and Measures Included to Reach a De Minimis Finding

Packages A, B, & Preferred Alternative

The farm is located directly adjacent to US 34 just west I-25. The US 34/I-25 interchange has been designed to accommodate major movements between these regional facilities as well as accommodate safe and efficient local system traffic. Previous interchange design configurations were much wider and would have used a greater area of McDonough Farm. The US 34/I-25 interchange is the most compact design possible to minimize right-of-way acquisition. Retaining walls have been included to minimize direct impacts. Impacts caused by expansion of US 34 would result from the new overpass. Because of the overpass height, the toe slopes would have a longer reach into the farm property.

Mitigation Measures for the McDonough Farm

- Property acquisition will be completed under the Uniform Relocation Act.
- Maintain operation of farm during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



Figure 47 McDonough Farm Use





Great Western Railway (5LR.850)

Description

Location: T5N/R68W, C Sec, 15

Type: Historic railroad

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Great Western Railway by Package

Package A
A-H2 GP Highway Improvements:
SH 14 to SH 60

Package B
B-H2 Tolled Express Lanes:
SH 14 to SH 60

A total of 170 feet of railroad length incorporated into a new bridge

A total of 240 feet of railroad length incorporated into a new bridge

Preferred Alternative I-25 Highway Improvements

A total of 155 feet of railroad length incorporated into a new bridge.

Resource Description

The total length of the entire historic Great Western Railway (GWR) is 110 miles. Six segments of the GWR resource in Larimer, Weld, and Boulder counties pass through the North I-25 EIS APE.

The 15.7-mile-long GWR Loveland to Buda section (5LR850) was built in 1902 to 1903 by the Loveland Construction Company and contains Larimer County segments 5LR.850.1 and 5LR.850.5, as well as Weld County segment 5WL.841.11. Segment 5LR.850.1 is approximately 1,241 feet long. The GWR is conveyed over I-25 in this portion of the APE by a non-historic bridge. Segment 5LR.850.5 is approximately 551 feet long. Segment 5WL.841.11 is the first end-of-track point for the Loveland to Buda section, and the portion within the project APE is 784 feet long.

The GWR Johnstown to Liberty section was built in 1905 to 1906 and is 12 miles long. Within the APE in Weld and Boulder counties, this section contains segments 5WL.841.9 and 5BL.841.1. Segment 5WL.841.9 is 1,241 feet long, and Segment 5WL.841.1 is 784 feet long. The Boulder County segment (5BL.514.1) of the GWR Johnstown to Longmont section was constructed in 1903 and is approximately 2.1 miles long.

Eligibility Determination

The entire GWR in Larimer County (5LR.850), Weld County (5WL841), and Boulder County (5BL.514), is eligible for the NRHP under Criterion A because of its important role in the economic development of the Colorado Front Range. All of the segments passing through the APE (5LR.850.1, 5LR.850.5, 5WL.841.11, 5WL.841.9, 5WL.841.1, and 5BL.514.1) retain sufficient integrity of location and association to support the eligibility of the entire linear resource; however, those portions of the railroad spanning I-25 have been modified and have lost integrity of design and workmanship by being placed on a bridge during the 1960s.



Section 4(f) Use

Package A

Segment 5LR.850.1: Presently, this historic railroad segment spans I-25 via a non-historic 210-footlong steel girder railroad bridge. Package A involves the widening of I-25 through this area, changing it from the existing configuration of two northbound and two southbound traffic lanes to a new section containing three general purpose lanes in each direction, or a total of six traffic lanes. To accommodate this wider section, it would be necessary to replace the existing bridge carrying the GWR over I-25 with a 295-foot-long bridge structure. The new bridge would be 85 feet longer than the existing structure spanning I-25. The proposed new bridge would be either of post-tensioned concrete or steel plate girder construction, and would remain at the same vertical height as the existing railroad bridge

In order to replace the existing bridge with a longer structure, it would be necessary to construct a temporary "shoo-fly" structure, whereby a section of railroad would be temporarily re-aligned to cross I-25 on the north side of the existing railroad bridge. This measure would prevent a disruption in rail service, while the old bridge is demolished and the new bridge structure is being constructed in its place. A new rail crossing would be constructed north of the existing bridge. The shoo-fly structure would require altering the existing historic railroad grade at either end of the existing bridge (approximately 85 feet at each end to provide a smooth transition to the new alignment), curving to form the bypass of the existing bridge. Once the latter step has been completed, the shoo-fly would be removed, and rail traffic would be restored to its historic east-west alignment.

The bridge replacement under Package A would place an additional 85 feet of historic railroad line on a bridge structure similar to its current configuration. By placing that portion of the railroad already modified by the original construction of I-25 on a bridge, only 170 feet of the railroad retaining good physical integrity would be used by placement on a longer bridge structure. The new bridge would be similar in terms of elevation and the location where it spans I-25, and thus would not introduce a new and different visual element into the railroad's setting. This change would not substantially diminish or alter characteristics that render it eligible for the NRHP (see **Figure 48**).

Segment 5WL.841.11: In this location, the existing I-25 northbound and southbound roadways span this historic railroad with twin 82-foot-long, 38-foot-wide concrete slab bridges (C-17-CE and C-17-CD). Neither bridge is historic. Under Package A, the northbound and southbound roadways would be realigned to the west of their current alignments, and would be wider, containing three general purpose lanes in each direction. The new northbound and southbound roadways would span the historic railway on new pre-stressed concrete girder-type bridge structures that would be approximately 24 feet wider and 79 feet long. The old bridges would be demolished. The new bridge piers would be placed outside the limits of this historic railway so that no direct use would occur. The existing east frontage road would be slightly widened but would remain in its existing alignment, and the existing at-grade railroad crossing would be maintained.

Removing the old bridges and returning most of the associated fill slopes to a more natural terrain shape and elevation would partially restore the historic landscape of the railway setting. A temporary construction easement would be necessary to demolish and regrade slopes within the railroad right-of-way and would result in a temporary occupancy.

Segment 5LR.850.5: This rail line would remain in its current historic alignment and would continue to tie into the railroad mainline corridor west of Cleveland Avenue that would contain the proposed commuter rail line. No direct use of the historic railroad ballast, bed, and track would occur. The installation of an adjacent set of tracks supporting the new commuter rail line would indirectly affect the historic setting of the historic railroad line, but would not to be expected to substantially harm the function, alignment, character, or other attributes that render the railroad NRHP-eligible.



Segment 5WL.841.9: Under Package A, the I-25 northbound and southbound roadways would be re-aligned approximately 50 to 60 feet west of their current alignments, and would be widened from two lanes to three general purpose lanes in each direction. The new northbound and southbound roadways would span the historic railway on new pre-stressed concrete girder-type bridge structures that would be 82 feet long and 63 to 75 feet wide. The old (but non-historic) 103-foot long, 38-foot wide rolled I-beam bridges (D-17-DB and D-17-DA) which spanned the railroad would be demolished. The new bridge piers would be placed outside the limits of this historic railway, so that no direct use would occur. The two new bridges would be a combined 62 feet wider than the existing bridges, thus the railroad would have an additional 62 feet of overhead cover. The existing east frontage road would be slightly widened but would remain in its existing alignment, and the existing at-grade railroad crossing would be maintained.

Removing the old bridges and returning most of the associated fill slopes to a more natural terrain shape and elevation would partially restore the historic landscape of the railway's setting. A temporary construction easement would be necessary to demolish and re-grade slopes within the railroad right-of-way and would result in a temporary occupancy. The new bridges would place a portion of the railway underneath the highway bridges. This increased overhead cover due to the new bridge decks would not result in a direct use.

Segment 5BL.514.1: The commuter rail improvements in this area call for the addition of a dedicated commuter rail track parallel to the existing commercial railroad track. In all cases the existing rail line would remain in its current historic alignment. No use of the historic railroad ballast, bed, and track would occur. The installation of an adjacent set of tracks supporting the new commuter rail line would indirectly affect the historic setting of the historic railroad line, but that is not expected to substantially harm the function, alignment, character, or attributes that render the railroad NRHP-eligible.

Approximately 170 feet of railroad track at Segment 5LR.850.1 would experience a direct use as a result of new bridge construction. Temporary construction occupancy and indirect effects due to expanded overhead coverage by the highway bridges would affect two segments of the railroad (5WL.841.11 and 5WL.841.9). New commuter rail track along the transportation corridor would contribute to modern but compatible rail infrastructural elements to the historic setting at two locations (5BL.514.1 and 5LR.850.5). Because the use of these segments associated with the proposed Package A transportation improvements would not substantially diminish the integrity of the resource or the characteristics that render the property eligible for the NRHP, FHWA and CDOT have determined that the Package A transit improvements would result in *no adverse effect* with respect to the entire GWR in Larimer, Weld, and Boulder counties (5LR.850, 5WL.841, and 5BL.514). It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 48** for uses associated with Package A.

Package B

Segment 5LR.850.1: Presently, this historic railroad segment spans I-25 via a (non-historic) 210-foot-long steel girder railroad bridge. Package B involves widening of I-25 through this area, changing it from the existing configuration of two northbound and two southbound traffic lanes to a new section containing a total of eight lanes: two managed lanes plus two general purpose lanes in each direction. To accommodate this much wider section, it would be necessary to replace the existing bridge carrying the GWR over I-25 with a 330-foot-long bridge structure. The new bridge would be 120 feet longer than the existing structure spanning I-25. The proposed new bridge would be either of post-tensioned concrete or steel plate girder construction, and would remain at the same vertical height as the existing railroad bridge.

Similar to Package A, construction of a shoo-fly would be needed during construction.

The bridge replacement under Package B would place an additional 240 feet of historic railroad line on a bridge structure relatively similar to its current configuration. By placing that portion of the railroad already modified by the original construction of I-25 on a bridge, 240 feet of the railroad



retaining good physical integrity would be altered by placement on a longer bridge structure. The new bridge would be similar in terms of elevation and the location where it spans I-25, and thus would not introduce a new and different visual element into the railroad's setting. This change would not substantially diminish or alter characteristics that render it eligible for the NRHP.

Segment 5WL.841.11: Under Package B, this section of I-25 is in the transition zone between a highway section containing two general purpose lanes with one buffer-separated managed lane in each direction, to a wider section containing two general purpose lanes plus two barrier-separated managed lanes in each direction. The northbound and southbound roadways would be realigned to the west of their current alignments, and these new roadways would span the historic railway on two new pre-stressed concrete girder-type bridge structures similar to those proposed for Package A that would be approximately 70 feet wider and 79 feet long. The bridge piers would be placed outside the limits of this historic railway, and no direct use would occur. The old bridges would be demolished. The existing east frontage road would be slightly widened but would remain in its existing alignment, and the existing at-grade railroad crossing would be maintained, and no direct use would result.

Removing the old bridges and returning most of the associated fill slopes to a more natural terrain shape and elevation would partially restore the historic landscape of the railway setting. However, the new bridges would place an additional 140-foot-long portion of the railway underneath the new bridge decks. This increased overhead cover due to the wider bridge deck would be an indirect effect to the historic setting of the railway; however, this change is not expected to substantially diminish or alter the function, alignment, character, or other attributes that render the railway NRHP-eligible.

Segment 5WL.841.9: Under Package B, the northbound and southbound roadways would be realigned approximately 50 to 60 feet west of their current alignments, and would be wider, containing two general purpose lanes plus one buffer-separated managed lane in each direction. The new northbound and southbound roadway alignments would span the historic railway on new 82-footlong pre-stressed concrete girder-type bridge structures. The two new bridges would be a combined 62 feet wider than the existing bridges, thus the railroads would have an additional 62 feet of overhead cover. The bridge piers would be placed outside the limits of this historic railway, and no direct use would occur. The existing east frontage road would be slightly widened but would remain in its existing alignment, and the existing at-grade railroad crossing would be maintained.

Removing the old bridges and returning most of the associated fill slopes to a more natural terrain shape and elevation would partially restore the historic landscape of the railway's setting. A temporary construction easement would be necessary to demolish and regrade slopes within the railroad right-of-way. The new bridges would place an additional portion of the railway underneath the bridge deck. This increased overhead cover due to the wider bridge deck would be an indirect effect to the historic setting of the railway; however; this change is not expected to substantially diminish or alter the function, alignment, character, or other attributes that render the railway NRHP-eligible.

Approximately 240 feet of railroad track at Segment 5LR.850.1 would be directly impacted as a result of new bridge construction. Temporary construction occupancy and indirect effects due to expanded overhead coverage by the highway bridges would affect two segments of the railroad (5WL.841.11 and 5WL.841.9). Because the impacts to these segments associated with the proposed Package B transportation improvements would not substantially diminish the integrity of the resource or the characteristics that render the property eligible for the NRHP, FHWA and CDOT have determined that Package B would result in *no adverse effect* with respect to the entire GWR in Larimer and Weld counties (5LR.850 and 5WL.841). It is the intent of the FHWA and



CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 49** for uses associated with Package B.

Preferred Alternative

Segment 5LR.850.1: Presently, this historic railroad segment spans I-25 via a non-historic 210-foot-long steel girder railroad bridge. The Preferred Alternative involves the widening of I-25 through this area, changing it from the existing configuration of two northbound and two southbound traffic lanes, to a new section containing three general purpose lanes and one TEL in each direction or a total of eight traffic lanes. To accommodate this wider section, it would be necessary to replace the existing bridge carrying the GWR over I-25 with a 295-foot-long bridge structure. The new bridge would be 85 feet longer than the existing structure spanning I-25. The proposed new bridge would be either of post-tensioned concrete or steel plate girder construction, and would remain at the same vertical height as the existing railroad bridge (see **Figure 50**).

To replace the existing bridge with a longer structure, it would be necessary to construct a temporary "shoo-fly" structure, whereby a section of railroad would be temporarily re-aligned to cross I-25 on the north side of the existing railroad bridge. This measure would prevent a disruption in rail service, while the old bridge is demolished and the new bridge structure is being constructed in its place. A new rail crossing would be constructed north of the existing bridge. The shoo-fly structure would require altering the existing historic railroad grade at either end of the existing bridge (approximately 70 feet on the west end and 85 feet at the east end to provide a smooth transition to the new alignment), curving to form the bypass of the existing bridge. Once the latter step has been completed, the shoo-fly would be removed, and rail traffic would be restored to its historic east-west alignment.

The bridge replacement under the Preferred Alternative would place an additional 85 feet of historic railroad line on a bridge structure similar to its current configuration. By placing that portion of the railroad already modified by the original construction of I-25 on a bridge, only 85 feet of the railroad retaining good physical integrity would be altered by placement on a longer bridge structure. The new bridge would be similar in terms of elevation and the location where it spans I-25, and thus would not introduce a new and different visual element into the railroad's setting. This change would not substantially diminish or alter characteristics that render it eligible for the NRHP

Segment 5WL.841.11: At this location, the existing I-25 northbound and southbound roadways span this historic railroad with twin 82-foot-long, 38-foot-wide concrete slab bridges. Neither bridge is historic. Under the Preferred Alternative, the northbound and southbound roadways would be realigned to the west of their current alignments, and would be wider, containing three general purpose lanes and a TEL in each direction. The new northbound and southbound roadways would span the historic railway on new, approximately 24-foot-wide, 79-foot-long pre-stressed concrete girder-type bridge structures. The old bridges would be demolished. The new bridge piers would be placed outside the limits of this historic railway, so that no direct impacts would occur. The existing east frontage road would be slightly widened but would remain in its existing alignment, and the existing at-grade railroad crossing would be maintained (see **Figure 50**).

Removal of the old bridges and returning most of the associated fill slopes to a more natural terrain shape and elevation would partially restore the historic landscape of the railway setting. A temporary construction easement would be necessary to demolish and re-grade slopes within the railroad right-of-way. The new bridges would place a portion of the railway underneath the bridge deck. This increased 48 feet of overhead cover due to a wider bridge decks would be an indirect effect to the historic setting of the railway; however, would not substantially diminish or alter the function, alignment, character, or other attributes that render the railway NRHP-eligible.

Segment 5LR.850.5: This rail line would remain in its current, historic alignment, and would continue to tie into the railroad mainline corridor west of Cleveland Avenue that would contain the proposed commuter rail line. No use of the historic railroad ballast, bed and track would occur. The installation of an adjacent passing track would indirectly affect the historic setting of the historic



railroad line, but would not to be expected to substantially harm the function, alignment, character, or other attributes that render the railroad NRHP-eligible.

Segment 5WL.841.9: Under the Preferred Alternative, the I-25 northbound and southbound roadways would be re-aligned approximately 50 to 60 feet west of their current alignments, and would be widened from 2-through lanes to three general purpose lanes and TEL in each direction. The new northbound and southbound roadways would span the historic railway on new 82-footlong, 63 - to 75-foot-wide, pre-stressed concrete girder-type bridge structures. The old (but nonhistoric) 103-foot-long, 38-foot-wide, rolled I-beam bridges, which spanned the railroad, would be demolished. The new bridge piers would be placed outside the limits of this historic railway, so no direct impacts would occur. The two new bridges would be a combined 62 feet wider than the existing bridges, thus the railroad would have 62 feet more overhead cover. The existing east frontage road would be slightly widened but would remain in its existing alignment, and the existing at-grade railroad crossing would be maintained (see Figure 50).

Removal of the old bridges and returning most of the associated fill slopes to a more natural terrain shape and elevation would partially restore the historic landscape of the railway's setting. A temporary construction easement would be necessary to demolish and re-grade slopes within the railroad right-of-way. The new bridges would place a portion of the railway underneath the highway bridges. This increased overhead cover due to the new bridge decks would indirectly affect the historic setting of the railway, however; this change is not expected to substantially diminish or alter the function, alignment, character, or other attributes that render the railway NRHP-eligible.

Segment 5BL.514.1: The commuter rail improvements associated with the Preferred Alternative in this area call for the commuter rail to run on the existing freight railroad track. The existing rail line would remain in its current, historic alignment. No use of the historic railroad ballast, bed and track would occur. The addition of the commuter rail would indirectly affect the historic setting of the historic railroad line, but would not expect to substantially harm the function, alignment, character, or attributes that render the railroad NRHP-eligible. 155 feet of railroad track at segment 5LR.850.1 would be directly impacted as a result of new bridge construction. Temporary construction impacts and indirect effects due to expanded overhead coverage by the highway bridges would affect two segments of the railroad (5WL.841.11 and 5WL.841.9). Commuter rail traffic. along the transportation corridor would contribute to modern, but compatible rail elements to the historic setting at two localities (5BL.514.1 and 5LR.850.5). The impacts to these segments associated with the Preferred Alternative would not substantially diminish the integrity of the resource or the characteristics that render the property eligible for the NRHP. FHWA and CDOT therefore have determined that the Preferred Alternative would result in no adverse effect with respect to the entire GWR in Larimer, Weld and Boulder counties (5LR.850, 5WL.841, and 5BL.514). It is the intent of the FHWA and CDOT to make a finding of de minimis pending SHPO concurrence. See Figure 50 for uses associated with the Preferred Alternative.

Planning and Measures Included to Reach a De Minimis Finding

<u>Package A, B, and Preferred Alternative</u>

The bridge for Package A cannot be reduced in length because a retaining abutment that is the minimum distance allowed from the edge of I-25 is already included in the design. All measures to reduce impact have been considered.

Mitigation Measures for the Great Western Railway

- Permanent easements or acquisition will be completed under the Uniform Relocation Act.
- Maintain rail operations during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND Historical Resources Package A Resource Impact Package A ROW Boundary 5LR.850.1 Property Boundary Bridge / Culvert Package A EOP Retaining Wall Roadway Features Parcel Boundaries Location of existing bridges ELCR 20E 85 Linear Feet Impacted New bridges would replace the existing bridges over the To construct the new bridges, a "shoo-fly" structure would be installed to temporarily realign the track on the north side of the exsting bridges. The track impacted by this "shoo-fly" are indicated in red. Location Map 200 Feet

Figure 48 Great Western Railway Package A Use



LEGEND **Historical Resources** Package B Resource Impact Package B ROW Boundary 5LR.850.1 Property Boundary Bridge / Culvert Roadway Features Retaining Wall Guardrails Parcel Boundaries Location of existing bridges E LCR 20E 120 Linear Feet Impacted New bridges would replace the existing bridges over the To construct the new bridges, a "shoo-fly" structure would be installed to temporarily realign the track on the north side of the exsting bridges. The track impacted by this "shoo-fly" are indicated in red. Location Map 200 Feet

Figure 49 Great Western Railway Package B Use



LEGEND Historical Resources Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5LR.850.1 Resource Boundary Preferred Alternative EOP Bridge / Culvert Retaining Wall Roadway Features Parcel Boundaries Guardrails Location of existing bridges E LCR 20E 85 Linear Feet Impacted A new bridge would replace existing railway bridge over To construct the new bridge, a "shoo-fly" structure would be installed to temporarily realign the track on the north side of the existing bridge. Location Map 200 ∃ Feet

Figure 50 Great Western Railway Preferred Alternative Use



Zimmerman Grain Elevators (5LR.11408)

Description

Location: East side of I-25, adjacent to the Great Western Railroad

(5LR850)

Type: Historic property
Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criteria A and C

Use of Larimer County Ditch by Package

Package A
A-H2 Highway Component:
SH 14 to SH 60

Package B B-H2 Highway Component: SH 14 to SH 60

No use No use

Preferred Alternative I-25 Highway Improvements SH 14 to SH 60

0.03 acres of land acquired from the western edge of the property for transportation improvements

Resource Description

The Zimmerman Grain Elevator is located on the east side of I-25 adjacent to the GWR (5LR.850), and was built in 1917. The bolted steel panel elevator structure is an intact example of a specialized agricultural building that was important to dryland farming in Larimer and Weld counties in the early 20th century. It is one of several similar steel panel grain elevators built along the railroads of the Front Range during the early 20th century.

Eligibility Determination

Based on its important association with Larimer County agriculture and as a well-preserved example of a pre-fabricated early twentieth grain elevator, this property is eligible for the NRHP under Criteria A and C.

Section 4(f) Use

Package A

I-25 is depressed in an underpass beneath the GWR to the west of the historic grain elevator. Under Package A, I-25 in this area would be substantially widened to accommodate three general purpose lanes plus one auxiliary lane in each direction. The existing east frontage road would be realigned and widened approximately 21 feet to the east. A retaining wall and guardrail would be installed along the west edge of this frontage road, to protect the road and traffic from the steep slope of the highway cut. No right-of-way encroachment or other direct use of the parcel containing the historic grain elevator would occur under Package A, although the distance between the building and the east edge of pavement of the northbound I-25 roadway (in the underpass cut) would be reduced from approximately 223 feet to approximately 170 feet. Although I-25 would be wider and closer to the historic grain elevator, it sits depressed below the elevation of the grain elevator, and the historic agricultural setting has already been compromised to some degree by the original construction of I-25 adjacent to the



property in the 1960s.

The improvements associated with Package A would not substantially diminish the historical and architectural characteristics which render the property eligible. FHWA, FTA and CDOT have determined that Package A would result in *no adverse effect* to the Zimmerman Grain Elevator.

Because there would be no direct use of property associated with the Zimmerman Grain Elevator under Package A and proximity impacts are so minor as to not constitute constructive use, FHWA and CDOT have determined that Package A would result in no use of the Zimmerman Grain Elevators (5LR.11408).

Package B

Package B improvements are similar to those described under Package A. Because there would be no direct use of property associated with the Zimmerman Grain Elevator under Package B and proximity impacts are so minor as to not constitute constructive use, FHWA and CDOT have determined that Package A would result in no use of the Zimmerman Grain Elevators (5LR.11408).

Preferred Alternative

I-25 is depressed in an underpass beneath the GWR to the west of the historic grain elevator. Under the Preferred Alternative, I-25 in this area would be substantially widened to accommodate three general purpose lanes plus one TEL in each direction. The existing east frontage road would be realigned and widened approximately 21 feet to the east. A retaining wall and guardrail would be installed along the west edge of this frontage road, to protect the road and traffic from the steep slope of the highway cut. Direct use to the parcel containing the historic grain elevator would occur as a result of the wider footprint and associated fill slopes on the east side of the frontage road. A total of 0.03 acre of land would be incorporated into the transportation infrastructure under the Preferred Alternative. There would be no impacts to any structures including the historic grain elevators within the property boundary, although the distance between the building and the east edge of pavement of the northbound I-25 roadway (in the underpass cut) would be reduced from approximately 223 feet to approximately 170 feet. Although I-25 would be wider and closer to the historic grain elevator, it sits depressed below the elevation of the grain elevator, and the historic agricultural setting has already been compromised to some degree by the original construction of I-25 adjacent to the property in the 1960s (see Figure 51).

Because the Preferred Alternative improvements are minor in relative extent, FHWA and CDOT have determined that the Preferred Alternative would result in *no adverse effect* to the Zimmerman Grain Elevators. It is the intent of FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Planning and Measures Included to Reach a De Minimis Finding

Packages A, B, and Preferred Alternative

The I-25 frontage road improvements incorporate safety shoulder widening in conformance with standard engineering design, and have been moved outside of the safety clear zone for the mainline I-25 travel lanes.

Mitigation Measures for the Zimmerman Grain Elevators

- Detailed recording of the property in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Property acquisition will be completed under the Uniform Relocation Act.
- Maintain access during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND Historical Resources Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5LR 11408 Property Boundary Area = 1,194 Sq. Ft Acres = 0.03 E LCR 20E Location Map 150 Feet North

Figure 51 5LR.11408 Zimmerman Grain Elevator – Preferred Alternative Use

Hatch Farm (5LR.11382)

Description

Location: 640 Southeast Frontage Road

Type: Historic farm

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion C

Use of Hatch Farm by Package

Package A
A-H2 GP Highway Improvements:
SH 14 to SH 60

Package B
B-H2 Tolled Express Lanes:
SH 14 to SH 60

A total of 2.1 acres by incorporation of narrow 850-foot and 450-foot strips of farmland for two water quality ponds in the project A total of 2.2 acres by incorporation of narrow 850-foot and 450-foot strips of farmland for two water quality ponds in the project

Preferred Alternative I-25 Highway Improvements:

A total of 1.33 acres by incorporated into the transportation infrastructure

Resource Description

The Hatch Farm is located at 640 Southeast Frontage Road in Larimer County. This property includes a historic balloon-framed barn, which is unique for this area. The barn was constructed circa 1920. The barn is surrounded by farmland.

Eligibility Determination

The significance of the Hatch Farm is attributed to the architecture of the barn. The barn retains very good architectural integrity, is an excellent example of a specialized type and construction method of agricultural architecture, and has been determined to be eligible for the NRHP under Criterion C.

Section 4(f) Use

Package A

Under Package A, the existing I-25 template in this vicinity would be changed from the existing two general purpose lanes in each direction, to a wider footprint containing three general purpose lanes plus one auxiliary lane in each direction. The existing east frontage road would be shifted to the east of its present alignment approximately 50 feet east of its current edge of pavement. In conjunction with these transportation improvements, Package A design includes construction of two water quality ponds on the east side of I-25, extending into this historic property. Ponds in this area were placed to avoid wetlands and Section 4(f)-protected parkland along the Big Thompson River. The northernmost water quality pond would extend nearly 300 feet into the historic property and would occupy an area approximately 0.9 acre in size. The southernmost pond would extend approximately 104 feet into the historic property and would occupy an area approximately 1.2 acres in size. Together, these ponds would use approximately 2.1 acres of land within the site boundary.



The proposed water quality ponds would be visually unobtrusive. Because the historic barn would not be directly used by development of these water quality ponds, and the transportation-related improvements associated with Package A would not diminish or alter architectural characteristics that render the property eligible for the NRHP, FHWA and CDOT have determined that Package A would result in *no adverse effect* to the resource. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 52** for uses associated with Package A.

Package B

Under Package B, the existing I-25 template in this vicinity would be altered to include two general purpose lanes and two barrier-separated managed lanes in each direction. The existing east frontage road would be shifted to the east of its present alignment approximately 65 feet east of the current edge of pavement. In conjunction with these transportation improvements, the Package B design specifies the construction of two water quality ponds on the east side of I-25, extending into this historic site. The northernmost water quality pond would extend nearly 286 feet into the historic property and would occupy an area approximately 0.87 acre in size. The southernmost pond would extend approximately 91 feet into the historic property and would occupy an area approximately 1.33 acres in size. Together, these ponds would use approximately 2.2 acres of land within the site boundary.

Because the historic barn on the Hatch Farm property would not be directly used by development of these water quality ponds, and the transportation-related improvements associated with Package B would not diminish or alter architectural characteristics that render the property eligible for the NRHP, FHWA and CDOT have determined that Package B would result in *no adverse effect* to the resource. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 53** for uses associated with Package B.

Preferred Alternative

Under the Preferred Alternative, the existing I-25 template in this vicinity would be changed from the existing two general purpose lanes in each direction, to a wider footprint containing three general purpose lanes plus one TEL in each direction. The existing east frontage road would be shifted to the east of its present alignment. In conjunction with these transportation improvements, the Preferred Alternative design calls for the construction of a water quality pond on the east side of I-25, extending into this historic property. The pond was placed in this area to avoid wetlands and Section 4(f) protected parkland along the Big Thompson River. The pond would extend approximately 104 feet into the historic property, and would occupy an area approximately 1.18 acres in size. Together, this pond and the widened footprint of the transportation infrastructure would impact approximately 1.33 acres of land within the site boundary (see **Figure 54**).

The planned ROW allows for a 10-foot-wide, continuous maintenance easement along the retaining walls and southern basin, which can be accessed from the unpaved county road.

Very little of the original 160-acre farm is still used for agriculture. There are no farm buildings on the Hatch property except for the barn and that no longer has any association with agriculture. Mr. Hatch said that his 8-acre parcel has not been used as cropland since the 1940s. It was used as a wrecking yard in the 1950s. The Big Thompson River flows through the northern portion of the original farm. The property has been divided and sold and is now in a variety of uses. There is a campground on 12 acres in the northwest part of the original farm. Mr. Hatch has 8 acres with about 4 acres used for his trucking business and the other 4 acres used for residential uses. The land to the south of the Big Thompson River has been a large gravel pit for the last 15 years. The only remaining agricultural use of the land is for pasture on the land surrounding the gravel pit operation. The barn is eligible under Criterion C, but the site has lost integrity in terms of setting as the there are no other buildings on site that were associated with agricultural uses.

The proposed water quality pond would be visually unobtrusive. The historic barn would not be directly or indirectly affected by development of these water quality ponds, and the transportation-related improvements associated with the Preferred Alternative would not diminish or alter architectural characteristics that render the property eligible for the NRHP. The loss of the land from the site is not



adverse because the setting and feeling of this property have been changed with the development of the campground, the service garage, the trucking business and the gradual reduction of agricultural use of the property. The approximate 1.33 acres of land that would be taken for this project is mainly vacant land with some portions of the land being used as an area to park trucks for the trucking business. The barn was not used for agricultural purposes on this property. The association for this property is now commercial rather than agricultural. The material, workmanship, location and design of the barn would retain integrity and not be affected by a loss of land from the site. Due to the prior loss of the agricultural setting of this property and the fact that there would be no direct impact to the barn which is the reason for the property's eligibility, FHWA and CDOT have determined that the Preferred Alternative would result in *no adverse effect* to the resource. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Planning and Measures Included to Reach a De Minimis Finding

Package A, B, and Preferred Alternative

No minimization, mitigation, or enhancement measures are currently possible because of the requirement of locating water quality ponds on the east side of I-25 while avoiding uses of the Big Thompson riparian corridor and wetlands. All measures to reduce impact have been considered.

Mitigation Measures for the Hatch Farm

- Maintain operation of farm during construction.
- Property acquisition will be completed under the Uniform Relocation Act.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND **Historical Resources** Package A Resource Impact Package A ROW Boundary 5LR.11382 Property Boundary Bridge Guardrails Package A EOP Roadway Features Retaining Wall Parcel Boundaries E LCR 20E Area = 39,096 Sq. Ft Acres = 0.9 Area = 52,292 Sq. Ft Acres = 1.2 Location Map 300 Feet

Figure 52 Hatch Farm Package A Use



LEGEND **Historical Resources** Package B Resource Impact Package B ROW Boundary 5LR.11382 Property Boundary Package B EOP Bridge Guardrails Retaining Wall Parcel Boundaries E LCR 20E Area = 38,114 Sq. Ft Acres = 0.87 Area = 57,774 Sq. Ft Acres = 1.33 Location Map 300 Feet Note: EOP = Edge of Pavement

Figure 53 Hatch Farm Package B Use

Revised Section 4(f) Evaluation



LEGEND **Historical Resources** Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5LR.11382 Property Boundary E LCR 20E Area = 6,520 Sq. Ft Acres = 0.15Area = 51,488 Sq. Ft Acres = 1.18 Location Map 300 Feet EOP = Edge of Pavement Note:

Figure 54 Hatch Farm Preferred Alternative Use

Hillsboro Ditch (5LR.8927.1)

Description

Location: North I-25 1.3 miles south of US 34

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Hillsboro Ditch by Package

Package A
A-H2 GP Highway Improvements:
SH 14 to SH 60

Package B
B-H2 Tolled Express Lanes:
SH 14 to SH 60

A total of 135 feet would be incorporated into culvert extensions

A total of 135 feet would be incorporated into culvert extensions

Preferred Alternative I-25 Highway Improvements

A total of 55 feet would be incorporated into culvert extensions.

Resource Description

This segment of the historic Hillsboro Ditch crosses I-25 just south of the I-25 and US 34 interchange. The irrigation ditch was constructed as one of the first cooperatively owned ditches in the area. The entire ditch (5LR.8927) is approximately 19.25 miles long. The documented segment in the project APE (5LR.8927.1) is 2,065 feet (0.4 mile) long. The ditch channel is approximately 20 feet wide. Sparse riparian growth covers both banks of the ditch in many areas. The surrounding area is primarily rural in character.

Eligibility Determination

The entire Hillsboro Ditch is eligible for listing on the NRHP under Criterion A because of its important association with the development of water rights and agriculture in Larimer County. Outside the I-25 right-of-way, this segment of the functioning ditch appears to maintain its historic alignment and its association with the rural landscape through which it runs. Segment 5LR.8927.1 within the project APE retains sufficient integrity of location, setting, feeling, and use to support the eligibility of the entire linear resource.

Section 4(f) Use

<u>Package A</u>

Under Package A, I-25 would be expanded to eight lanes, containing three general purpose lanes plus one auxiliary lane in each direction. The Hillsboro Ditch is presently conveyed underneath I-25 inside a modern concrete box culvert. The box culvert would be replaced with a new 135-foot-long box culvert of the same cross-section dimensions, 14 feet wide and 14 feet tall. That portion of the Hillsboro Ditch already inside the I-25 culvert has lost integrity. Widening of the I-25 southbound lanes, ramp, and the associated slopes under Package A would require 90 feet of land west of the existing road slope edge.



This requires enclosing 90 feet of open ditch on the east side of I-25 in a new culvert to allow for the expanded highway construction. Similar widening of the highway and fill slopes along the northbound lanes requires that 45 feet of open ditch be enclosed in a culvert on the east side of I-25. A total of approximately 135 feet of open ditch would be subject to direct use from Package A transportation improvements.

Construction of the concrete culverts would require temporary access to the historic property for equipment access, and would require a temporary easement. The ditch would likely be diverted during demolition of the old culvert and installation of the replacement culvert, but would remain operational, and irrigation water would be protected from by construction-related sedimentation.

Placing additional short sections of open ditch in new culverts in proximity to the pre-existing culverts would not substantially diminish the qualities that render this resource NRHP-eligible. The proposed modifications affect a very small portion of the entire 19.25-mile linear resource. Therefore, FHWA and CDOT have determined that Package A would result in *no adverse effect* to the entire Hillsboro Ditch (5LR.8927). It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 55** for uses associated with Package A.

Package B

Package B improvements include an eight-lane I-25 facility and would contain two general purpose lanes plus two barrier-separated managed lanes in each direction. Direct uses of the Hillsboro Ditch associated with Package B are identical in nature and extent to those associated with Package A.

Placing additional short sections of open ditch in new culverts in proximity to the pre-existing culverts would not substantially diminish the qualities that render this resource NRHP-eligible. The proposed modifications affect a very small portion of the entire 19.25-mile linear resource. Therefore, FHWA and CDOT have determined that Package B would result in *no adverse effect* to the entire Hillsboro Ditch (5LR.8927). It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 55** for uses associated with Package B.

Preferred Alternative

Under the Preferred Alternative, I-25 would be expanded to 8 lanes, containing three general purpose lanes plus one TEL in each direction. The Hillsboro Ditch is presently conveyed beneath I-25 inside a modern CBC. The box culvert would be replaced with a new, 55-foot-longer box culvert of the same cross section dimensions, 14 feet wide and 14 feet tall. That portion of the Hillsboro Ditch already inside the I-25 culvert has lost integrity. Widening of the I-25 southbound lanes, ramp and the associated slopes under the Preferred Alternative would require 90 feet of land west of the existing road slope edge. This requires that 55 feet of open ditch be enclosed in a culvert on the east side of I-25. A total of approximately 55 feet of open ditch would be subject to direct impact from the Preferred Alternative transportation improvements (see **Figure 56**).

Construction of the concrete culverts would require temporary access to the historic property for equipment access, and would require a temporary easement. The ditch would likely be diverted during demolition of the old culvert and installation of the replacement culvert, but would remain operational and irrigation water would be protected from construction-related sedimentation. All disturbances caused by construction equipment or construction activities would be temporary in nature and affected areas would be restored to their original condition and appearance.

Placing additional short sections of open ditch in new culverts in proximity to the pre-existing culverts would not substantially diminish the qualities that render this resource NRHP-eligible. The proposed modifications affect a very small portion of the entire 19.25-mile linear resource. FHWA and CDOT have determined that the Preferred Alternative would result in *no adverse effect* to the entire Hillsboro Ditch (5LR.8927). It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.



Planning and Measures Included to Reach a *De Minimis* Finding

Packages A, B, and Preferred Alternative

Retaining walls were employed to limit uses on both the east and west sides of the I-25 corridor. Eliminating or further reducing the width of medians between the northbound and southbound roadways of I-25 and between I-25 and the east frontage road could minimize direct uses to the ditch. This minimization measure is not consistent with the intent to maintain a wider median for future transit needs, and therefore, is not being utilized. No other avoidance, minimization, mitigation, or enhancement measures were possible.

Mitigation Measures for the Hillsboro Ditch

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND **Historical Resources** Packages A & B Resource Impact Packages A & B ROW Boundary 5LR.8927.1 Property Boundary Bridge / Culvert Packages EOP Retaining Wall Parcel Boundaries Open ditch placed inside extended culverts 90 Linear Feet Impacted 45 Linear Feet Impacted Location Map 200 ∃ Feet

Figure 55 Hillsboro Ditch Packages A and B Use

NOTE: EOP = Edge of Pavement



LEGEND Historical Resources Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5LR.8927.1 Property Boundary Bridge / Culvert Retaining Wall Roadway Features Open ditch placed inside extended culverts 55 Linear Feet Impacted Location Map 200 ∃ Feet EOP = Edge of Pavement

Figure 56 Hillsboro Ditch Preferred Alternative Use



Handy/Home Supply Ditch Confluence (5WL.3149)

Description

Location: 17820 East I-25 Frontage Road

Type: Historic farm

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Handy/Home Supply Ditch Confluence by Package

Package A
A-H3 GP Improvements:
SH 60 to E-470

Package B B-H3 Tolled Express Lanes: SH 60 to E-470

A total of 60 feet incorporated into a culvert extension

A total of 60 feet incorporated into a culvert extension

Preferred Alternative I-25 Highway Improvements

A total of 74 feet incorporated into culvert extensions.

Resource Description

The ditch crosses I-25 along the south edge of CR 48 (SH 60) and is conveyed underneath the I-25 ramps and mainline highway lanes inside a 660-foot-long concrete culvert. The ditch confluence is 2,456 feet long, 20 feet wide, earthen, 5 feet deep, with rip-rapped banks. Handy and Home Supply ditches combine to flow into a concrete diversion gate that funnels water under SH 60, west of I-25. The grade drops off steeply eastward from I-25 into 3 drop boxes.

Eligibility Determination

The entire Handy/Home Supply Ditch Confluence is NRHP-eligible under Criterion A for its important association with the development of water rights and agriculture in Weld County. Segment 5WL.3149.1 fails to support the integrity of the greater site because it has been modified by recent development.

Section 4(f) Use

Package A

Package A would require modification of the grated culvert intake located west of the current southbound on-ramp to accommodate a new frontage road and widened SH 60 intersection turning radius, resulting in a direct use of the resource. The outfall of the 660-foot-long culvert similarly would require a 50-foot extension and modification to allow the redesigned northbound ramp intersection with the widened SH 60, and modification of 10 feet of the grated culvert intake located west of the current southbound on-ramp to accommodate a new frontage road and widened SH 60, resulting in a direct use of the resource.

Because the qualities that make the entire resource NRHP-eligible have already been compromised by modifications associated with construction of the I-25 and frontage road, and Package A improvements are minor in relative extent, FHWA and CDOT have determined that Package A would result in *no*



adverse effect to the Handy/Home Supply Ditch Confluence. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 57** for uses associated with Package A.

Package B

Package B would require modification of 10 feel of the grated culvert intake located west of the current southbound on-ramp to accommodate a new frontage road and widened SH 60 intersection turning radius. The outfall of the 660-foot-long culvert similarly would require a 50-foot extension and modification to allow the redesigned northbound ramp intersection with the widened SH 60, resulting in a direct use of the resource.

Because the qualities that make the entire resource NRHP-eligible have already been compromised by modifications associated with construction of I-25 and the frontage road, and Package B improvements are minor in relative extent, FHWA and CDOT have determined that Package B would result in *no adverse effect* to the Handy/Home Supply Ditch Confluence. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 57** for uses associated with Package B.

Preferred Alternative

The Preferred Alternative would require modification of the grated culvert intake located west of the current southbound on-ramp to accommodate a new frontage road and widened SH 60/CR 48 intersection turning radius (see **Figure 58**). The outfall of the 660-foot-long culvert similarly would require a 60-foot-extension and modification to allow the redesigned northbound ramp intersection with the widened SH 60/CR 48.

Because the qualities that make the entire resource NRHP-eligible have already been compromised by modifications associated with construction of the I-25 and frontage road and because the Preferred Alternative improvements are minor in relative extent, FHWA and CDOT have determined that the Preferred Alternative would result in *no adverse effect* to the Handy/Home Supply Ditch Confluence. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Planning and Measures Included to Reach a De Minimis Finding

Packages A, B, and Preferred Alternative

The interchange configuration has been designed to provide an adequate level of service (LOS C) for local traffic and local-to-interstate connections by limiting interstate access and providing free-flowing turning access to ramps. Compressing the diamond interchange to move the southbound ramp close to mainline I-25 has reduced the ditch gate modifications to a very minimum impact. This consolidation along the westbound or southbound side has forced the east ramps out, resulting in a minimally acceptable distance (turning vehicles storage) between ramp intersection signals by design standard.

Mitigation Measures for the Handy/Home Supply Ditch Confluence

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



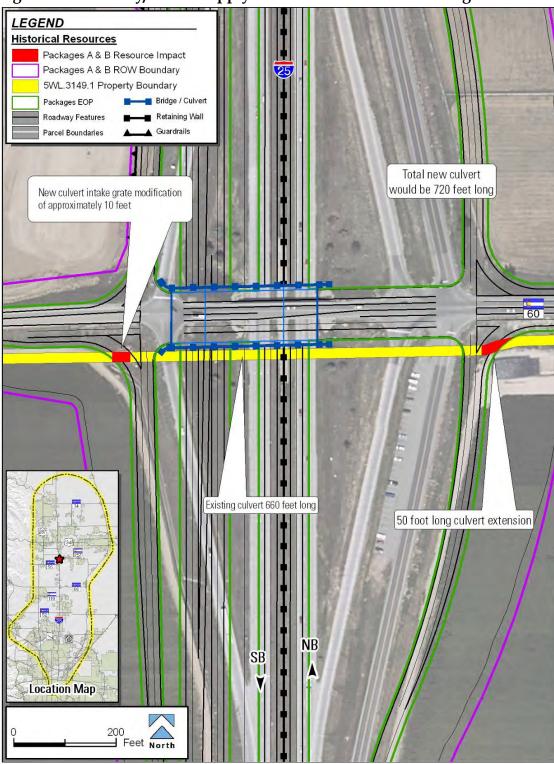


Figure 57 Handy/Home Supply Ditch Confluence Use Packages A and B



LEGEND Historical Resources Packages PA Resource Impact Packages PA ROW Boundary 5WL.3149.1 Property Boundary Bridge / Culvert Package PA EOP Roadway Features Retaining Wall Parcel Boundaries Total new culvert would be 764 feet long New culvert intake grate modification of approximately 44 feet Existing culvert 660 feet long 60 foot long culvert extension NB Location Map 200 Feet North

Figure 58 Handy/Home Supply Ditch Confluence Preferred Alternative Use



Olson Farm (5WL.5198)

Description

Location: 17820 East I-25 Frontage Road

Type: Historic farm

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Olson Farm by Package

Package A A-H3 GP Improvements: SH 60 to E-470 Package B B-H3 Tolled Express Lanes: SH 60 to E-470

A total of 12.74 acres by incorporation of land from both sides of I-25

A total of 12.81 acres by incorporation of land from both sides of I-25

Preferred Alternative I-25 Highway Improvements

A total of 4.63 acres by incorporation of land from both sides of I-25.

Resource Description

This historic farm is located at 17820 East I-25 Frontage Road near CR 38. The site contains various farm buildings, a reservoir, and farmland used by the Olson family who were early settlers in this area. The Ballinger Reservoir has an early water appropriation date from 1887, making it one of the early irrigation features in the area. The site boundary is based upon the historic boundary of the Olson Farm, and spans I-25. The boundary encompasses 155.37 acres, although 13.7 acres comprising the existing CDOT I-25 right-of-way is considered a non-contributing portion of the site.

Eligibility Determination

The Olson Farm is eligible for the NRHP under Criterion A because of its important association with early settlement and agriculture in Weld County.

Section 4(f) Use

Package A

Under Package A, I-25 would be realigned and reconfigured for three general purpose lanes in each direction. The existing I-25 east frontage road would stay in its present alignment, including its crossing of CR 38, but the area needed for the frontage road turning lanes and paved shoulders would be widened along the west edge of the eastern portion of the Olson Farm property. Direct use of this portion of the site would be confined to an 8.75-acre strip of land 2,740 feet long and approximately 110 feet wide at CR 38 at the north end of the property and 30 feet wide at the south end. This impact corresponds to the new toe-of-slope for the east frontage road that would bury the farmland currently located adjacent to the frontage road.



A retaining wall would be installed along the edge of the frontage road to prevent any direct use of the Ballinger Reservoir (a contributing feature of the NRHP-eligible farm) that is located mid-way along the east side of the frontage road. A total of 3.99 acres of the eastern portion of the site would be subject to direct impacts under Package A. The total area subject to direct impacts under Package A is 12.74 acres.

Temporary occupancy due to installation of the new bridge across I-25, roadway widening, and the retaining wall at Ballinger Reservoir would likely require a temporary easement on portions of the historic property for equipment access, haul roads, and other construction activities.

Because of the site's bisection by the wide I-25 corridor, and the lack of direct impacts to the contributing historic farm buildings and reservoir, FHWA and CDOT have determined that Package A would result in *no adverse effect* to the Olson Farm. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 59** uses associated with Package A.

Package B

Under Package B, I-25 would be realigned and reconfigured for two general purpose lanes plus one buffer-separated lane in each direction. Direct use of the site under Package B would be similar in nature to that associated with Package A. The slightly larger impact associated with Package B is due to the buffer associated with the buffer-separated lanes. An 8.82 acre of direct use would be confined to a strip of land 2,740 feet long and approximately 120 feet wide at CR 38 at the north end of the property and 30 feet wide at the south end. This impact corresponds to the new toe- of-slope for the east frontage road that would bury the farmland currently located adjacent to the frontage road. A retaining wall would be installed along the edge of the frontage road to prevent direct impacts to the Ballinger Reservoir. A total of 3.99 acres of the eastern portion of the site would be subject to direct use under Package B.

The total area subject to direct impacts under Package B is 12.81 acres. Because the farm is bisected by the wide I-25 corridor, and the lack of direct impacts to the contributing historic farm buildings and reservoir, FHWA and CDOT have determined that Package B would result in *no adverse effect* to the Olson Farm. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 60** for uses associated with Package B.

Preferred Alternative

Under the Preferred Alternative, I-25 would be re-aligned and reconfigured for three general purpose lanes and one TEL in each direction. The existing I-25 east frontage road would stay in its present alignment, including its crossing of CR 38, but the area needed for the frontage road turning lanes and paved shoulders would be widened along the west edge of the eastern portion of the Olson Farm property. Use of this portion of the site would be confined to a small strip of land at WCR 38 at the north end of the property. This use corresponds to the new toe of slope for the east frontage road which would bury the land currently located adjacent to this portion of the frontage road. A retaining wall would be installed along the edge of the frontage road to prevent direct uses of the Ballinger Reservoir (a contributing feature of the NRHP-eligible farm) located mid-way along the east side of the frontage road. A total of 0.66 acre of the eastern portion of the site would be subject to use under the Preferred Alternative (see **Figure 61**).

A strip of farmland located west of I-25, would be buried below pavement and fill slopes for the widened southbound I-25 lanes. This would result in 3.97 acres used due to the western re-alignment and widening of the I-25 roadways.

The total area subject to uses under the Preferred Alternative is 4.63 acres. These 4.63 acres are not a character-defining part of this farm. The strip of land on the west boundary of the property is land adjacent to the I-25 frontage road. That land is currently used for hay production. It is part of a small plot of land that separates the subdivision developed by the Olson's from I-25. The strip of land on the east side of the East I-25 Frontage Road, north of the Olson house, is currently vacant. It appears it was a pasture at one time. The remaining strip of land on the east side of I-25 is part of the front lawns



of several non-historic rural residences.

Increased highway and frontage road traffic resulting from the Preferred Alternative improvements would generate noise levels two decibels more than the No-Action Alternative. This increase in noise is barely perceptible and would not affect the characteristics which have rendered the property NRHP-eligible. Since the 1960's when I-25 was constructed, modern transportation elements have bisected the historic farm. The Olson's have developed modern residential subdivisions adjacent to the existing western property boundary. The additional I-25 and frontage road widening, installation of a new retaining wall near Ballinger Reservoir, and modification of CR 38 overpass would increase the amount of intrusive transportation elements within the property boundary leading to an indirect effect on the historic property, however; these transportation improvements would not affect the historic association of this property with the agricultural development of Weld County which renders this property NRHP-eligible.

Temporary effects due to installation of the new bridge across I-25, roadway widening and the retaining wall at Ballinger Reservoir would likely require a temporary easement on portions of the historic property for equipment access, haul roads and other construction activities. The farm would remain operational and measures to protect the property from erosion, dust and water-borne sediment dispersal would be implemented. All disturbances caused by construction equipment or construction activities would be temporary in nature and affected areas would be restored to their original condition and appearance.

The setting and feeling of this property have been changed with the 1960s development of I-25 through the center of the farm's historic boundary. The association with agriculture still exists. FHWA and CDOT have determined that the Preferred Alternative would result in *no adverse effect* to the resource because the land to be taken on the east side of I-25 is not being used for agricultural purposes and there would be no direct effect to the Ballinger Reservoir. The land on the west side of I-25 is serving as a buffer between a subdivision and the Interstate. In addition, the Olson family has developed a subdivision on part of the farmland and hopes to develop more in the future and they are now renting their land out to others for farming. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence

Planning and Measures Included to Reach a *De Minimis* Finding *Packages A, B, and Preferred Alternative*

The proposed design for the I-25 corridor incorporates a small retaining wall placed along the east side of the east frontage road for the purpose of limiting uses to Ballinger Reservoir, which is a contributing feature on this historic farm.

Mitigation Measures for the Olsen Farm

- Property acquisition will be completed under the Uniform Relocation Act.
- Maintain operation of farm during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.

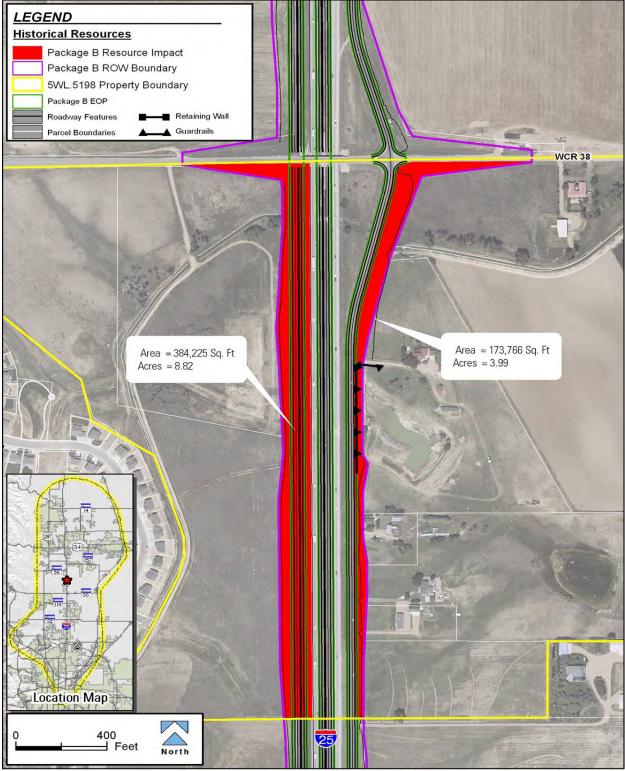


LEGEND **Historical Resources** Package A Resource Impact Package A ROW Boundary 5WL.5198 Property Boundary Package A EOP Retaining Wall Roadway Features Parcel Boundaries Guardrails WCR 38 Area = 173,764 Sq. Ft Acres = 3.99 Area = 381,085 Sq. Ft Acres = 8.75 Location Map 400 ∃ Feet

Figure 59 Olson Farm Package A Use



Figure 60 Olson Farm Package B Use





LEGEND **Historical Resources** Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5WL.5198 Property Boundary Preferred Alternative EOP WCR 38 Area = 28,679 Sq. Ft Area = 172,882 Sq. Ft Acres = 0.66Acres = 3.97Ballinger Reservoir Total impacts of 4.63 acres Location Map 400 Feet

Figure 61 Olson Farm Preferred Alternative Use



Bull Canal/Standley Ditch (5WL.1966, 5BF.72, 5BF.76, 5AM.457)

Description

Location: Runs along I-25 in Broomfield, Adams, and Weld counties

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A and C

Use of Bull Canal/Standley Ditch by Package

Package A
A-H3 GP Highway Widening:
SH 60 to E-470
A-T2 Transit ComponentCommuter Rail:
Longmont to North Metro End-of-Line Station

Package B
B-H3 Tolled Express Lanes:
SH 60 to E-470
B-T2 Transit Component-BRT:
120th to Denver

A total of 908 feet would be placed into three culvert extensions

A total of 850 feet would be placed into two culvert extensions

Preferred Alternative
I-25 Highway Improvements and
Commuter Rail

A total of 736 feet would be placed into two culvert extensions.

Resource Description

The entire Bull Canal/Standley Ditch is approximately 44 miles long and runs through Adams, Broomfield, and Weld counties. The ditch was originally built in 1907. Several segments of the Bull Canal/Standley Ditch are within the APE.

Segment 5WL.1966.1 generally follows a serpentine course adjacent to the east side of I-25 and crosses the highway and the frontage road in multiple locations. The concrete-lined ditch is approximately 20 feet wide. The portion of the ditch that crosses under I-25 and the frontage road was altered and conveyed under the roadways in concrete box culverts when the highway was constructed in the 1960s. Segment 5WL.1966.1 is 3,524 feet (0.67 miles) long. Well-developed willow growth exists along the south levee of the ditch in some areas. The surrounding area includes industrial and residential development. Weld County segments 5WL.1966.11 and 5WL.1966.8 cross the APE at the proposed commuter rail alignment. These segments each contain the 60-foot-wide concrete lined channel running through a rural setting. Segment 5WL.1966.8 is a 607-foot-long segment of the Bull Ditch that follows a gently curving alignment from west to northeast through the project area.

The Broomfield County portion of ditch within the APE includes 20-foot-wide segments 5BF.72.1, 5BF.72.2, 5BF.72.3, and 5BF.76.2. Each concrete-lined segment crosses under existing I-25 and the frontage road through modern concrete box culverts. Segment 5BF.72.1 is 1,439 feet (0.27 mile) long. Sparse riparian growth of large mature trees exists along both banks of the ditch in many areas. The surrounding area includes agricultural and residential development. Segment 5BF.72.2 is 1,023 feet (0.2 mile) long with grassy vegetation lining the ditch levees. Segment 5BF.72.3 is 3,392 feet (0.64 mile) long. The latter two segments traverse areas characterized by industrial and residential development.



Segment 5BF.76.2 is 2,172 feet long and approaches SH 7 from the northwest until it approaches the west side of I-25, where it turns south crossing both SH 7 and I-25. The ditch, where exposed, is earthen with rip-rapped banks and is about 15 feet wide. The ditch has been extensively realigned by recent commercial development to remove the entire ditch loop north of SH 7 and is now buried in a pipe for its length parallel to SH 7 and crosses south underneath SH 7 via a bridge. This segment of the ditch ends at the foot of the I-25 southbound on-ramp. The Broomfield segments traverse areas characterized by industrial and residential development.

The Adams County segments include 5AM.457.2, 5AM.457.3, 5AM.457.4, and 5AM.457.8. Segment 5AM.457.2 is approximately 35 feet wide and 3,685 feet (0.7 mile) long. This segment crosses under existing I-25 and the frontage road via modern concrete box culverts. Heavy riparian growth exists along both banks of the ditch in many areas. The surrounding land now supports mixed development. Remaining segments 5AM.457.3, 5AM.457.4, and 5AM.457.8 cross I-25 and the frontage roads inside culverts installed when I-25 was constructed in the 1960s.

Segment 5AM.457.3 runs east of I-25 near the base of the northbound off-ramp for SH 7. The ditch runs underneath I-25 in a 330-foot-long concrete box culvert. The segment appears briefly on the surface at the opening of the concrete box culvert directly east of I-25 and immediately disappears below ground to cross underneath the Larkridge Shopping Center.

Segment 5AM.457.4 of the ditch is located west of I-25 and south of West 136th Avenue. Most of the ditch segment has been abandoned and the ditch has been realigned at a point further west of I-25 out of the APE. A portion of the abandoned segment has been obliterated by new commercial construction at the site.

Segment 457.8 is no longer functional and has been abandoned. This segment is located east of I-25 near milepost 226.8. This 1,585-foot-long, 26-foot-wide concrete lined looping ditch segment has been abandoned and no longer functions for irrigation. Weeds and rushes fill the abandoned channel floor, and the concrete lining of the bank is cracked and settled in many places.

Eligibility Determination

The entire Bull Canal/Standley Ditch was a part of the ambitious, corporate Standley Lake Irrigation System developed in the early 20th Century. The canal is eligible for listing on the NRHP under Criterion A because of its important association with the development of water rights and agriculture in northeastern Colorado, and under Criterion C as an important example of irrigation engineering in the region. Segment 5WL.1966.11 and 5WL.1966.8 also include good examples of concrete siphons that represent a distinctive method of hydraulic engineering that add to the canal's significance under Criterion C. Segments 5WL.1966.1, 5WL.1966.11, 5BF72.1, 5BF.72.2, 5BF.72.3, and 5AM457.1 within the project APE retain sufficient integrity of location, setting, feeling, and use to support the eligibility of the entire linear resource. Resources 5BF.76.2, 5AM.457.3, 5AM.457.4, and 5AM.457.8 were found to be modified, and lack sufficient integrity to support the eligibility of the entire linear resource.

Section 4(f) Use

Package A

Segment 5WL.1966.1: This historic canal is currently conveyed underneath I-25 and the east frontage road in two locations through modern concrete box culverts. Under Package A, the existing I-25 template would be maintained in this area. The existing box culverts would not require replacement or modification, and no direct use of the canal would occur.

Segment 5BF.72.1: This historic canal is conveyed underneath I-25 and the east frontage road through modern concrete box culverts. Under Package A, the I-25 template would be reconfigured to contain four general purpose lanes in each direction. The proposed transportation improvements in this area would not require replacement or modification of the existing box culverts, and no direct use of the canal would occur under Package A.



Segment 5BF.72.2: This historic canal is conveyed underneath I-25 and the east frontage road through modern concrete box culverts. Under Package A, the existing I-25 template would be maintained in this area. The existing box culverts would not require replacement or modification, and no direct use of the canal would occur.

Segment 5BF.72.3: This historic canal is conveyed underneath I-25 and the east frontage road through modern concrete box culverts. In this area, I-25 would be widened to the median to contain a new template consisting of four general purpose lanes in each direction. The existing east frontage road would be retained. The proposed transportation improvements in this area would not require replacement or modification of the existing box culverts, and no direct use of the canal would occur under Package A.

Segment 5BF.76.2: Package A would require putting the 750-foot-long remainder of the ditch located between the SH 7 buried pipe outfall and the existing I-25 concrete box culvert in a buried culvert (see **Figure 5-60**).

Segment 5AM.457.2: This historic canal is conveyed underneath I-25 and the east frontage road through modern concrete box culverts. Under Package A, the existing I-25 template would be maintained in this area. The existing box culverts would not require replacement or modification, and no direct use of the canal would occur.

Segment 5AM.457.3: Package A would result in placing an additional 100 feet of open ditch into a culvert extension east of the I-25 northbound off-ramp (see **Figure 62**).

Segment 5WL.1966.11: The proposed new commuter rail line would pass in a northwest-southeast trajectory across this historic ditch segment. The new rail line would closely parallel an existing active rail through this area. The historic ditch has already been placed in a culvert beneath the existing railroad grade. The existing culvert would be left in place and no culvert extension would be necessary to accommodate the new additional rail line, therefore no direct use would occur.

Segment 5WL.1966.8: In the vicinity of this historic ditch, the proposed new commuter rail line would run closely parallel to the east side of an existing active rail line. The historic ditch has already been placed in a culvert beneath the existing railroad grade. The existing culvert would be left in place and approximately 58 feet of open ditch would be placed in a new culvert extending beneath the proposed new commuter rail line (see **Figure 63**) resulting in a direct use of the resource. Although the segment of open ditch would be placed in a culvert, this change affects only a very small percentage of the entire linear resource.

The Bull Canal/Standley Ditch would experience a total direct use of 908 feet of open ditch that would be placed inside a culvert at three locations; at I-25 segments 5BF.76.2 and 5AM.457.3, and along the commuter rail on Segment 5WL.1966.8. Temporary construction impacts would occur during culvert installation and highway construction activity at those locations. No other direct use would occur to the remaining seven segments. Therefore, FHWAand CDOT have determined that the Package A improvements would result in *no adverse effect* to the historic Bull Canal/Standley Ditch (5WL.1966, 5BF.72, 5BF.76, and 5AM.457). It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Package B

Segment 5WL.1966.1: In this area, I-25 would be widened to the median to contain a new template consisting of three general purpose lanes plus one buffer-separated managed lane in each direction. The existing east frontage road would be realigned farther to the east. The proposed transportation improvements in this area would not require replacement or modification of the existing box culverts, and no direct use of the canal would occur under Package B.

Segment 5BF.72.1: This historic canal is conveyed underneath I-25 and the east frontage road through modern concrete box culverts. In this area, I-25 would be widened to the median to contain a new template consisting of three general purpose lanes plus one buffer-separated managed lane in



each direction. The existing east frontage road would be retained. The proposed transportation improvements in this area would not require replacement or modification of the existing box culverts,

and no direct use of the canal would occur under Package B.

Segment 5BF.72.2: This historic canal is conveyed underneath I-25 and the east frontage road through modern concrete box culverts. In this area, I-25 would be widened to the median to contain a new template consisting of three general-purpose lanes plus one buffer-separated managed lane in each direction. The existing east frontage road would be retained. The proposed transportation improvements in this area would not require replacement or modification of the existing box culverts, and no direct use of the canal would occur under Package B.

Segment 5BF.72.3: This historic canal is conveyed underneath I-25 and the east frontage road through modern concrete box culverts. In this area, I-25 would be widened to the median to contain a new template consisting of four general-purpose lanes in each direction. The existing east frontage road would be retained. The proposed transportation improvements in this area would not require replacement or modification of the existing box culverts, and no direct use of the canal would occur under Package B.

Segment 5BF.76.2: Package B would require placing the 750-foot-long remainder of the ditch located between the SH 7 buried pipe outfall and the existing I-25 concrete box culvert in a buried culvert (see **Figure 62**).

Segment 5AM.457.2: This historic canal is conveyed underneath I-25 and the east frontage road through modern concrete box culverts. Under Package B, the I-25 template would consist of three general purpose lanes plus one buffer-separated managed lane. The portion of the ditch that currently crosses under the highway and frontage roads is conveyed inside a concrete box culvert. The new roadway would be contained within the current roadway template and no new disturbance would occur to areas of the ditch located outside the existing culverts. The integrity of that portion of the historic canal to be placed in a culvert has already been compromised by the original construction of I-25 in the 1960s, and no new direct use would occur.

Segment 5AM.457.3: Package B would result in placing an additional 100 feet of open ditch into a culvert extension east of the I-25 northbound off-ramp (see **Figure 62**).

Segment 5AM.457.4: Highway widening of I-25 resulting from Package B would not result in use of this ditch. A permanent water quality basin is planned in proximity to the ditch but would not result in a direct impact to this feature. There would be no temporary construction impacts to this feature.

Segment 5AM.457.8: Package B improvements do not encroach on the ditch. Temporary construction impacts would be avoided at this site.

The Bull Canal/Standley Ditch would experience a total direct use of 850 feet of open ditch that would be placed inside a culvert at I-25 segments 5BF.76.2 and 5AM.457.3, where the ditch has already been highly modified by I-25 construction in the 1960s. Temporary construction activity would occur during culvert installation and highway construction activity at those locations. No other direct use would occur to the remaining seven segments. Therefore, FHWA and CDOT have determined that the Package A transit improvements would result in *no adverse effect* to the historic Bull Canal/Standley Ditch (5WL.1966, 5BF.72, 5BF.76, and 5AM.457). It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Preferred Alternative

Segment 5WL.1966.1: In this area, I-25 would be widened to the median to contain a new template consisting of three general purpose lanes plus one TEL in each direction. The proposed transportation improvements in this area would not require replacement or modification of the existing box culverts, and no use of the canal would occur under the Preferred Alternative.



Segment 5BF.72.1: This historic canal is conveyed beneath I-25 and the east frontage road through modern CBCs. In this area, I-25 would be widened to the median to provide a new template consisting of three general purpose lanes plus one TEL in each direction. The existing east frontage road would be retained. The proposed transportation improvements in this area would not require replacement or modification of the existing box culverts, and no use of the canal would occur under the Preferred Alternative.

Segment 5BF.72.2: This historic canal is conveyed beneath I-25 and the east frontage road through modern CBCs. In this area, I-25 would be widened to the median to provide a new template consisting of three general purpose lanes plus one TEL in each direction. The existing east frontage road would be retained. The proposed transportation improvements in this area would not require replacement or modification of the existing box culverts, and no use of the canal would occur under the Preferred Alternative.

Segment 5BF.72.3: This historic canal is conveyed beneath I-25 and the east frontage road through modern CBCs. In this area, I-25 would be widened to the median to provide a new template consisting of three general purpose lanes plus one TEL in each direction. The existing east frontage road would be retained. The proposed transportation improvements in this area would not require replacement or modification of the existing box culverts, and no use of the canal would occur under the Preferred Alternative.

Segment 5BF.76.2: The Preferred Alternative would require putting 615 feet of the ditch located between the SH 7 pipe outfall and the existing I-25 CBC in a buried culvert. West of the SH 7 outfall the ditch would be capped for a short distance where it runs adjacent to SH7 (see **Figure 64**).

Segment 5AM.457.2: This historic canal is conveyed beneath I-25 and the east frontage road through modern CBCs. Under the Preferred Alternative, the I-25 template would consist of three general purpose lanes plus one TEL in each direction. The portion of the ditch that currently crosses under the highway and frontage roads is conveyed inside a CBC. The new roadway would be contained within the current roadway template and no new disturbance would occur to areas of the ditch located outside the existing culverts. The integrity of that portion of the historic canal to be placed in a culvert has already been compromised by original construction of I-25 in the 1960s, and no new direct or indirect impacts would occur under the Preferred Alternative.

Segment 5AM.457.3: The Preferred Alternative would result in placing an additional 121 feet of open ditch into a culvert extension east of the I-25 northbound off ramp (see **Figure 64**).

Segment 5WL.1966.11: The proposed new commuter rail line would pass in a northwest-southeast alignment across this historic ditch segment. The new rail line would be constructed on an existing railroad grade through this area. The historic ditch has already been placed in a culvert beneath the existing railroad grade. The existing culvert would be left in place and no culvert extension should be necessary to accommodate the new rail line. Therefore, no direct or indirect impacts would occur as a result of the Preferred Alternative.

Segment 5WL.1966.8: In the vicinity of this historic ditch, the proposed new commuter rail line would be constructed on an existing railroad grade. The historic ditch has already been placed in a culvert beneath the existing railroad grade. The existing culvert would be left in place and no culvert extension should be necessary to accommodate the new rail line. Therefore, no direct or indirect impacts would occur as a result of the Preferred Alternative (see **Figure 64**).

A total of 908 linear feet of open ditch would be used. Approximately 736 feet of ditch would be placed inside two culverts at the I-25 and SH 7 interchange. West of these culverts another section of the ditch would be capped as it runs adjacent to SH7 on the north side of the roadway. In this area much of the ditch has already been realigned and it currently runs through existing culverts beneath I-25 and its ramps as well as SH7. As a result of these previous alterations, segment 5BF.76.2, was found to lack sufficient integrity to support the eligibility of the entire linear resource. Temporary construction impacts would occur during culvert installation and highway construction activity at that location. No



other direct or indirect impacts would occur to the remaining seven segments. As a result of the impacted segments lack of integrity to support the eligibility of the entire resource, FHWA and CDOT have determined that the Preferred Alternative improvements would result in *no adverse effect* to the historic Bull Canal/Standley Ditch (5WL.1966, 5BF.72, 5BF.76, and 5AM.457). It is the intent of FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Planning and Measures Included to Reach a *De Minimis* Finding

<u>Packages A, B, and Preferred Alternative</u>
The physical railway template has been reduced to the minimum width necessary to meet FRA and FTA design and safety standards.

Mitigation Measures for the Bull Canal/Standley Ditch

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



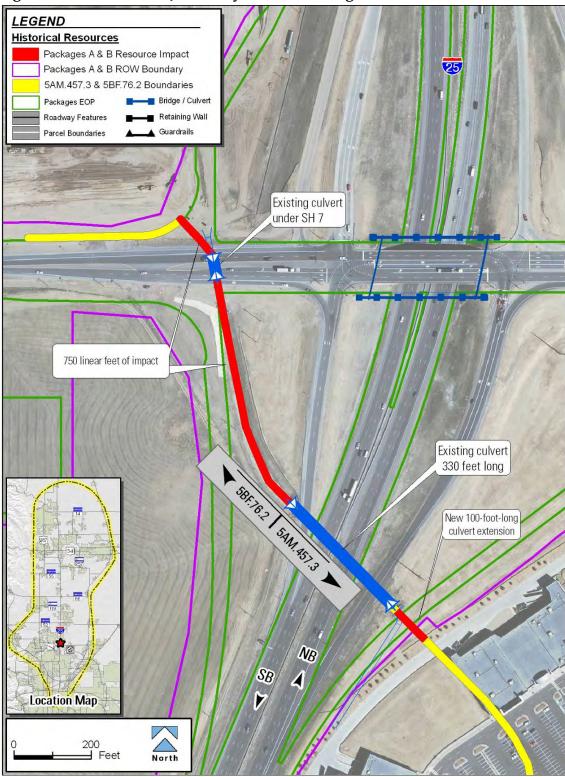


Figure 62 Bull Canal/Standley Ditch – Packages A and B Use



LEGEND **Historical Resources** Package A Resource Impact Package A Comm Rail ROW Boundary 5WL.1966.8 Property Boundary Package A Comm Rail Footprint Commuter Rail Design Bridge / Culvert Parcel Boundaries Open ditch would be placed inside an extended culvert; 58 linear feet impacted Existing culvert Location Map 150

Figure 63 Bull Canal/Standley Ditch – Package A Commuter Rail Use



LEGEND **Historical Resources** Preferred Alternative Resource Impact Preferred Alternative ROW Boundary 5AM.457.3 & 5BF.76.2 Boundaries Parcel Boundaries Ditch will be capped Existing culvert under SH 7 615 linear feet of impact Existing culvert SH. P. S. SAN, 45.3 330 feet long New 121-foot-long culvert extension Location Map 200 ∃ Feet

Figure 64 Bull Canal/Standley Ditch – Preferred Alternative Use



Colorado and Southern Railway Depot/Loveland Depot (5LR.488)

Description

Location: 405—409 Railroad Avenue in Loveland

Type: Historic train depot
Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A and C

Use of Loveland Depot by Package

Package A
A-T1 Transit ComponentCommuter Rail:
Fort Collins to Longmont

Package B
B-T1 Transit Component/BRT:
Fort Collins/Greeley to Denver

A total of 0.03 acre

No use

Preferred Alternative Commuter Rail

No Use

Resource Description

The Loveland Depot is located at 405-409 Railroad Avenue in Loveland. It was built in 1902 by the Colorado and Southern Railway Company, a successor to the Colorado Central Railroad in 1898. The Colorado Central Railroad originally laid tracks through Loveland in 1877. Loveland, an agricultural community, was dependent on the railroad for its economic survival and the depot was critical for efficient movement of freight and passengers.

Eligibility Determination

This structure is significant under Criterion A for its role in rail transportation in northern Colorado. It is also architecturally significant under Criterion C as a good example of a turn-of-the-century depot.

Section 4(f) Use

Package A

The historic Loveland Depot is adjacent to the existing BNSF railroad tracks. A concrete station platform (350' long 22' wide) would be built between that depot and the tracks. This platform would be placed adjacent to the west side of the depot. Approximately 0.03 acre of the 0.43 acre historic property would thus be converted from ownership by the BNSF to commuter rail use. Because the use of this parcel was historically for transportation purpose and the proposed modifications would affect a small portion of the historic property, the FHWA and CDOT have determined that Package A would result in *no adverse effect* to the Loveland Depot. See **Figure 65** for uses associated with Package A.

Package B

There is no direct use of any of this property resulting from Package B.

Preferred Alternative

There is no direct use of any of this property resulting from the Preferred Alternative.



Planning and Measures Included to Reach a *De Minimis* Finding *Package A*

In order to reach this *de minimis* finding the segment of commuter rail within the boundary of the historic depot has been reduced to a single track. In this configuration, the use of the Loveland Depot property has been reduced from demolition of the depot building to placement of the station platform along the edge of the depot property.

Mitigation Measures for the Loveland Depot

- Permanent easement or property acquisition will be completed under Uniform Relocation Act.
- Disturbed areas will be re-landscaped.
- Attempt will be made to incorporate the depot into the station platform.



EGEND **Historical Resources** Package A Resource Impact 5LR.488 Property Boundary Historic Depot Building Footprint Recent Building Addition (not historic) Commuter Rail Design Area Impacted : 1,253 Sq Ft 0.03 Acres E 5TH ST Total Area: 18,665 Sq Ft 0.43 Acres W4TH ST RAILROAD AVE RAILROAD AVE Location Map 100

Figure 65 Colorado and Southern Railway Depot/Loveland Depot — Package A Use



Supply Ditch (5BL.3449)

Description

Location: 100 feet southwest from the CR 2/115th Street intersection north

of Longmont

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Supply Ditch by Package

Package A
A-T1 Transit ComponentCommuter Rail:
Fort Collins to Longmont

Package B
B-T1 Transit Component/BRT:
Fort Collins/Greeley to Denver

A total of 65 feet would be placed into an culvert extension

No use

Preferred Alternative Commuter Rail

A total of 45 feet would be placed into a culvert extension.

Resource Description

The entire earthen ditch was constructed in 1861 and is approximately 22 miles long. The segment within the project APE (5LR.3449.2) is 100 feet long and follows its original historic alignment through the project area and is in good functional condition. This segment of the Supply Ditch crosses the active BNSF rail line in a culvert. Both banks are covered by heavy riparian growth in many areas. The surrounding area supports industrial and residential development.

Eligibility Determination

The Supply Ditch was determined to be NRHP-eligible by OAHP in 1992. The ditch is eligible under Criterion A for its important association with the development of water rights and agriculture in Boulder County. This segment (5BL.3449.2) retains sufficient integrity to support the eligibility of the entire linear resource.

Section 4(f) Use

Package A

The historic Supply Ditch currently crosses the active BNSF railroad line via a culvert. The proposed commuter rail line would be aligned 20 feet north and parallel to the existing railroad. The elevated embankment carrying the new tracks and ballast would require an area approximately 65 feet wide. Thus, 65 feet of the open ditch would have to be placed in a new culvert underneath the new commuter rail line on the south side of the existing rail line. The portion of the ditch subject to direct impact by the commuter rail line is in close proximity to a pre-existing impacted section (crossing under the active rail line). This additional impact would not substantially diminish the qualities that make this resource NRHP eligible. The proposed modifications affect a relatively small section of the 22-mile-long linear resource.



Therefore, FHWA and CDOT have determined that the Package A transit improvements would result in *no adverse effect* to the entire Supply Ditch. See **Figure 66** for uses associated with Package A.

Package B

There is no direct use of any portion of this resource resulting from Package B transportation improvements.

Preferred Alternative

The historic Supply Ditch currently crosses an active railroad line via a culvert. Under the Preferred Alternative, the proposed commuter rail service would be added to the active rail line. However, a required maintenance road would be constructed on the north side of the existing rail line with fill slopes impacting approximately 46 linear feet of the historic ditch (see **Figure 67**). The portion of the ditch subject to use by the maintenance road is in close proximity to a preexisting impacted section (crossing under the active freight rail line). This additional use would not substantially diminish the qualities that make this resource NRHP eligible. The proposed modifications use a relatively small section of the 22 mile-long linear resource. FHWA and CDOT have determined that the Preferred Alternative transit improvements would result in *no adverse effect* to the entire Supply Ditch.

Planning and Measures Included to Reach a *De Minimis* Finding

Package A and Preferred Alternative

The physical railway template has been reduced to the minimum width necessary to meet FRA and FTA design and safety standards.

Mitigation Measures for the Supply Ditch

- Permanent easement or property acquisition will be completed under the Uniform Relocation Act.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND **Historical Resources** Package A Resource Impact Package A Comm Rail ROW Boundary 5BL.3449.2 Property Boundary Package A Comm Rail Footprint Commuter Rail Design Parcel Boundaries Existing culvert Open ditch would be placed inside extended culvert; 65 Linear Feet Impacted Location Map 200 Feet

Figure 66 Supply Ditch Package A Use



LEGEND **Historical Resources** Preferred Alternative Resource Impact Preferred Alternative Comm Rail **ROW Boundary** 5BL.3449.2 Resource Boundary Preferred Alternative Comm Rail Footprint Existing railroad Commuter Rail Design Parcel Boundaries Maintenance road centerline 46 Linear Feet Impacted Location Map 200 ___ Feet

Figure 67 Supply Ditch Preferred Alternative Use



Rough & Ready Ditch (5BL.3113)

Description

Location: North of the Main Street/21st Avenue Intersection in Longmont

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Rough & Ready Ditch by Package

Package A
A-T1 Transit ComponentCommuter Rail:
Fort Collins to Longmont

Package B
B-T1 Transit Component-BRT:
Fort Collins/Greeley to Denver

A total of 35 feet placed into a culvert extension

No use

Preferred Alternative Commuter Rail:

A total of 45 feet placed into a culvert extension.

Resource Description

This segment of the historic earthen Rough & Ready Ditch crosses underneath the active UPRR alignment via a concrete culvert. The entire ditch is approximately 16.5 miles long. The segment within the project APE (5BL.3113.67) is 100 feet long. This segment is the oldest portion of the ditch, with water appropriated in 1869. The ditch is 20 feet wide and 6 feet deep, is in good condition, and much of its length follows the historic alignment. At the east side of the railway crossing, the ditch is piped underground beneath a power substation. Well-developed riparian growth exists along both banks of the ditch in many areas. The surrounding area supports rural residential development.

Eligibility Determination

In 1991, the OAHP officially determined the entire Rough & Ready Ditch (5BL.3113) to be NRHP-eligible under Criterion A for its important association with the development of water rights and agriculture in Boulder County. The segment within the project APE (5BL.3113.67) retains sufficient integrity to support the eligibility of the entire linear resource.

Section 4(f) Use

Package A

The historic Rough & Ready Ditch currently crosses the active railroad line inside a modern concrete culvert. The proposed commuter rail would be aligned 20 feet northeast and parallel to the existing railroad. The elevated embankment supporting the new tracks and ballast would require an area approximately 35 feet wide. Thus, 35 feet of the open ditch would have to be placed in a new culvert beneath the new commuter rail line and ballast on the south side of the existing rail line.

The portion of the ditch subject to direct impact by the commuter rail line is in close proximity to a preexisting impacted section (crossing underneath the active rail line). This additional impact would not



substantially diminish the qualities that make this resource NRHP eligible. The proposed modifications affect a relatively small section of the 16.5-mile-long linear resource. Therefore, FHWA and CDOT have determined that the Package A transit improvements would result in *no adverse effect* to the entire Rough & Ready Ditch. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 68** for uses associated with Package A.

Package B

There is no direct use of any portion of this resource resulting from Package B transportation improvements.

Preferred Alternative

The historic Rough & Ready Ditch currently crosses the active railroad line inside a modern concrete culvert. The proposed maintenance road associated with the commuter rail line would be aligned east and parallel to the existing railroad. The elevated embankment supporting the road would require an area approximately 35 feet wide. Thus, 35 feet of the open ditch would have to be placed in a new culvert beneath the maintenance road on the east side of the existing rail line (see **Figure 69**).

The portion of the ditch subject to use by the Preferred Alternative is in close proximity to a preexisting impacted section (crossing under the active freight rail line). This additional use would not substantially diminish the qualities that make this resource NRHP eligible. The proposed modifications affect a relatively small section of the 16.5 mile-long linear resource. FHWA and CDOT have determined that the Preferred Alternative transit improvements would result in *no adverse effect* to the entire Rough & Ready Ditch. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence

Planning and Measures Included to Reach a De Minimis Finding

Package A and Preferred Alternative

A retaining wall was included in the design on the east side of the proposed tracks to minimize impacts to homes and businesses in the Longmont area. This retaining wall also mitigates the impact to the ditch. A culvert would also be installed. The physical railway template of graded bed, track, and ballast has been reduced to the minimum width necessary to meet FRA and FTA design and safety standards.

Mitigation Measures for the Rough and Ready Ditch

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND **Historical Resources** Package A Resource Impact Package A Comm Rail ROW Boundary 5BL.3113.67 Property Boundary Package A Comm Rail Footprint Commuter Rail Design Parcel Boundaries Existing culverts 21ST AV Open ditch would be placed inside new culvert; 35 Linear Feet Impacted Location Map 200 Feet North

Figure 68 Rough & Ready Ditch Package A Use



LEGEND **Historical Resources** Preferred Alternative Resource Impact Preferred Alternative Comm Rail ROW Boundary 5BL.3113.67 Resource Boundary Preferred Alternative Comm Rail Footprint Commuter Rail Design Parcel Boundaries Bridge Guardrails Existing culverts Open ditch would be placed inside new culvert; 35 Linear Feet Impacted 21ST AV Location Map 200 North

Figure 69 Rough & Ready Ditch Preferred Alternative Use



Oligarchy Ditch (5BL.4832)

Description

Location: T3N/R69W, NE1/4 Sec. 34; T2N/R69W, N1/2 Sec. 12

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Oligarchy Ditch by Package

Package A
A-T1 Transit ComponentCommuter Rail:
Fort Collins to Longmont

Package B
B-T1 Transit Component-BRT:
Fort Collins/Greeley to Denver

48 feet placed in culvert extension

No use

Preferred Alternative Commuter Rail:

Culvert extension of 64 feet.

Resource Description

The entire earthen ditch is approximately 15.6 miles long. The ditch has been associated with Boulder County irrigation since its first appropriation date of 1861, which is among the oldest in the county. Two segments of the ditch cross the commuter rail corridor. Segment 5BL.4832.28 crosses the active BNSF railway alignment in a culvert approximately 500 feet south of 17th Avenue in Longmont. This segment is 100 feet long, 21 feet wide and 6 feet deep. Both banks of the ditch are covered by heavy riparian growth in many areas. The surrounding area supports rural residential development.

A second Oligarchy Ditch segment (5BL.4832.26) follows a meandering course through the proposed commuter rail alignment crossing south of SH 119 and Rogers Road intersection. This segment in the project APE is one mile long. Well-developed riparian growth exists along both banks of the ditch in some areas. The surrounding area supports semi-rural residential development.

Eligibility Determination

The Oligarchy Ditch is NRHP-eligible under Criterion A for its important association with the development of water rights and agriculture in Boulder County. The two segments located within the APE retain sufficient integrity to support the eligibility of the entire linear resource.

Section 4(f) Use

Package A

Portions of Segment 5BL.4832.26 of the historic Oligarchy Ditch would pass through the new dedicated commuter rail corridor. The ditch meanders across this area, often running parallel to the planned railroad alignment. A 1,200-foot-long concrete box culvert crosses underneath SH 119. The railway alignment follows a broad sweeping curve, and intersects the irregular course of the ditch at two places. Because the ditch and railroad alignments generally run parallel, a 210-foot-long stretch of the open ditch would be spanned by a new commuter rail bridge, conveying the intact open ditch beneath the new rail line on the west side of SH 119. There would be no direct use of the ditch at this location.



The proposed commuter rail would be aligned 20 feet northeast and parallel to the existing railroad and crosses Segment 5BL.4832.28 of the ditch. The new embankment supporting the tracks and ballast would require an additional area approximately 48 feet wide. Thus, 48 feet of the open ditch would have to be placed in a new extension of the existing BNSF railroad culvert beneath the new commuter rail line on the south side of the existing rail line. Although the physical integrity of the ditch

segment would be compromised by placing a portion of it into a culvert, this change affects only a very

A total of 48 feet of open ditch would be placed inside a new extended culvert at Segment 5LR.4832.28. Temporary construction activity would occur at the site during culvert installation. Because the physical integrity of the channel of the ditch segment would not substantially alter or impact the qualities that render the Oligarchy Ditch historic, FHWA and CDOT have determined that the Package A commuter rail improvements would result in *no adverse effect* to the entire Oligarchy Ditch (5LR.4832). See **Figure 70** and **Figure 71** for uses associated with Package A.

Package B

There would be no use of the Oligarchy Ditch resulting from transportation improvements associated with Package B.

Preferred Alternative

small percentage of the overall linear resource.

Segment 5BL.4832.28: The proposed commuter rail line under the Preferred Alternative would include the addition of a passing track on the east side of the existing rail line and a maintenance road on the west side in this area. The new embankment supporting the tracks and ballast would require an area approximately 48 feet wide to the east and the embankment supporting the new roadbed would require an area approximately 16 feet on the west. Thus, the existing culvert that carries Oligarchy Ditch underneath the railway would be extended; impacting 64 linear feet of the open ditch that would have to be placed in a new culvert (see **Figure 72**). Although the physical integrity of the ditch segment would be compromised by placing a portion of it into a culvert, this change affects only a very small percentage of the overall linear resource.

Segment 5BL.4832.26: Portions of this segment of the historic Oligarchy Ditch would pass through the proposed route of the new commuter rail line under the Preferred Alternative. The ditch meanders across this area, often running parallel to the planned railroad alignment. A segment of the ditch was realigned during construction of Ken Pratt Boulevard. (SH 119), with the old channel being covered up and a 1,200-foot-long portion of the ditch placed in a 1,200-foot-long culvert underneath 3rd Avenue and SH 119. The railway alignment follows a broad sweeping curve, and intersects the irregular course of the ditch west of 3rd Avenue. As a result a 61-foot-long stretch of the open ditch would have to be bridged by a new railroad structure. A total length of 61 feet of open ditch would be spanned by a new bridge (see **Figure 73**). The resulting overhead cover would shade the portion of the ditch located underneath the bridge, but all structural support elements such as piers or abutments, would be placed outside of the historic boundary and would not result in a direct impact to the ditch. The physical setting of the ditch segment would not be substantially compromised by placing a portion of it underneath a bridge structure.

A cumulative total of 64 feet of open ditch would be placed inside a new culvert (5BL.4832.26) and 61 feet of open ditch would flow underneath a new bridge (5BL.4832.28). Temporary construction impacts would occur during culvert installation. Because the physical integrity of the ditch segment would not be substantially compromised by placing a portion of it inside a culvert and underneath a bridge structure, and these changes affect only a very small percentage of the overall linear resource, FHWA and CDOT have determined that the Preferred Alternative commuter rail improvements would result in *no adverse effect* to the entire Oligarchy Ditch (5LR.4832). It is the intent of FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.



All Possible Planning to Minimize Harm

Package A and Preferred Alternative

A retaining wall was included in the design on the east side of the proposed commuter rail tracks at Segment 5LR.4832.28 to minimize impacts to homes and businesses in the Longmont area south of 17th Avenue. This retaining wall also mitigates the direct impact to the ditch by shortening the length of open ditch conveyed within a culvert, thus minimizing the loss of historic ditch integrity at this site. No other minimization, mitigation, or enhancement measures were possible.

The physical railway template of graded beds, rail tracks, and ballast has been reduced to the minimum width necessary to meet FRA and FTA design and safety standards. The new culvert carries the ditch along the shortest distance to cross the railroad footprint.

Mitigation Measures for Oligarchy Ditch

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND Historical Resources Package A Resource Impact Package A Comm Rail ROW Boundary 5BL.4832.26 Property Boundary Package A Comm Rail Footprint Commuter Rail Design Parcel Boundaries Bridge / Culvert Existing culvert E3rdAve 210 linear feet of open ditch would be placed under new bridge. 119 GREAT WESTERN DR Location Map North 300

Figure 70 Oligarchy Ditch Package A Use



LEGEND **Historical Resources** Package A Resource Impact Package A Comm Rail ROW Boundary 5BL.4832.28 Property Boundary Package A Comm Rail Footprint 17TH AV Commuter Rail Design Parcel Boundaries Open ditch would be placed inside an extended culvert; 48 Linear Feet Impacted GARDNER DR ANNIVERSARY Existing culvert FORSYTHE DR CENTENNIAL DR LN EMPSON DR Location Map 150 Feet

Figure 71 Oligarchy Ditch Package A Use



LEGEND **Historical Resources** Preferred Alternative Resource Impact Preferred Alternative Comm Rail **ROW Boundary** 5BL.4832.26 Resource Boundary Preferred Alternative Comm Rail Footprint Commuter Rail Design Parcel Boundaries Bridge Guardrails Existing culvert E 3rd Ave 61 linear feet of open 119 ditch would be placed under new bridge.

Figure 72 Oligarchy Ditch Preferred Alternative Use

Location Map



LEGEND **Historical Resources** Preferred Alternative Resource Impact Preferred Alternative Comm Rail **ROW Boundary** 5BL.4832.28 Resource Boundary Preferred Alternative Comm Rail Footprint Commuter Rail Design Bridge Guardrails Open ditch would be placed inside an extended culvert; 64 Linear Feet Impacted GARDNER DR ANNIVERSARY LN Existing culvert FORSYTHE DR EMPSON DR Location Map 150 Feet

Figure 73 Oligarchy Ditch Preferred Alternative Use



Kitley House (5BL.9163)

Description

Location: 846 Atwood Street Longmont

Type: Historic Residence
Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criteria A, B, & C

Use of Kitley House by Package

Package A
A-T2 Transit ComponentCommuter Rail:
Longmont to FasTracks North Metro

Package B
B-T2 Transit Component-BRT:
Fort Collins to DIA

A small strip of land totaling 385 square feet on the eastern edge of the property would be acquired for construction of a retaining wall that would prevent greater use of the property

No use

Preferred Alternative Commuter Rail:

A small strip of land totaling 385 square feet on the eastern edge of the property would be used for construction of a retaining wall that would prevent greater use of the property

Resource Description

The Kitely House was the home of Rae and Mary Kitely, who both made significant contributions to Longmont's history. Rae was the son of early Longmont pioneers and one of Longmont's most influential citizens. He was a lawyer, a banker, and served for 10 years as mayor of Longmont. The house is also significant for its association with Longmont's residential development from the early to mid 20th century. The house is architecturally notable as a good example of the Craftsman style of architecture.

Eligibility Determination

The property was initially surveyed in March 2003 and field assessed as eligible for inclusion on the NRHP under Criterion A for its association with Longmont's residential development, under Criterion B for its association with the Kitely's and under Criterion C as a good example of Craftsman architecture. It was re-evaluated in August 2010 and assessed as eligible under those same three criteria.

Section 4(f) Use

Package A

The use associated with commuter rail under Package A would occur along the eastern edge of the property where a very small strip of land totaling 385 sq. ft. (0.01 acre) on the east edge of the property adjacent to the west side of the existing railroad tracks would be acquired for construction of a retaining wall that would prevent a more extensive acquisition from occurring. Removal of this strip of property



would not have any impact on the historic association or architectural qualities of the house that make this property historic.

Removal of this strip of land would not diminish the architectural or setting characteristics that render this property eligible for the NRHP. Therefore, FHWA and CDOT have determined that the Package A improvements would result in no adverse effect to the resource. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

<u>Package B</u>

There is no direct use of any portion of this resource resulting from Package B transportation improvements.

Preferred Alternative

The uses associated with commuter rail under the Preferred Alternative would occur along the eastern edge of the property where a very small strip of land totaling 385 sq. ft. (0.01 acre) on the east edge of the property adjacent to the west side of the existing railroad tracks would be acquired for construction of a retaining wall that would prevent a more extensive acquisition from occurring. Removal of this strip of property would not have any impact on the historic association or architectural qualities of the house that make this property historic

Removal of this strip of land would not diminish the architectural or setting characteristics that render this property eligible for the NRHP. Therefore, FHWA and CDOT have determined that the Preferred Alternative improvements would result in no adverse effect to the resource. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 74** for uses associated with the Preferred Alternative.

Planning and Measures Included to Reach a De Minimis Finding

Package A and Preferred Alternative

The physical railway template of graded bed, track, and ballast has been reduced to the minimum width necessary to meet FRA and FTA design and safety standards.

Mitigation Measures for the Kitely House

- Detailed recording of the affected property in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Appropriate BMPs will be employed ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND Historical Resources Preferred Alternative Resource Impact Preferred Alternative Comm Rail ROW Boundary 5BL.9163 Property Boundary Preferred Alternative Comm Rail Footprint Commuter Rail Design Parcel Boundaries Bridge Guardrails 9th Ave Area = 385 Sq. Ft. Acres = 0.01 Location Map 60 Feet North

Figure 74 Kitely House – Preferred Alternative



Big Thompson Ditch (5LR.1729)

Description

Location: Ditch runs east-west across north Longmont area

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Big Thompson Ditch by Package

Package A
A-T2 Transit ComponentCommuter Rail:
Longmont to FasTracks North Metro

Package B
B-T2 Transit Component-BRT:
Fort Collins to DIA

A total of 60 feet placed into a culvert extension

No use

Preferred Alternative Commuter Rail

No use

Resource Description

The entire ditch (5LR.1729) is ten miles long and is one of the oldest in the area. The 2,216-foot-long segment crosses the BNSF RR just north of SH 402 in Loveland. The ditch parallels the railroad for 485 feet before turning east and passing under the railroad in a concrete box culvert. The six-foot-wide ditch is concrete lined and west of the railroad and unlined east of the BNSF.

Eligibility Determination

The ditch is NRHP-eligible due to its ties to the City of Loveland and the successful development of high plains irrigation under Criterion A. The ditch has been realigned and concrete lined, compromising the historic integrity within the setting, and is non-supportive of the greater site.

Section 4(f) Use

Package A

Under Package A the new commuter rail track would be placed east and adjacent to the existing track. At the existing BNSF crossing, the ditch is conveyed underneath the railway in a 35-foot-long culvert pipe. This pipe would be extended and the ditch realigned 60 feet east to accommodate the new track. Part of this length is to alter the ditch outfall from a perpendicular bend as it exits the railroad crossing to a smoother angled alignment for the purpose of preventing ditch erosion during higher flows.

Because the qualities that make the entire resource NRHP-eligible have already been compromised by modifications associated with construction of the BNSF railroad and Package A improvements are minor in relative extent, FHWA and CDOT have determined that Package A would result in *no adverse effect* to the Big Thompson Ditch. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 75** for uses associated with Package A.



Package B

There is no direct use of any portion of this resource resulting from Package B transportation improvements.

Preferred Alternative

There is no direct use of any portion of this resource resulting from Preferred Alternative transportation improvements.

Planning and Measures Included to Reach a *De Minimis* Finding

The physical railway template of graded bed, track, and ballast has been reduced to the minimum width necessary to meet FRA and FTA design and safety standards.

Mitigation Measures for Big Thompson Ditch

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs to will be employed ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



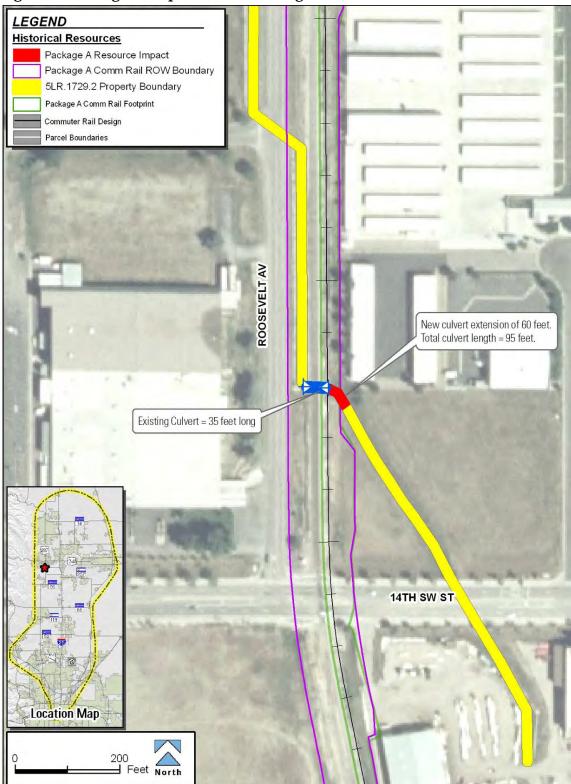


Figure 75 Big Thompson Ditch Package A Use



Great Western Sugar Factory (5BL.513)

Description

Location: 11939 and 11801 Sugarmill Road

Type: Historic buildings/historic district

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Great Western Sugar by Package

Package A
A-T2 Transit ComponentCommuter Rail:
Longmont to FasTracks North Metro

Package B
B-T2 Transit Component-BRT:
Fort Collins to DIA

A total of 0.33 acre would be used for pedestrian walkway

No use

Preferred Alternative Commuter Rail

No use

Resource Description

The Great Western Sugar Factory is located at 11939 and 11801 Sugarmill Road in Longmont. This sugar beet processing factory was built in 1903 and operated into the 1970s. The 3.72-acre factory site contains several beet processing buildings, as well as industrial features, including storage silos located north of Sugarmill Road.

Eligibility Determination

The Great Western Sugar Factory (5BL.513) is eligible for the NRHP under Criterion A for its significant role in the very important sugar beet industry in Colorado, as well as its major contribution to the economic development of the Longmont area.

Section 4(f) Use

Package A

Proposed commuter rail improvements in the vicinity of the Great Western Sugar Factory site include a station platform, park-&-Ride lots, and a pedestrian walkway from the station platform to the south parking lot. The station platform intrudes slightly into the north edge of the sugar factory site, and the proposed pedestrian walkway extends from the platform through the northwestern corner of the property to access a proposed parking lot that would be located just west of the factory site. These direct impacts amount to 0.33 acre. None of the buildings or other standing industrial features that contribute to the property's significance would be affected by these commuter rail facilities.

Because the proposed transportation improvements would not substantially diminish or alter architectural or setting characteristics that render the property eligible for the NRHP, FHWA and CDOT have determined that Package A commuter rail improvements would result in *no adverse effect* to the resource.



It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 76** for uses associated with Package A.

Package B

There is no direct use of any portion of this resource resulting from Package B transportation improvements.

Preferred Alternative

There is no direct use of any portion of this resource resulting from Preferred Alternative transportation improvements.

Planning and Measures Included to Reach a *De Minimis* Finding *Package A*

This property is located near the SH 119 and 3rd Avenue intersection. The original proposed commuter rail alignment was designed to run along Sugar Mill Road, through the historic property. To minimize use of the property, the alignment was shifted north to the existing Great Western Railroad right-of-way, and parking features were relocated from the historic property.

Mitigation Measures for the Great Western Sugar Factory

- Property acquisition will be completed under the Uniform Relocation Act.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be re-landscaped.



LEGEND **Historical Resources** 3rd Av Package A Resource Impact Package A Comm Rail ROW Boundary 5BL.513 & 5BL.7606 Boundaries Package A Comm Rail Footprint Commuter Rail Design Parcel Boundaries Parking = 5BL.7606 Novartis Seeds Parking Area = 14,575 Sq. Ft Acres = 0.33 Pedestrian access & platform areas. All features are at-grade except overpass for pedestrian crossing. 5BL.513 Great Western Sugar Plant Location Map 300 Feet North

Figure 76 Great Western Sugar Factory Package A Use



Sandstone Ranch (5WL.712)

Description

Location: T2N/R68W, SH 119 just east of Longmont

Type: Historic district

Section 106 Effect Finding: No adverse effect
Ownership/Jurisdiction: City of Longmont

Significance: NRHP-listed, Criteria A, B, and C

Use of Sandstone Ranch by Package

Package A
A-T2 Transit ComponentCommuter Rail:
Longmont to FasTracks North Metro

Package B
B-T2 Transit Component-BRT:
120th to Denver

A total of 2.17 acres of unused land within the historic district used for new railroad right-of-way

No use

Preferred Alternative Commuter Rail

A total of 2.17 acres of unused land within the historic district used for new railroad right-of-way.

Resource Description

The Sandstone Ranch is located on SH 119 just east of Longmont. The ranch is associated with Morse Coffin, one of the early settlers in this area. Morse Coffin settled in Boulder County in 1859 and became a preeminent agriculturalist and co-founder of the first public school district in Colorado. The City of Longmont now owns the ranch property, which is now designated Sandstone Ranch Park. Portions of the former ranch have been altered recently by gravel mining, post-mining reclamation, and multi-use recreational development by the City of Longmont. The only intact ranchland in the northern portion of the property is a riparian corridor surrounding the Union Reservoir Outlet Ditch/ Coffin Spring Gulch Ditch (5WL.2877.1).

Eligibility Determination

The ranch was NRHP-listed in 1984 under Criteria A, B, and C. The Sandstone Ranch is eligible under Criterion A because of its important association with early settlement and agricultural development in Weld County. It is also eligible under Criterion B because of its direct association with Morse H. Coffin, an important historical figure, and under Criterion C because of the architectural significance of the Coffin farmhouse. The historic district boundary is currently being evaluated for re-definition to exclude the areas modified by construction of public recreational facilities and areas modified by gravel mining.



Section 4(f) Use

Package A

The proposed commuter rail facilities along SH 119 would necessitate acquisition of new right-of-way within the extreme northern edge of the Sandstone Ranch historic district. This land would be needed to provide space for the new commuter rail bed, tracks, and ballast. The area subject to direct impacts comprises 2.17 acres. In addition to the small size of the impacted area, the northern portion of the historic district has lost most of its integrity due to recent development of sports fields by the City of Longmont.

The historic ranch buildings would be located approximately 0.5 mile from passing trains and, therefore, would not be affected by noise and vibration impacts. The commuter rail tracks would run along the edge of the northern portion of the historic district that has lost nearly all integrity. No indirect effects are expected that would harm the function, setting, atmosphere, or attributes that render this district NRHP-eligible. Therefore, FHWA and CDOT have determined that Package A commuter rail improvements would result in *no adverse effect* to the resource. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 77** for uses associated with Package A.

Package B

There is no direct use of any portion of this resource resulting from Package B transportation improvements.

Preferred Alternative

Under the Preferred Alternative widening of SH 119 to accommodate one commuter rail track would necessitate acquisition of new right-of-way within the extreme northern edge of the Sandstone Ranch. This land would be needed to provide space for the new commuter rail bed, tracks, and ballast. The area subject to use comprises 1.45 acres. In addition to the small size of the use, the northern portion of the site has lost most of its integrity due to recent development of sports fields by the City of Longmont (see **Figure 78**).

The historic ranch buildings are located too far away to be affected by noise and vibration impacts from passing trains. The commuter rail tracks would run along the edge of the northern portion of the historic district that has lost nearly all integrity. No indirect effects are expected which would harm the function, setting, atmosphere, or attributes that render this district NRHP-eligible.

The proposed transportation improvements would not substantially diminish or alter characteristics that render the property eligible for the NRHP. For all of these reasons, FHWA and CDOT have determined that the Preferred Alternative would result in *no adverse effect* to the resource. It is the intent of the FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Planning and Measures Included to Reach a *De Minimis* Finding

Package A and Preferred Alternative

A retaining wall was included on the south side of the proposed tracks to mitigate use of the park. Otherwise, all railway template widths are reduced to the minimum width necessary to meet FRA and FTA design and safety standards.

Mitigation Measures for the Sandstone Ranch

- Property acquisition will be completed under the Uniform Relocation Act.
- Retaining walls used to minimize surface use.
- Operation of recreational facilities during construction will be maintained.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND **Historical Resources** PEAK AVE Package A Resource Impact Package A Comm Rail ROW Boundary 5WL.712 Property Boundary Package A Comm Rail Footprint Commuter Rail Design Parcel Boundaries COLORFUL AVE 119 Area = 94,337 Sq. Ft Acres = 2.17 Location Map 500 Feet North

Figure 77 Sandstone Ranch Package A Use



LEGEND **Historical Resources** PEAK AVE Preferred Alternative Resource Impact Preferred Alternative Comm Rail ROW Boundary 5WL.712 Property Boundary Preferred Alternative Comm Rail Footprint Commuter Rail Design Bridge Guardrails COLORFUL AVE 119 Area = 63,043 Sq. Ft Acres = 1.45 Location Map 500 Feet North

Figure 78 Sandstone Ranch Preferred Alternative Use



Boulder and Weld County Ditch (5WL.5461)

Description

Location: T2N/R68W, Sec 28 NW ¼ of NW ¼ of SE ¼ of NE ¼ (West end)

T2N/R68W, Sec 28 NW ¼ of NW ¼ of SE ¼ of NW 1/4 (East end)

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Boulder and Weld County Ditch by Package

Package A
A-T2 Transit Component-Commuter Rail:
Longmont to FasTracks North Metro

Package B
B-T2 Transit Component-BRT:
120th to Denver

A total of 63 feet of open ditch would be placed into a new culvert

No use

Preferred Alternative Commuter Rail

A total of 63 feet of open ditch would be placed into a new culvert.

Resource Description

The entire Boulder and Weld County Ditch is approximately five miles long and draws water from a head gate on Boulder Creek. The ditch was constructed in 1871 and remains in use, supplying irrigation water for agricultural use. The segment of the earthen irrigation ditch passing through the commuter rail corridor is approximately 684 feet (0.13 mile) long, 20 feet wide, and 6.5 feet deep. The surrounding land is rural in character.

Eligibility Determination

The Boulder and Weld County Ditch is eligible for the NRHP under Criterion A because of its important association with the early development of agriculture in Weld County. The segment of the ditch within the project APE retains sufficient integrity of location, setting, feeling, and use to support the eligibility of the entire linear resource.

Section 4(f) Use

Package A

In the vicinity of the Boulder and Weld County Ditch, the commuter rail alignment closely parallels CR 7, beneath which the ditch crosses in a culvert. The commuter rail design would include a new concrete box culvert to accommodate the historic ditch. Approximately 63 linear feet of the ditch would be directly impacted by being placed in a culvert beneath the commuter rail facility.

Construction of the concrete culvert structure would likely require temporary access to the historic property for equipment access and culvert installation activities, resulting in a temporary occupancy. The ditch would likely be diverted during demolition of the old culvert and installation of the replacement culvert, but would



remain operational, and irrigation water would be protected from encroachment by construction. Although a portion of the open ditch would be placed in a culvert, this change affects only a very small percentage of the entire linear resource. Therefore, FHWA and CDOT have determined that Package A commuter rail

improvements would result in *no adverse effect* to the entire Boulder and Weld County Ditch. It is the intent of FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 79** for uses associated with Package A.

Package B

There is no direct use of any portion of this resource resulting from Package B transportation improvements.

Preferred Alternative

In the vicinity of the Boulder and Weld County Ditch, the Preferred Alternative commuter rail alignment closely parallels WCR 7, beneath which the ditch crosses in a culvert. The commuter rail design would include a new CBC to accommodate the historic ditch. Approximately 63 linear feet of the ditch would be used by being placed in a culvert beneath the commuter rail facility (see **Figure 80**).

Construction of the concrete culvert structure would likely require temporary access to the historic property for equipment access and culvert installation activities. The ditch would likely be diverted during demolition of the old culvert and installation of the replacement culvert, but would remain operational and irrigation water would be protected from encroachment by construction. All disturbance caused by construction equipment or activities would be temporary in nature and affected areas would be restored to their original condition and appearance.

Although a portion of the open ditch would be placed in a culvert, this change affects only a very small percentage of the entire linear resource. FHWA and CDOT have determined that the Preferred Alternative commuter rail improvements would result in *no adverse effect* to the entire Boulder and Weld County Ditch. It is the intent of FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.

Planning and Measures Included to Reach a De Minimis Finding

The physical railway template of grade bed, rail track, and ballast has been reduced to the minimum width necessary to meet FRA and FTA design and safety standards. The new culvert carries the ditch along the shortest distance to cross the railway footprint.

Mitigation Measures for the Boulder and Weld County Ditch

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



LEGEND Historical Resources Package A Resource Impact Package A Comm Rail ROW Boundary 5WL.5461.1 Property Boundary Package A Comm Rail Footprint Commuter Rail Design Parcel Boundaries Bridge / Culver 63 Linear Feet Impacted Location Map 300 — Feet

Figure 79 Boulder and Weld County Ditch Package A Use



LEGEND Historical Resources Preferred Alternative Resource Impact Preferred Alternative Comm Rail **ROW Boundary** 5WL.5461.1 Resource Boundary Preferred Alternative Comm Rail Footprint Commuter Rail Design Bridge Guardrails Parcel Boundaries **Existing Culvert** 35 ft long. Open ditch would be placed inside new culvert; 63 Linear Feet Impacted Location Map 300 Feet

Figure 80 Boulder and Weld County Ditch Preferred Alternative Use



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Rural Ditch (5WL.1974)

Description

Location: T2N/R68W, SW ¼ Sec 15, located near CR 7 south of Rinn, CO and

600 feet south of CR 2050.

Type: Historic ditch

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of Rural Ditch by Package

Package A
A-T2 Transit Component-Commuter Rail:
Longmont to FasTracks North Metro

Package B
B-T2 Transit Component-BRT:
120th to Denver

A total of 130 feet of open ditch would be placed into a new culvert

No use

Preferred Alternative Commuter Rail

A total of 108 feet of open ditch would be placed into a new culvert.

Resource Description

The entire Rural Ditch is approximately four miles long. Two segments of the ditch are present within the APE. Segment 5WL.1974.1 crosses I-25 diagonally from southwest to northeast immediately north of SH 119, passing under SH 119 and I-25 in two existing culverts. The segment length is 3,327 feet, and is a 10-foot wide earthen ditch.

Segment 5WL.1974.3 of the historic Rural Ditch crosses northwest to southeast within the project area. This segment (5WL.1974.3) intercepts waters of Idaho Creek at the southwest edge of the APE. The excavated 5-foot-deep, earthen ditch segment is 1,253 feet long and 20 feet wide. Both banks of the ditch areas are covered with grass. The surrounding area is rural in character.

Eligibility Determination

The entire ditch (5WL.1974) was determined to be not eligible in 1993. The entire Rural Ditch is recommended as eligible for the NRHP under Criterion A because of its important association with the development of water rights and agriculture in northeastern Colorado. Segment 5WL.1974.3 follows the original historic alignment of the ditch, and therefore supports the eligibility of the entire linear resource. Segment 5WL.1974.1 is modified by adjacent development and road crossings at SH 119 and I-25 and does not support the eligibility of the entire resource.

Section 4(f) Use

Package A

Segment 5WL.1974.3: The proposed new commuter rail line would pass in a northwest-southeast trajectory across this historic ditch segment. Approximately 130 feet of open ditch would need to be placed in a culvert beneath the new railroad embankment, ballast, bed, and tracks, resulting in a direct use of the resource.



Installation of the new culvert would likely require temporary use of the historic property for equipment access and minor construction activities, resulting in temporary occupancy. The ditch would remain operational, and irrigation water would be protected from encroachment by construction. Although the segment of open ditch would be placed in a culvert, this change affects only a very small percentage of the overall linear resource.

Segment 5WL.1974.1: Package A is in a non-improvement zone and results in no impacts.

Approximately 130 feet of open ditch would be placed inside a culvert at one segment location (5WL.1974.9). Because the physical integrity of the channel of the ditch segment would be compromised by placing it in a culvert, FHWA and CDOT have determined that the Package A transit improvements would result in *no adverse effect* with respect to the historic resource 5WL.1974 (Rural Ditch). (It is the intent of FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence.) See **Figure 81** for uses associated with Package A.

Package B

Segment 5WL.1974.1: Under Package B, modifications to the center median of the highway would incorporate new BRT lanes in this area. Because the ditch is already conveyed underneath the area of highway, there would be no additional impact to the ditch segment. The ditch already lacks integrity of alignment and setting, and there is no new use expected to result from the installations planned by Package B.

Preferred Alternative

Segment 5WL.1974.3: The proposed new commuter rail line would pass in a northwest-southeast alignment across this historic ditch segment. Approximately 108 feet of open ditch would need to be placed in a culvert beneath the new railroad embankment, ballast, bed and tracks.

Installation of the new culvert would likely require temporary use of the historic property for equipment access and minor construction activities. The ditch would remain operational and irrigation water would be protected from encroachment by construction. All disturbances caused by construction equipment or construction activities would be temporary in nature and affected areas would be restored to their original condition and appearance.

Although the segment of open ditch would be placed in a culvert, this change affects only a very small percentage of the overall linear resource.

Segment 5WL.1974.1: Under the Preferred Alternative modifications to the center median of the highway would incorporate new TELs in this area. Because the ditch is already conveyed underneath the area of highway there would be no additional use of to the ditch segment. Because the ditch already lacks integrity of alignment and setting, no additional indirect impacts are expected to result from the installations planned by the Preferred Alternative.

Under the Preferred Alternative 108 feet of open ditch would be placed inside a culvert at one segment locality. Temporary construction impacts would occur during culvert installation and highway construction activity. Because the physical integrity of the channel of the ditch segment has been previously compromised by placing it in a culvert, FHWA and CDOT have determined that the Preferred Alternative improvements would result in no adverse effect with respect to the historic resource 5WL.1974 (Rural Ditch). It is the intent of FHWA and CDOT to make a finding of *de minimis* pending SHPO concurrence. See **Figure 82** for uses associated with the Preferred Alternative.

Planning and Measures Included to Reach a De Minimis Finding

The physical railway template of graded bed, track, and underlying ballast has been reduced to the minimum width necessary to meet FRA and FTA design and safety standards. The new culvert does not alter the historic alignment of the ditch. A perpendicular crossing of the railroad footprint would minimize the culvert length, but adversely affect the historic ditch alignment.

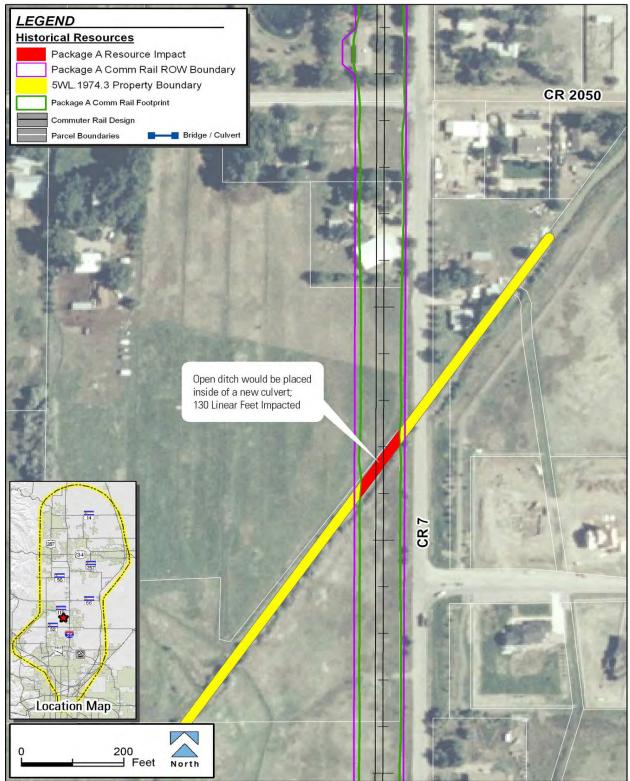


Mitigation Measures for the Rural Ditch

- Detailed recording of the affected ditch in accordance with the Colorado Historical Society standards for Level II Documentation is recommended pending SHPO concurrence.
- Maintain operation of irrigation ditch during construction.
- Appropriate erosion and sediment control BMPs will be employed to ensure protection of resource during construction.
- Disturbed areas will be reseeded with native grasses.



Figure 81 Rural Ditch Package A Use





LEGEND **Historical Resources** Preferred Alternative Resource Impact Preferred Alternative Comm Rail ROW Boundary 5WL.1974.3 Resource Boundary CR 2050 Preferred Alternative Comm Rail Footprint Commuter Rail Design Bridge Guardrails Open ditch would be placed inside of a new culvert; 108 Linear Feet Impacted Existing Culvert 36 ft long . 5 Location Map 200 — Feet

Figure 82 Rural Ditch Preferred Alternative Use



Union Pacific Railroad, Dent Branch (5WL.1317, 5AM.472)

Description

Location: T1N/R68W, NW ¼ Sec 24, to T1S/R68W, NE ¼ Sec 12

Type: Abandoned historic railroad

Section 106 Effect Finding: No adverse effect

Ownership: Private

Significance: NRHP-Eligible, Criterion A

Use of UPRR, Dent Branch by Package

Package A
A-T2 Transit Component-Commuter Rail:
Longmont to FasTracks North Metro

Package B
B-T2 Transit Component-BRT:
Fort Collins to DIA

4.89-mile abandoned segment modernized for double-track commuter rail operations, 200 linear feet impacted

No use

Preferred Alternative Commuter Rail

4.89-mile abandoned segment modernized for double-track commuter rail operations.

Resource Description

The Dent Branch is a 39-mile-long section of the UPRR that ran through Weld and Adams Counties. The Weld County segment 5WL.1317.11 of the Dent Branch runs 2.9 miles within the project APE. The railway segment is abandoned, but rails, ties, and the ballasted roadbed remain in relatively good condition. A 3,500-foot freight bypass on the Dent Branch, located south of the Boulder Valley-Dent Branch junction, once consisted of a multiple-track complex. South of that bypass, the track reverts to a single-track alignment. Segment 5AM.472.1 is a 1.9-mile-long railway segment that follows the original single-track alignment in Adams County. Most of this segment has been abandoned. The surrounding area is rural in character.

Eligibility Determination

The OAHP has officially declared the UPRR-Dent Branch eligible for the NRHP under Criterion A for its important role in the development of the agricultural economy of the Front Range of Colorado. Although abandoned, these two railway segments retain integrity of location and association, and, therefore, support the eligibility of the entire linear resource.

Section 4(f) Use

Package A

The proposed new commuter rail would join this existing historic rail line by approaching from the northwest, then crossing over to the east side of the historic railroad, which it would closely parallel and follow southward. The commuter rail would utilize a double-track configuration, using the existing track alignment and adding a parallel track alignment following the historic UPRR Dent Branch (5WL.1317.1 and 5AM.472.1) from the way at St. Vrains junction southward. Where the new commuter rail line crosses the Dent



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Branch, there would be use of as many as 200 feet of track by the replacement of existing "through rail" with switching tracks and associated apparatus (see Figure 83). Although one of the new commuter rail tracks would run along the historic alignment, the existing historic bed, ballast, and grade along the entire affected extent of the historic railway would be preserved. Deteriorated ties and abandoned rail would be replaced as required to meet safety and design standards.

A continuous 4.89 miles would be reoccupied with new track on the existing bed, ballast, and grade, and an additional new track, 15 feet away and parallel to the existing historic alignment. New commuter rail tracks along the transportation corridor would introduce new but compatible rail use and infrastructure elements to the historic setting. The proposed transportation improvements associated with Package A would not substantially diminish or alter characteristics that render the property eligible for the NRHP. FHWA and CDOT have determined that Package A commuter rail improvements would result in no adverse effect to the historic UPRR Dent Branch (5WL.1317 and 5AM.472).

Package B

No direct or indirect impacts would occur at any segment locations. Therefore, FHWA and CDOT have determined that the Package B commuter rail improvements would result in no historic properties affected with respect to the historic UPRR Dent Branch (5WL.1317 and 5AM.472). It is the intent of FHWA and CDOT to make a finding of de minimis, pending SHPO concurrence.

<u>Preferred Alternative</u>
The proposed new commuter rail line would join this existing historic rail line by approaching from the northwest. The commuter rail would utilize the existing track alignment following the historic UPRR-Dent Branch from the way at St. Vrains junction southward. There would be no use as a result of the Preferred Alternative. Although the new commuter rail would run along the historic alignment, the existing historic bed, ballast and grade along the entire affected extent of the historic railway would be preserved. Deteriorated ties and abandoned rail would be replaced as required to meet safety and design standards.

The Preferred Alternative would lay new track on the existing bed, ballast, and grade of the UPRR-Dent Branch as described in segment 5WL.1317.11. The historic railroad bed, ballast, and grade would remain intact. The installation of new sets of tracks would be compatible with the historic use of the railroad line, and would not substantially diminish or alter the function, alignment, character, or other attributes that render the railroad NRHP-eligible.

A continuous 4.89 miles would be reoccupied with new track on the existing bed, ballast and grade of the historic alignment. New commuter rail tracks along the transportation corridor would introduce new, but compatible rail use and infrastructural elements to the historic setting. The proposed transportation improvements associated with the Preferred Alternative would not substantially diminish or alter characteristics that render the property eligible for the NRHP. FHWA and CDOT therefore have determined that the Preferred Alternative commuter rail improvements would result in no adverse effect to the historic UPRR-Dent Branch (5WL.1317 and 5AM.472). It is the intent of FHWA and CDOT to make a finding of de minimis, pending SHPO concurrence.

Planning and Measures Included to Reach a *De Minimis* Finding

No measures to minimize harm were included because the addition of new track in this vicinity would result in additional project costs. Approximately one new mile of track would be needed to avoid this resource, resulting in an additional project cost of \$ 2.5 million. In addition, new track parallel to this track would result in additional impacts to wetlands. No additional measures to minimize harm were possible.

Mitigation Measures for UPRR Dent Branch

 Detailed recording of the affected railway, in accordance with the Colorado Historical Society's Standards for Level II Documentation, is recommended pending SHPO concurrence.



LEGEND Historical Resources Package A Resource Impact Package A Comm Rail ROW Boundary 5WL.1317.11 Property Boundary Package A Comm Rail Footprint Commuter Rail Design Parcel Boundaries Bridge / Culvert Union Pacific Railroad 200 Linear Feet Impacted COUNTY RD 1130 Location Map 300 Feet

Figure 83 UPRR-Dent Branch Package A Use



5.2 *De minimis* for Public Parks, Recreation Areas, and Wildlife, and Waterfowl Refuge

In order to be protected under Section 4(f), public parks and recreation facilities must be considered "significant," as determined by the Federal, State, or local officials having jurisdiction over them. Section 6009 amended Title 23 USC Section 138 states:

"With respect to parks, recreation areas, or wildlife or waterfowl refuges, the Secretary may make a finding of *de minimis* use only if the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation use or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or waterfowl refuge eligible for protection under this section and the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge."

The Section 4(f) parks and recreational resources were identified based on the process outlined above. A finding of *de minimis* use may be made when the use of the resource is minimal and does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). (Questions and answers on the Application of Section 4(f) *de minimis* Impact Criteria, and the 23 CFR 774.) The finding of a *de minimis* impact on recreational and wildlife resources can be made when:

- 1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f).
- 2. The official(s) with jurisdiction over the property are informed of FHWA's or CDOT's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).
- The public has been afforded an opportunity to review and comment on the effects
 of the project on the protected activities, features, and attributes of the Section 4(f)
 resource.

Initial agency coordination has began with the officials having jurisdiction over the properties prior to releasing the Draft EIS for public comment. Public input on the possible findings of *de minimis* was requested during the public comment period for the Draft EIS. No comments were received regarding these impacts. In addition, the public is being requested requested to comment on the impacts to section 4(f) resources as part of the Final EIS. Specific requests to provide input on the proposed *de minimis* findings will also made at the Final EIS public hearings. The officials with jurisdiction for the park, recreation, and wildlife refuge properties with proposed *de minimis* impacts have provided written concurrence that the transportation use of that property does not adversely affect the activities, features, and attributes that qualify that property for protection under Section 4(f). Concurrence letters were received from all of these officials with jurisdiction these are included in **Appendix** A. Pending public comment on the impacts, FHWA will make their formal finding in the ROD.



Table 6 lists the Section 4(f) properties that are recommended for *de minimis* determination. Section 4(f) use of the properties has been evaluated based on current preliminary engineering design.

Table 6 De Minimis Use of Section 4(f) Parks, Recreational Areas, and Wildlife and Waterfowl Refuge

Map Id #	Resource Name	Package A	Package B	Preferred Alternative
		A-H2 GP Highway Improvements: SH 14 to SH 60	B-H2 Tolled Express Lanes: SH 14 to SH 60	I-25 Highway Improvements; Express Bus
1	Arapaho Bend Natural Area	Incidental use of high- activity area and 4.28 acres of land adjacent to highway right-of-way; increase in overhead shading of Cache la Poudre vegetation due to bridge deck shading; reclaim and revegetate demolition area.	Incidental use of high-activity area and 5.11 acres of land adjacent to highway right-of-way; increase in overhead shading of Cache la Poudre River vegetation due to bridge deck shading; reclaim and revegetate demolition area.	Incidental use of high-activity area and 3.07 acres of land adjacent to highway right-of-way; increase in overhead shading of Cache la Poudre River vegetation due to bridge deck shading; reclaim and revegetate demolition area.
2	Archery Range Natural Area	A total of 0.09 acre by incorporation of very narrow 400-foot-long strip of unused land. No features or amenities impacted.	A total of 0.14 acre by incorporation of very narrow 400-foot-long strip of unused land. No features or amenities impacted.	No Use
3	Big Thompson Ponds State Wildlife Area	A total of 0.11 acre by incorporation of narrow 750-foot- and 200-foot-long strips of land adjacent to I-25 due to ramp and land additions. No impacts to features, amenities or wildlife area.	A total of 0.24 acre by incorporation of narrow 750-foot- and 200-foot-long strips of land adjacent to I-25 due to ramp and land additions. No impacts to features, amenities or wildlife area.	No Use
		A-H3 GP Highway Improvements: SH 60 to E-470	B-H3 Tolled Express Lanes: SH 60 to E-470	I-25 Highway Improvements
4	Little Thompson River Corridor	A total of 2.04 acres by incorporation of 600-foot by 100-foot area adjacent to the river due to lane and ramp additions and new access. A portion of the trail would be located under bridge structure. No impacts to facilities or amenities.	A total of 2.03 acres by incorporation of 600-foot by 100-foot area adjacent to the river due to lane and ramp additions and new access. A portion of the trail would be located under bridge structure. No impacts to facilities or amenities.	A total of 1.31 acres adjacent to the river incorporated into transportation infrastructure due to lane and ramp additions and new access. A portion of the trail would be located under bridge structure. No impacts to facilities or amenities.

Note: McWhinney Hahn Sculpture Park (Map Id number 5) is included in Table 4.



Table 6 De Minimis Use of Section 4(f) Parks, Recreational Areas, and Wildlife and Waterfowl Refuge

Map Id #	Resource Name	Package A	Package B	Preferred Alternative
		A-T2 Transit Component- Commuter Rail: Longmont to FasTracks North Metro	B-T2 Transit Component- BRT: Fort Collins to DIA	Commuter Rail
6	Sandstone Ranch	A total of 2.17 acres of entire property. Approximately 40 to 60 feet of sidewalk would require relocation and replacement. No other features or amenities would be impacted.	No use	A total of 1.45 acres of entire property. Approximately 40 to 60 feet of sidewalk would require relocation and replacement. No other features or amenities would be impacted.
7	RR Alignment (21 to Hwy 66) Trail	Direct impacts to approximately 1,510 feet of trail. Temporary detour would be provided, or a relocated trail would be constructed east of the existing trail before the current trail alignment is demolished. Would result in <i>de minimis</i> use.	No Use	No Use
		A-H4 Structure Upgrades: E-470 to US 36	B-H4 Tolled Express Lanes: E-470 to 70th Ave.	I-25 Highway Improvements and Express Bus
8	120th Avenue Transit Station Underpass	No Use	Replace existing box culvert with new box culvert approximately 50 feet longer to accommodate I-25 widening. Temporary closure of trail would be required during culvert replacement, and trail tie-in to the new longer culvert would require minor realignment of trail. Otherwise, construction activities would not modify or affect trail. Overall aesthetic quality of trail would not be substantially diminished. The function and purpose of trail would be unchanged. Would result in <i>de minimis</i> use.	Same as Package B



Table 6 De Minimis Use of Section 4(f) Parks, Recreational Areas, and Wildlife and Waterfowl Refuge

Map Id #	Resource Name	Package A	Package B	Preferred Alternative
9	Farmers Highline Canal Trail	No use	Replace existing underpass with new underpass approximately 87 feet longer to accommodate I-25 widening. Temporary closure of trail would be required during construction. Trail would not be modified during construction activities. Overall aesthetic quality of trail would not be substantially diminished. Function and purpose of trail would be unchanged. Would result in de minimis use.	Same as Package B
10	Niver Creek Open Space/Niver Creek Trail	No Use	Replace existing underpass with an approximately 1,720-foot long by 11-foot-wide pedestrian overpass and reroute trail through new overpass. Overpass would be completed prior to demolition of underpass; therefore, no trail closure would be required. Overall aesthetic quality of trail would not be substantially diminished. The overall experience, function, and purpose of trail would be unchanged. Trail would be permanently altered and rerouted. Would result in de minimis use.	Same as Package B

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Arapaho Bend Natural Area (Map ID Number 1)

Description

Location: West of I-25, north of Harmony Road, Fort Collins, along

Poudre River

Size: 278 acres

Type: Recreation resource

Access: Public access

Facilities/Amenities: Fishing ponds, boating, trails, parking areas.

Usage/Patronage: Public, no data available for annual patronage

Relationship to Other Resources: Segment of Cache la Poudre River runs through the

park. Arapaho Bend is one of 37 Natural Areas in Fort

Collins.

Ownership/Jurisdiction: City of Fort Collins

Significance: This park is valuable for its natural resources,

recreational opportunities, and as a scenic entryway into the city. Comparing the availability and function of this resource with the park and recreation objectives of the community, the resource in question plays an important

role in meeting those objectives.

Use of Arapaho Bend Natural Area by Package

A-H2 GP Highway Improvements: SH 14 to SH 60

4.28 acres; incidental use of highactivity area and land adjacent to highway right-of-way; increase in overhead shading due to widened bridge deck; demolition area would be revegetated and reclaimed; bank stabilization along Cache la Poudre River; no change in activities or use areas

B-H2 Tolled Express Lanes: SH 14 to SH 60

5.11 acres; incidental use of highactivity area and land adjacent to highway right-of-way; increase in overhead shading due to widened bridge deck; demolition area would be revegetated and reclaimed; bank stabilization along Cache la Poudre River; no change in activities or use areas

Preferred Alternative I-25 Highway Improvements and Express Bus

3.07 acres; incidental use of high-activity area and land adjacent to highway right-of-way; increase in overhead shading due to widened bridge deck; demolition area would be revegetated and reclaimed; bank stabilization along Cache la Poudre River; no change in activities or use areas.



Resource Description

This 278-acre, multi-use park along the Cache la Poudre River includes ponds for fishing, trails, and boating, as well as three public parking areas and two gated areas for vehicles with special access. The property was acquired by City of Fort Collins Natural Areas in 1995.

Section 4(f) Use

Package A

Section 4(f) use at this location would result from the expansion of a carpool lot to the north of the existing lot used by CDOT in the northwest quadrant of Harmony Road and I-25. The City of Fort Collins had previously negotiated an easement in this area of 4.03 acres anticipating future expansion of the lot, which would remove this use area from Section 4(f) use. The proposed parking lot expansion, the addition of a new ramp, and improvements to the bridge over Cache la Poudre River would use a total of 8.15 acres, of which 4.03 acres is part of the easement, totaling a net use of 4.28 acres. None of the features or amenities would be used as a result, and the remainder of the natural area would not be diminished in utility. Additionally, access off Harmony Road would be improved from the existing one-lane entrance to a four-lane entrance with right-in and right-out movements only. I-25 is proposed to be widened with both Packages A and B and the Preferred Alternative. See **Figure 84**.

FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations would be completed once the public has had an opportunity to comment and the City of Fort Collins has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.

Package B

I-25 is proposed to be widened with all alternatives; however, Package B is wider than Package A and the Preferred Alternative. Other design improvements include ramp reconfiguration to address existing substandard ramp conditions related to safety and traffic operations. Uses at this location would be similar to Package A resulting from the expansion of a carpool lot to the north and the addition of the ramp and the bridge modifications at Cache la Poudre River. The proposed parking lot expansion would exceed the easement, totaling a net use of 5.11 acres. None of the features or amenities would be used as a result, and the remainder of the natural area would not be diminished in utility. Additionally, access off Harmony Road would be improved from the existing one-lane entrance to a four-lane entrance with right-in and right-out movements only. See **Figure 84**.

FHWA and CDOTpropose that this use would have *de minimis* impact. Final *de minimis* determinations would be completed once the public has had an opportunity to comment and the City of Fort Collins has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.

Preferred Alternative

I-25 is proposed to be widened with all alternatives; however, the Preferred Alternative would use less land from this area than the other alternatives. Design improvements include ramp reconfiguration to address existing substandard ramp conditions related to safety and traffic operations. Uses at this location would be similar to Package A resulting from the expansion of a carpool lot to the north and the addition of the ramp and the bridge modifications at Cache la Poudre River. The proposed parking lot expansion would exceed the easement, totaling a net use of 3.07 acres. None of the features or amenities would be used as a result, and the remainder of the natural area would not be diminished in utility. Additionally, access off Harmony Road would be improved from the existing one-lane entrance to a four-lane entrance with right-in and right-out movements only. See **Figure 85**.

FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations would be completed once the public has had an opportunity to comment and the City of Fort Collins has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.



All Possible Planning to Minimize Harm

The proposed ramp improvements are to the minimum standard requirements to minimize right-of-way width and, therefore, minimizing Section 4(f) use of this property. Approximately 2,000-foot-long retaining walls would be included along the Harmony Road/I-25 interchange ramps north of Harmony Road to minimize use. The walls would extend up to the bridge over the Cache la Poudre River to minimize uses at the northern extent of the property.

Mitigation Measures for Arapaho Bend Natural Area

- Reclaim and revegetate in-kind the areas where the existing bridges are removed.
- CDOT will investigate the suitability of land acquisition for replacement of impacted lands used by the transportation improvements.



LEGEND Package A Park Impacts Package B Park Impacts ELCR 4 ARAPAHO BEND NATURAL AREA ARAPAHO BEND NATURAL AREA Package A 4.28 Acres S LCR 7 Package B 5.11 Acres REA E HARMONY RD Location Map 800 North

Figure 84 Arapaho Bend Natural Area Package A and B Use



LEGEND Park and Recreation Resources Preferred Alternative Resource Impact Preferred Alternative ROW Boundary Arapahoe Bend Natural Area Property Boundary Bridge Guardrails Retaining Wall Guardrails Parcel Boundaries ARAPAHO BEND NATURAL AREA ARAPAHO BEND NATURAL AREA Preferred Alternative Total Impacts = 3.07 EHARMONYRD **Location Map** 800 Feet North

Figure 85 Arapaho Bend Natural Area Preferred Alternative Use



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Archery Range Natural Area (Map ID Number 2)

Description

Location: West of I-25, Fort Collins

Size: 50 acres

Type: Recreation resource

Access: Public access

Facilities/Amenities: Trailhead, parking area, archery circuit station located

around natural area.

Usage/Patronage: No data

Relationship to Other Resources: One of 37 Natural Areas in Fort Collins.

Ownership/Jurisdiction: City of Fort Collins Parks Department

Significance: Local site for archery circuit stations. Comparing the

availability and function of this resource with the park and recreation objectives of the community, the resource in question plays an important role in meeting

those objectives.

Use of Archery Range Natural Area by Package

A-H2 GP	Highway	Improvements:
	SH 14 to	SH 60

B-H2 Tolled Express Lanes: SH 14 to SH 60

A total of 0.09 acre by incorporation of very narrow 400-foot-long strip of unused land. No features or amenities impacted.

A total of 0.14 acre by incorporation of very narrow 400-foot-long strip of unused land. No features or amenities impacted.

Preferred Alternative

No use

Resource Description

This property was acquired by the City of Fort Collins Utility Department in 1983 and transferred to the City of Fort Collins Parks Department. It is primarily used for recreation, with amenities such as an archery circuit trail located around the natural area. The site includes parking areas and other trails.

Section 4(f) Use

Package A

Widening would occur to both sides of the highway in this location and a new frontage road would tie into the entrance into the natural area, resulting in a slight impact of 0.09 acre to the eastern edge of the park. None of the features or amenities would be impacted as a result, and the remainder of the natural area would not be diminished in utility. Access to the natural area would be improved. See **Figure 86** for Package A use.

FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations would be completed once the public has had an opportunity to comment and the City of Fort Collins has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.



Package B

Improvements in this location would be similar to those associated with Package A, except the impact would be 0.14 acre. The impact is slightly larger because of the addition of a buffer-separated lane. None of the features or amenities would be impacted as a result, and the remainder of the natural area would not be diminished in utility. Access to the natural area would be improved. See **Figure 86** for Package B use.

FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations would be completed once the public has had an opportunity to comment and the City of Fort Collins has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.

Preferred Alternative

There are no direct park uses associated with the Preferred Alternative.

Indirect Impacts

In order to minimize use of the park under both packages, a 300-foot wall, 11 feet to 15 feet in height, is proposed to run along the edge of the park. This has the potential to inhibit the view to the east.

All Possible Planning to Minimize Harm

Use of this property have been avoided and minimized by shifting the frontage road adjacent to I-25 and with a barrier separation between the edge of the frontage road and the edge of I-25.

Mitigation Measures for Archery Range Natural Area

- BMPs will be used to avoid or minimize construction-related nuisances in affected areas from noise, dust, light/glare, etc.
- Disturbed areas will be reseeded with native grasses.
- Native shrubs will be added as appropriate.
- BMPs will be employed for erosion control.
- Property acquisition will be completed under the Uniform Relocation Act.



LEGEND Package A Park Impacts Package B Park Impacts ARCHERY RANGE NATURAL AREA Package A .09 Acres Package B .14 Acres Location Map 600 Feet North

Figure 86 Archery Range Natural Area Package A and B Use



Big Thompson Ponds State Wildlife Area (Map ID Number 3)

Description

Location: Larimer County

East of Loveland on Highway 402 on I-25 Frontage Road

Size: 51 acres

Type: Wildlife refuge: Hunting (rabbit, dove, waterfowl), warm

water fishing, picnicking and wildlife viewing.

Access: Public must have wildlife stamp, which is a \$10 annual

fee. Public access restricted one hour after sunset to one

hour before sunrise daily except when fishing.

Usage/Patronage: Average 20/30 people/day, summer 100 people/day

Relationship to Other Resources: Big Thompson River runs through property

Ownership/Jurisdiction: Colorado Division of Wildlife (CDOW)

Significance: Big Thompson Ponds State Wildlife Area (SWA) is one of

20 SWAs in Larimer County. The Park provides recreation in the forms of hunting, fishing, as well as wildlife viewing. Comparing the availability and function of this resource with the park and recreation objectives of the community, the resource in question plays an

important role in meeting those objectives.

Use of Big Thompson Ponds State Wildlife Area by Package

Package A
A-H2 GP Highway Improvements:
SH 14 to SH 60

A total of 0.11 acre by incorporation of narrow 750-foot-long and 200-foot-long strips of lane adjacent to I-25 due to ramp and lane additions. No impacts to features, amenities or wildlife area.

Package B
B-H2 Tolled Express Lanes:
SH 14 to SH 60

A total of 0.24 acre by incorporation of narrow 750-foot- and 200-foot- long strips of lane adjacent to I-25 due to ramp and land additions. No impacts to features, amenities or wildlife area.

Preferred Alternative:

No use

Management Plan and Resource Description

The management plan, created in 1984, focuses on warm water fish species, including bluegill (*Lepomis macrochirus*), black croppie (*Pomoxis nigromaculatus*) and channel catfish (*Ictalurus punctatus*). These species are monitored every one to two years via population sampling using trap nets. State Wildlife Areas are properties owned or managed by the CDOW for the benefit of wildlife and wildlife-related recreation. CDOW properties not only protect wildlife habitat, but also provide the public with opportunities to hunt, fish, and watch wildlife. This property is intensively used by both anglers and those hunting waterfowl.



Section 4(f) Use

Package A

Use at this location would result from the addition of the general purpose lane and the auxiliary lane on the west side of I-25, as well as the transition of the ramp from the US 34 interchange south onto I-25. The combined improvements would use the easternmost edge of the wildlife area. Walls were placed in this area in order to minimize use, and the area used was reduced to 0.11 acre. None of the features or amenities would be used as a result, and the remainder of the wildlife area would not be diminished in utility. Permanent right-of-way and Section 4(f) use includes a maintenance easement. See **Figure 87** for uses associated with Package A.

FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations would be completed once the public has had an opportunity to comment and CDOW has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.

Package B

Use at this location would result from the addition of the two barrier-separated tolled express lanes on the western side of the general-purpose lanes. These lanes would also accommodate the BRT. The combined improvements would affect the easternmost edge of the wildlife area. Walls were placed in this area in order to minimize impact and the acreage used was reduced to 0.24 acre. None of the features or amenities would be used as a result, and the remainder of the natural area would not be diminished in utility.

FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations would be completed once the public has had an opportunity to comment and CDOW has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.

Preferred Alternative

There are no direct park uses associated with the Preferred Alternative.

Indirect Effects

For the build alternatives, indirect effects include noise impacts to portions of the park, which exceed CDOT's noise abatement criteria (NAC). Although the noise level impacts are above the level required for NAC, they will not substantially impair the activities or features that qualify the wildlife area for Section 4(f) protection. The increase would be small but still require an exploration of mitigation. For more detailed information, please refer to **Section 3.6**, *Noise and Vibration* **of the Final EIS**.

All Possible Planning to Minimize Harm

The design includes retaining walls. The Section 4(f) use cannot be entirely avoided because the retaining walls require a 10-foot easement for CDOT maintenance activities. Retaining walls have been included on the east side of I-25 to minimize impacts. Retaining walls would be extended on Package A south of the bridge to minimize impacts to the Big Thompson River. The retaining walls would not impede wildlife movement and would redirect wildlife to use the crossing under the highway.

Mitigation Measures for Big Thompson Ponds State Wildlife Area

- CDOT will investigate the suitability of land acquisition for replacement of impacted lands used by the transportation improvements.
- Disturbed area will be reseeded with native grasses.
- Native shrubs will be replaced as appropriate.
- Easement acquisition will be completed under the Uniform Relocation Act.



<u>LEGEND</u> E LCR 20E Package A Park Impacts Package B Park Impacts Package A 0.11 Acres Package B 0.24 Acres **BIG THOMPSON PONDS SWA** Location Map 600 Feet

Figure 87 Big Thompson Ponds State Wildlife Area Package A and B Use

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Little Thompson River Corridor (Map ID Number 4)

Description)

Location: Adjacent to I-25, Berthoud

Size: 100.92 acres

Type: Recreational resource

Access: Public

Facilities/Amenities: Trails alongside Little Thompson River

Usage/Patronage: Data on patronage not available

Relationship to Other Resources: Provides a physical and visual buffer between high- and

low-intensity land uses.

Ownership/Jurisdiction: Town of Berthoud

Significance: Comparing the availability and function of this resource

with the park and recreation objectives of the

community, the resource in question plays an important

role in meeting those objectives.

Use of Little Thompson River Corridor by Package

Package A A-H3 GP Highway Improvements: SH 60 to E-470

A total of 2.04 acres by incorporation of a 600-foot by 100-foot area adjacent to the river due to lane and ramp additions and new access. A portion of the trail would be located under bridge structure. No impacts to facilities or amenities.

Package B B-H3 Tolled Express Lanes: SH 60 to E-470

A total of 2.03 acres by incorporation of a 600-foot by 100-foot area adjacent to the river due to lane and ramp additions and new access. A portion of the trail would be located under bridge structure. No impacts to facilities or amenities.

Preferred Alternative:

A total of 1.31 acres by incorporation of a small strip of land adjacent to the river due to lane and ramp additions and new access. A portion of the trail would be located under bridge structure. No impacts to facilities or amenities.

Resource Description

This recreation area is included in the *Town of Berthoud I-25 Sub-Area Draft Land Use Plan, 2001.* The purpose of this area is to provide recreation opportunities while linking nearby residential land uses.



Section 4(f) Use

Package A

Uses at this location would result from the addition of the general-purpose lane and auxiliary lane on the west side of I-25, as well as the transition of the southbound ramp at the newly configured SH 56 interchange. A portion of the trail along Little Thompson River would be located under the new bridge. Trail access would be maintained for the additional lane and ramp. Current access to the recreation area would be removed and replaced with a new access from the south, ending at a cul-de-sac at the recreation area. The new right-of-way acquisition required to accommodate the additional lane, the ramp, and the new access would require 2.04 acres of land adjacent to the west side of the highway. None of the features or amenities would be used as a result, and the remainder of the recreation area would not be diminished in utility. See **Figure 88** for uses associated with Package A.

FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations would be completed once the public has had an opportunity to comment and the Town of Berthoud has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.

Package B

Improvements include the addition of one buffer-separated lane in each direction, for a total of four general-purpose lanes and two tolled express lanes. Bus Rapid Transit would share the tolled express lanes. Uses at this location would result from the right-of-way acquisition required to accommodate the additional lane, the ramp, and the new access to the area. Total acreage used would be 2.03 acres adjacent to the highway on the west side. Aside from the new access and a portion of the trail under the new bridge, none of the features or amenities would be used as a result, and the remainder of the recreation area would not be diminished in utility. See **Figure 88** for uses associated with Package B.

FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations would be completed once the public has had an opportunity to comment and the Town of Berthoud has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.

Preferred Alternative

Improvements include the addition of one buffer-separated lane and one general-purpose lane in each direction, for a total of six general-purpose lanes and two TELs. Express Bus would share the TELs. Uses at this location would result from the right-of-way acquisition required to accommodate the additional lane, the ramp, and the new access to the area. Total acreage used would be 1.31 acres adjacent to the highway on the both sides. Aside from the new access and a portion of the trail under the new bridge, none of the features or amenities would be used as a result, and the remainder of the recreation area would not be diminished in utility. See **Figure 89** for uses associated with the Preferred Alternative.

FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations would be completed once the public has had an opportunity to comment and the Town of Berthoud has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.

Indirect Effects

Indirect effects would be the same for all alternatives. West side property access would be maintained, except for the northwest park road connection to the service road. This connection would be severed, but access would still be available to the south. East side property access would be modified so that recreationists would use the new service road.



All Possible Planning to Minimize Harm

CDOT would develop the new access before the existing access is closed.

The trail extends for several miles perpendicular to the highway at this location. There are also several wetlands located on either side of I-25. Shifting to the east to avoid impacts to wetlands and the trail on the west would also have impacted wetlands and trails; therefore, no additional measures to minimize harm could be identified.

Mitigation Measures for Little Thompson River Corridor

- CDOT will investigate the suitability of land acquisition for replacement of impacted lands used by transportation improvements.
- CDOT will develop the new access before the existing access is closed. Alternate routes will be identified and adequate detour signing will be provided.
- Work with Berthoud to reseed disturbed with native grasses.
- Native shrubs will be added as appropriate.



LEGEND Package A Park Impacts Package B Park Impacts LITTLE THOMPSON RIVER CORRIDOR WCR 44 Package A 2.04 Acres Package B 2.03 Acres LITTLE THOMPSON RIVER CORRIDOR New Access Location Map

Figure 88 Little Thompson River Corridor Packages A and B Use



LEGEND Park and Recreation Resources Preferred Alternative Resource Impact Preferred Alternative ROW Boundary Little Thompson River Corridor Boundary Bridge Guardrails Retaining Wall Roadway Features Guardrails LITTLE THOMPSON RIVER CORRIDOR WCR44 Preferred Alternative Total Impacts = 1.31 Acres LITTLE THOMPSON RIVER CORRIDOR **Location Map** 1,000 Feet

Figure 89 Little Thompson River Corridor Preferred Alternative Use



Sandstone Ranch (Map ID Number 6)

Description

Location: West of I-25, south of SH 119

Size: 313 acres

Type: Park

Access: Public access

Facilities/Amenities: Softball fields, soccer fields, trails, picnic tables,

playground, skate park, restrooms, BBQ grills,

concession stand

Usage/Patronage: 10,000/year

Relationship to Other Resources: In September 2000, Longmont designated the house at

Sandstone Ranch as a local landmark on the State and National Historic Registers. In addition, a management plan has been completed for the Sandstone Ranch Park with the goal to protect habitat and wildlife in the

area.

Ownership/Jurisdiction: City of Longmont

Significance: Comparing the availability and function of this resource

with the park and recreation objectives of the

community, the resource in question plays an important

role in meeting those objectives.

Use of Sandstone Ranch by Package

Package A
A-T2 Transit ComponentCommuter Rail:
Longmont to FasTracks North Metro

Package B B-T2 Transit Component-BRT:

Fort Collins to DIA

2.17 acres; 40 to 60 feet of trail would require relocation and replacement. No other features or amenities would be impacted.

No use

Preferred Alternative:

A total of 1.45 acres; 40 to 60 feet of trail would require relocation and replacement. No other features or amenities would be impacted.

Resource Description

Sandstone Ranch Park is a 313-acre City of Longmont park. Active use areas include ball fields, soccer fields, playground, multi-sport fields, and a skate park in the northern portion of the site. Passive use areas include picnic area, concessions, shelters, and parking. Other passive uses include open space for trails and wildlife viewing. The 1998 Sandstone Ranch Final Master Plan also calls for construction of additional ball fields south of the existing ball fields in the northwestern portion of the site.



Section 4(f) Use

Package A

Package A use at this location would result from the new commuter rail line proposed to run south of SH 119 to connect from Longmont to the proposed FasTracks North Metro Corridor end-of-line station in Thornton. The commuter rail line track would use 2.17 acres at the northernmost edge of the park, adjacent to SH 119. A small portion of the trail in the northwest corner of the park would be used due to 40 feet to 60 feet of encroachment but none of the other features or amenities would be used as a result, and the remainder of the park would not be diminished in utility. See **Figure 90** for detail of park impacts associated with Package A.

FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations would be completed once the public has had an opportunity to comment and the City of Longmont has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.

Package B

There are no direct impacts associated with Package B.

Preferred Alternative

Use at this location would be similar to that under Package A. The commuter rail line track would use 1.45 acres at the northernmost edge of the park, adjacent to SH 119. A small portion of the trail in the northwest corner of the park would be used due to 40 feet to 60 feet of encroachment but none of the other features or amenities would be used as a result, and the remainder of the park would not be diminished in utility. See **Figure 91** for detail of park impacts associated with the Preferred Alternative.

FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations would be completed once the public has had an opportunity to comment and the City of Longmont has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.

All Possible Planning to Minimize Harm

A retaining wall was included on the south side of the proposed tracks to mitigate use of the park. Otherwise, the railway footprint is reduced to the minimum width required to meet FRA and FTA design and safety standards.

Mitigation Measures for Sandstone Ranch

- Disturbed areas will be reseeded with native grasses.
- Native shrubs will be added as appropriate.
- BMPs will be used to avoid or minimize construction-related nuisances in affected areas from noise, dust, light/glare, etc.
- CDOT will investigate the suitability of land acquisition for replacement of impacted lands used by the transportation improvements.
- Property will be acquired consisted with the Uniform Relocation and Assistance Program.



LEGEND COLORFUL AVE Package A Park Impacts Package A 2.17 Acres CID SANDSTONE RANCH **Location Map** 500 Feet

Figure 90 Sandstone Ranch Package A Use



LEGEND Park and Recreation Resources Preferred Alternative Resource Impact OLORFUL AVE Preferred Alternative ROW Boundary Sandstone Ranch Boundary Preferred Alternative EOP Bridge Guardrails Retaining Wall Guardrails Preferred Alternative Total Impacts = 1.45 Acres SANDSTONE RANCH **Location Map**

Figure 91 Sandstone Ranch Preferred Alternative Use



RR Alignment (21st to Hwy 66) Trail (Map Id Number 7)

Description

Location: Follows Colorado and Southern RR alignment between 21st

and Hwy 66, terminating just south of Hwy 66.

Size: 0.5 mile

Type: Existing Recreational Trail

Access: Publicly accessible

Facilities/Amenities: Trail

Usage/Patronage: Annual patronage unknown

Relationship to Other Resources: Extension of Rough and Ready Trail

Ownership/Jurisdiction: City of Longmont

Significance: Comparing the availability and function of this resource with

the park and recreation objectives of the community, the resource in question plays an important role in meeting

those objectives.

Use of RR Alignment (21st to Hwy 66) Trail by Package

Package A
A-T1 Transit ComponentCommuter Rail:
Fort Collins to Longmont

Package B

De minimis No use

Preferred Alternative

No use

Resource Description

The majority of the RR Alignment (21st to Hwy 66) Trail exists, with a small missing segment immediately south of Hwy 66 that is proposed.

Section 4(f) Use

Package A

Package would result in direct impacts to approximately 1,510 linear feet of the existing trail. A temporary detour would be provided, before the current trail alignment is demolished. Consequently, no trail closure is necessary, and there would be no disruption of service to trail users. Because the trail would be permanently altered and rerouted, this cannot be considered a temporary occupancy. However, because there would be no overall adverse affect on the activities, features, and attributes that qualify this resource for protection under Section 4(f), this would be a de minimis use of the RR Alignment (21st to Hwy 66) Trail.

FHWA and CDOT propose that this use would have de minimis impact. Final de minimis determinations will be completed once the public has had an opportunity to comment and the City of Longmont has provided written concurrence that the use does not adversely affect the activities, features, or attributes of



the resource. See Figure 92 for a depiction of trail use.

<u>Package B</u>
There is no use of any portion of this resource resulting from Package B improvements.

Preferred Alternative

There is no use of any portion of this resource resulting from the Preferred Alternative.

All Possible Planning to Minimize Harm

As described previously, CDOT intends to mitigate any harm to the RR Alignment (21st to Hwy 66) Trail by providing a detour before demolishing the current alignment of the trail. Consequently, no trail closure is necessary, and there would be no disruption of service to trail users. While the trail would be permanently changed, the new trail would be constructed to fit aesthetically into the current environment, and it would not alter the current function or purpose of the trail.

As the project proceeds through final engineering and design, the measures to minimize harm to the RR Alignment (21st to Hwy 66) Trail will be re-examined and refined with the local officials having jurisdiction over the affected resource. The following table includes other mitigation measures to which

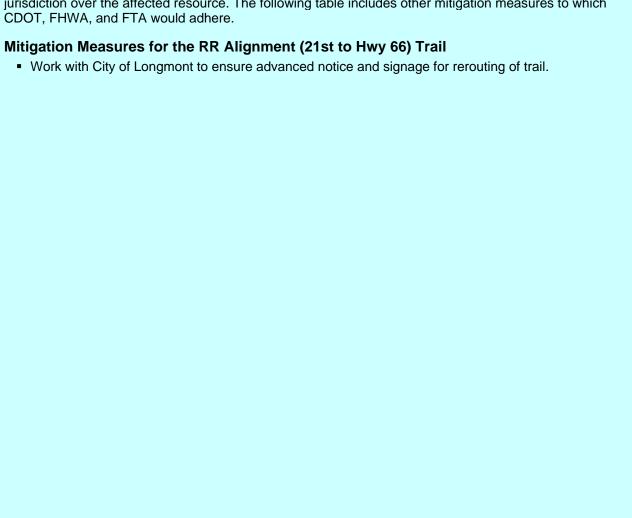
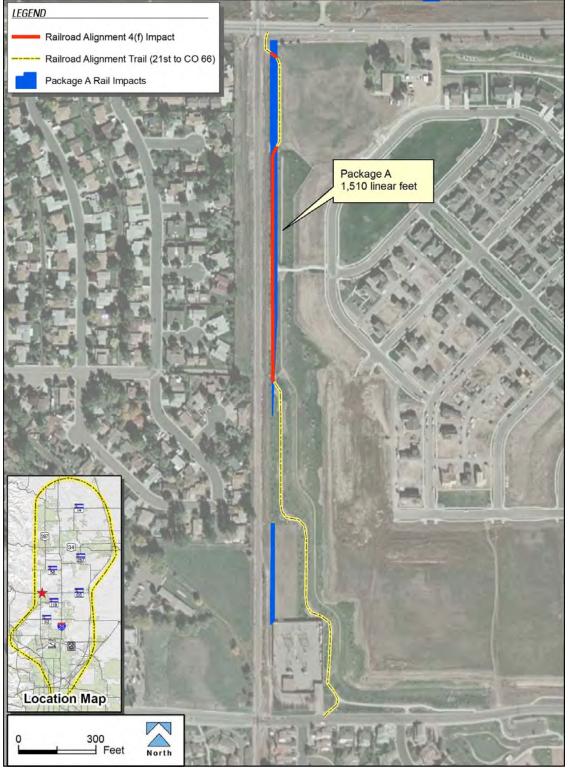




Figure 92 Railroad Alignment (21st to Hwy 66) Trail Preferred Alternative Use





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120th Avenue Transit Station Underpass (Map Id Number 8)

Description

Location: Runs east to west from Huron Street, through Wagon Road

park-n-Ride, under I-25 to Malley Drive.

Size: 0.97 mile

Type: Existing recreational Access: Publicly accessible

Facilities/Amenities: Trail

Usage/Patronage: Annual patronage unknown

Relationship to Other Resources: Approximate 700-foot section of a 0.97-mile-long trail.

Ownership/Jurisdiction: City of Northglenn

Significance: Comparing the availability and function of this resource with

the park and recreation objectives of the community, the resource in question plays an important role in meeting those

objectives.

Use of 120th Avenue Transit Station Underpass by Package

Package A
A-H4 Structure B-H4
Upgrades: E
E-470 to US 36

Package B
B-H4 Tolled Express Lanes:
E-470 to 70th Avenue

No use

Temporary trail closure of 790 linear feet *De minimis* use

Preferred Alternative I-25 Highway Improvements and Express Bus

Same as Package B

Resource Description

The 120th Avenue Transit Station Underpass (see **Photo 1** and **Photo 2**) is just south of 120th street. It connects a trail from Huron Street, below I-25 to Farmers Highline Canal (see **Figure 93**).

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Photo 1: 120th Avenue Transit Station Underpass, facing east from the west side of I-25.



Photo 2: 120th Avenue Transit Station Underpassfacing west, on the east side of I-25.

Section 4(f) Use

Package A

There is no use of any portion of this resource resulting from Package A transportation improvements.

Package B

Package B calls for replacing the existing box culvert with a new box culvert at this location to accommodate the widening of I-25. The new box culvert would be approximately 50 feet longer than the existing box culvert. A temporary closure of the trail would be required during the replacement of the box culvert, and the trail tie-in to the new longer culvert would require minor realignment of the trail. Otherwise, construction activities would not modify or affect the trail.

A potential detour would require trail users to take Huron Street north to 120th Avenue, then east across I-25. By taking Community Center Drive south, users would reach the Farmers Highline Canal, to which the 120th Avenue Transit Station Underpass connects. Huron Street has a detached sidewalk suitable for bicyclists, and Grant Street is a local residential arterial. 120th Avenue has a detached sidewalk, but bicyclists would be required to mix with vehicle traffic while crossing over I-25. For a temporary use of 790 feet of trail closure during construction, a 1.2-mile detour would have to be established. The length of the detour and the necessary close contact with vehicle traffic poses severe safety problems, especially for pedestrian trail users; hence, the detour is not prudent and feasible because a trail closure would be necessary for the 120th Avenue underpass and a prudent detour does not exist. The requirements of a temporary occupancy would not be fulfilled; therefore, there would be no temporary use of this resource.

The addition of 50 feet to this trail undercrossing by replacing it with a new box culvert would modify the visual experience of trail users; however, this slight change would not substantially diminish the overall aesthetic quality of the trail. Trail users would continue to be afforded a facility similar in visual quality as exists presently. The function and purpose of the trail would be unchanged. Accordingly, the visual effects associated with a longer underpass would not result in the constructive use of this Section 4(f) resource. Any other potential long-term disruption of the use and enjoyment of this resource associated with operation-related proximity impacts (i.e., noise, impaired aesthetic quality, restricted access, and/or ecological intrusion) would be avoided or minimized, and would, therefore, not substantially diminish the activities, features, or attributes that qualify the resource for protection under Section 4(f). Package B would not permanently incorporate land from this Section 4(f) resource. The use would not result in a change of functionality for the trail crossing. Because there would be no overall adverse effect on the activities, features, and attributes that qualify this resource for protection under Section 4(f), this would be a *de minimis* use of the 120th Avenue Transit Station Underpass.

FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations will be completed once the public has had an opportunity to comment and the City of Northglenn has



provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.

See Figure 93 for uses associated with Package B.

Preferred Alternative

Impacts to the 120th Avenue Transit Station Trail would be the same as those described for Package B, and would result in a *de minimis* use of the trail.

See **Figure 93** for uses associated with the Preferred Alternative.

All Possible Planning to Minimize Harm

As the project proceeds through final engineering and design, the measures to minimize harm to the 120th Transit Station Underpass will be re-examined and refined with the local officials having jurisdiction over the affected resource. Temporary uses of the 120th Avenue Transit Station Underpass would be mitigated by improving lighting. The following table includes other mitigation measures to which CDOT, FHWA, and FTA would adhere.

Mitigation Measures for the 120th Avenue Transit Station Underpass

- A detour will be provided and in place prior to closure of the existing trail.
- Advanced notice and signage will be in place for closure and detour.
- Trail crossings will be returned to existing or improved condition after construction.
- A public safety and security program will be developed and implemented for affected areas with local officials, including access management, signage, and public information.
- A traffic management plan will be developed and implemented with local officials for automobiles, bicycles, and pedestrians.
- BMPs will be used to avoid or minimize construction-related nuisances in affected areas from noise, dust, light/glare, etc.
- Disturbed areas will be reseeded with native grasses.
- Native shrubs will be added as appropriate.
- Coordinate with City of Northglenn regarding design features and size of opening.
- Applicable regional and/or local design criteria will be included for bridges and the box culvert structures in construction specifications.



Figure 93 120th Avenue Transit Station Underpass Preferred Alternative Use





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Farmers Highline Canal Trail (Map Id Number 9)

Description

Location: Standley Lake east to Northglenn's EB Raines Park

(10.3 mi) and beyond into Thornton.

Size: 10.3 miles

Type: Existing multi-Use, off-street trail

Access: Publicly accessible

Facilities/Amenities: Trail

Usage/Patronage: Annual patronage unknown

Relationship to Other Resources: Trail meanders through a variety of parks and open space

property. Approximate 580-foot section of a 10.3-mile-long

trail.

Ownership/Jurisdiction: City of Westminster

Significance: Comparing the availability and function of this resource with

the park and recreation objectives of the community, the resource in question plays an important role in meeting

those objectives.

Use of Farmers Highline Canal Trail by Package

Package A
A-H4 Structure Upgrades:
E-470 to US 36

Package B
B-H4 Tolled Express Lanes:
E-470 to 70th Avenue

No use

Culvert expansion and temporary closure (575 linear feet of trail) De minimis use

Preferred Alternative I-25 Highway Improvements and Express Bus

Same as Package B

Resource Description

The Farmers High Line Canal Trail (see **Photo 3**) is a signature trail that winds from near Standley Lake east to Northglenn's EB Raines Junior Memorial Park and beyond into Thornton. The trail is paved in various locations along its length. Maintenance of the trail is the responsibility of the different jurisdictions through which the trail passes.

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Photo 3: Farmers Highline Canal Underpass, facing west on the east side of I-25.

Section 4(f) Use

Package A

There is no use of any portion of this resource resulting from Package A transportation improvements.

Package B

Package B would replace the existing underpass with a new underpass at this location to accommodate the widening of I-25. The new underpass would be approximately 87 feet longer than the existing underpass. A temporary closure of the trail would be required during construction. The trail would not be modified during construction activities. A stormwater detention basin would be built on the east side of I-25 just north of the trail, but this basin would not impact the trail.

A potential detour would require trail users to take Community Center Drive south at E.B. Rains, Jr. Memorial Park. Community Center Drive crosses I-25 as an overpass with wide sidewalks suitable for bicycles. Once on the west side of I-25, users would take West 112th Avenue to Huron Street, go south and reconnect with the Farmers Highline Canal Trail. For a temporary use of 575 feet of trail closure during construction, a 1.21-mile detour would have to be established. The entire detour would be on existing trails; however, because of its length, this detour is not prudent and feasible for trail users. Since a trail closure would be necessary and a prudent detour does not exist for the Farmers Highline Canal Trail, the requirements of a temporary occupancy would not be fulfilled; therefore, there would be no temporary use of this resource.

The addition of 87 feet on this trail undercrossing would modify the visual experience of trail users by extending the underpass; however, this slight change would not substantially diminish the overall aesthetic quality of the trail. Trail users would continue to be afforded a facility similar in visual quality as currently exists. The function and purpose of the trail would be unchanged. Accordingly, the visual effects associated with a longer underpass would not result in the constructive use of this Section 4(f) resource. Any other potential long-term disruption of the use and enjoyment of this resource associated with operation-related proximity impacts (i.e., noise, impaired aesthetic quality, restricted access, and/or ecological intrusion) would be avoided or minimized, and would, therefore, not substantially diminish the activities, features, or attributes that qualify the resource for protection under Section 4(f). Package B would permanently incorporate a small amount of land from this Section 4(f) resource required for the widening of I-25. The use would not result in a change of functionality for the trail crossing. See **Figure 94** for a depiction of trail use.

Because there would be no overall adverse affect on the activities, features, and attributes that qualify this resource for protection under Section 4(f), this would be a *de minimis* use of the Farmers Highline Canal Trail.



FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations

will be completed once the public has had an opportunity to comment and the City of Westminster has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.

Preferred Alternative

Impacts to the Farmers Highline Canal Trail would be the same as those described for Package B, and would result in a *de minimis* use of the trail.

All Possible Planning to Minimize Harm

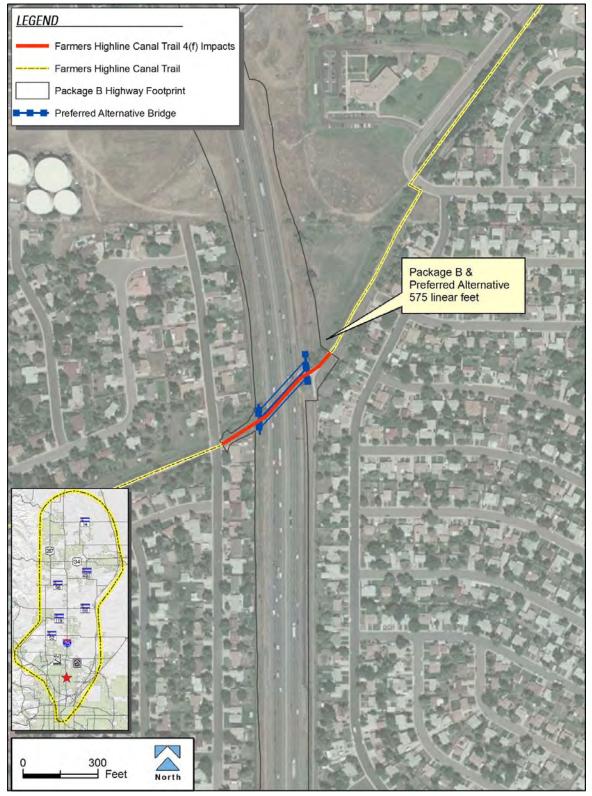
As the project proceeds through final engineering and design, the measures to minimize harm to the Farmers Highline Canal Trail will be re-examined and refined with the local officials having jurisdiction over the affected resource. The following table includes other mitigation measures to which CDOT, FHWA, and FTA would adhere.

Mitigation Measures for the Farmers Highline Canal Trail

- Advanced notice and signage will be in place for closure.
- Trail crossings will be returned to existing or improved condition after construction.
- A public safety and security program will be developed and implemented for affected areas with local officials, including access management, signage, and public information.
- A traffic management plan will be developed and implemented with local officials for automobiles, bicycles, and pedestrians.
- BMPs will be used to avoid or minimize construction-related nuisances in affected areas from noise, dust, light/glare, etc.
- Disturbed areas will be reseeded with native grasses.
- Native shrubs will be added as appropriate.
- BMPs will be employed for erosion control
- Applicable regional and/or local design criteria will be included for bridges and the box culvert structures in construction specifications.



Figure 94 Farmers Highline Canal Trail





Niver Creek Open Space/Niver Creek Trail (Map Id Number 10)

Description

Location: The trail begins at Zuni Street and travels

southeastward. At Huron Street the trail enters the Niver Creek Open Space. This Open Space is located between Huron St. and I-25 and Thornton Pkwy. And 84th Ave. The trail continues on passing beneath I-25

and then follows Coronado Pkwy.

Size: Trail: 1.12 miles; Open Space: 61 Acres

Type: Open Space/Existing recreational trail

Access: Publicly accessible

Facilities/Amenities: Regional trail, benches, bike racks, guardrail/fence,

lighting, signage, trashcans. The majority of the trail is existing with a few small missing segments that are

proposed.

Usage/Patronage: Annual patronage unknown

Relationship to Other Resources: Approximate 1,200 foot section of 1.12-mile-long trail

Ownership/Jurisdiction: Adams County/ City of Thornton

Significance: Comparing the availability and function of this resource

with the park and recreation objectives of the

community, the resource in question plays an important

role in meeting those objectives.

Use of Niver Creek Open Space/Niver Creek Trail by Package and Component

Package A
A-H4 Structure Upgrades:
E-470 to US 36

Package B
B-H4 Tolled Express Lanes:
E-470 to 70th Avenue

No use

Replace existing underpass with overpass

De minimis use

Preferred Alternative I-25 Highway Improvements and Express Bus

Same as Package B

Resource Description

Niver Creek Open Space is preserved by the City of Thornton to protect the natural areas surrounding the junction of the north and south forks of Niver Creek, to provide for passive recreation uses including the Niver Creek trail, to provide for wildlife habitat, and to act as a buffer between I-25 and the residential uses to the west. The Niver Creek Trail begins west of Niver Creek Open Space and follows the creek to the east side of I-25. It is mostly constructed with a few small missing segments that are proposed. Regional trail facilities provide connections to trail systems that cross municipalities, to neighboring community trail systems, or to major activity centers. It has paved and unpaved sections, and is 10 feet to 12 feet wide.



Section 4(f) Use

Package A

There is no direct use of any portion of this resource resulting from Package A transportation improvements.

Package B

Package B improvements involve replacing the 88th Avenue bridge over I-25 as well as the existing underpass that the Niver Creek Trail uses to cross I-25. The bridge replacement will require the acquisition of approximately 2 acres of land that is currently located along the southeast corner of the Niver Creek Open Space. This property will be acquired to accommodate fill slopes along 88th Ave and the express bus/BRT improvements to I-25. The Niver Creek Trail will be the only attribute affected by the proposed improvements as described below.

This use of the Niver Creek Open Space will not result in any noticeable change to the aesthetic, environmental, or recreational features of the natural area. Since there would be no overall adverse effect on the activities, features, and attributes that qualify this resource for protection under Section 4(f), this would be a *de minimis* use on the Niver Creek Open Space.

The pedestrian underpass will be replaced with an approximately 1,720-foot-long by 11-foot-wide pedestrian overpass, and the trail will be rerouted to this overpass. CDOT intends to complete the overpass prior to the demolition of the underpass; therefore, no trail closure would be required. Because the trail will be permanently altered and rerouted, this cannot be considered a temporary occupancy. However, since there would be no overall adverse effect on the activities, features, and attributes that qualify this resource for protection under Section 4(f), this would be a *de minimis* use on the Niver Creek Trail.

The replacement of the existing underpass with a new overpass would modify the visual experience for trail users; however, this change would not substantially diminish the overall aesthetic quality or recreational experience provided by the trail. An underpass affords a trail user a tunnel-like experience, while an overpass would be more open. The existing visual setting of trails in this area includes a built environment with urban elements (e.g., commercial and residential development, roadways, highways, etc.). Thus, in this context, trails such as this one would not likely have the same visual sensitivity as would be expected in less-developed areas. While the trail crossing of I-25 would be by different means than currently exists, the overall experience, function, and purpose of the trail would be unchanged. Any other potential long-term disruption of the use and enjoyment of this resource associated with operation-related proximity impacts (i.e., noise, impaired aesthetic quality, restricted access, and/or ecological intrusion) would be avoided or minimized, and would, therefore, not substantially diminish the activities, features, or attributes that qualify the resource for protection under Section 4(f). See **Figure 95** for a depiction of Section 4(f) uses associated with Package B.

FHWA and CDOT propose that this use would have *de minimis* impact. Final *de minimis* determinations will be completed once the public has had an opportunity to comment and the Adams County and the City of Thornton has provided written concurrence that the use does not adversely affect the activities, features, or attributes of the resource.

Preferred Alternative

Impacts expected under the Preferred Alternative are identical to those under Package B described above.

All Possible Planning to Minimize Harm

As described previously, CDOT intends to mitigate any harm to the Niver Creek Open Space/ Niver Creek Trail by rerouting the trail onto an adjacent trail within the Open Space and constructing the new overpass before demolishing the current underpass. Consequently, no trail closure is necessary, and there would be no disruption of service to trail users. While the trail would be permanently changed, the new



overpass would be constructed to fit aesthetically into the current environment, and it would not alter the current function or purpose of the trail.

As the project proceeds through final engineering and design, the measures to minimize harm to the Niver Creek Trail will be re-examined and refined with the local officials having jurisdiction over the affected resource. The following table includes other mitigation measures to which CDOT, FHWA, and FTA would adhere.

Mitigation Measures for the Niver Creek Open Space/Niver Creek Trail

- CDOT will investigate the suitability of land acquisition for replacement of impacted lands used by the transportation improvements.
- A detour will be provided and in place prior to closure of the existing trail.
- Advanced notice and signage will be in place for closure and detour.
- Trail crossings will be returned to existing or improved condition after construction.
- Disturbed areas will be reseeded with native grasses.
- Work with Adams County and City of Thornton to ensure advanced notice and signage for rerouting of trail.
- The trail underpass will be replaced by an overpass prior to the demolition.



LEGEND = Potential Trail Detour Trail Impacts Niver Creek Trail Niver Creek Open Space 4(f) impacts Niver Creek Open Space Package B Highway Footprint Preferred Alternative Bridge Niver CreekTrail: Package B & Preferred Alternative 940 linear feet Niver Creek Open Space: Package B & Preferred Alternative: 2 acres **Location Map** 600 North

Figure 95 Niver Creek Open Space/Niver Creek Trail



6.0 LEAST OVERALL HARM ANALYSIS

The FHWA has determined that there is no feasible and prudent avoidance alternative and the Preferred Alternative includes all possible planning to minimize harm to the Section 4(f) properties resulting from such use.

Section 4(f) mandates that if there is a feasible and prudent alternative that avoids the use of a Section 4(f) resource, that alternative must be selected. If all alternatives use land from a Section 4(f) resource, then an analysis must be performed to determine which has the least overall harm to the Section 4(f) resource. The least overall harm is determined by balancing the following factors:

- ▶ The ability to mitigate adverse impacts to each Section 4(f) property;
- ▶ The relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualifies each property for protection;
- The relative significance of each Section 4(f) property;
- ▶ The views of the official(s) with jurisdiction over each Section 4(f) property;
- ▶ The degree to which each alternative meets the purpose and need for the project;
- ▶ After reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f); and
- Substantial differences in costs among the alternatives.

Table 7 provides a summary of the Section 4(f) uses, by alternative and by type of property.

	1			
Use Type	Resource Type	Package A	Package B	Preferred Alternative
De Minimis	Historic	 Historic Properties (7): In each case, only a small portion of the total property would be used. The use would occur on the edge of the property, there would be no impacts to the historic structures, and there would be no change in the setting, feel or existing associations of the property. Therefore, the historic significance of the property would remain and there would be <i>No adverse effect</i> to these properties. Ditches (15): In each case, only a small portion of the total ditch would be used either through extension of an existing culvert or addition of a new culvert adjacent to an existing culvert and the impacts would occur in an area where the setting, feel or existing associations of the ditch have already been compromised. The entire historic ditch would retain its historic significance and there would be <i>No adverse effect</i> to these ditches. Railroads (2): For both railroads, the use consists of the modernization of track or associated features in a segment where the track or features have previously been removed. The continued use as a rail line would enhance the historic association of the rail line and therefore would result in <i>No Adverse effect</i> to the railroads. 	 Historic Properties (3): In each case, only a small portion of the total property would be used. The use would occur on the edge of the property, there would be no impacts to the historic structures, and there would be no change in the setting, feel or existing associations of the property. Therefore, the historic significance of the property would remain and there would be <i>No adverse effect</i> to these properties. Ditches (8): In each case, only a small portion of the total ditch would be used either through extension of an existing culvert or addition of a new culvert adjacent to an existing culvert and the impacts would occur in an area where the setting, feel or existing associations of the ditch have already been compromised. The entire historic ditch would retain its historic significance and there would be <i>No adverse effect</i> to these ditches. Railroad (1): Use consists of a modern railroad bridge being constructed on a historic railroad line where the bridge was previously demolished. The continued use as a rail line would enhance the historic association of the rail line and therefore would result in <i>No Adverse effect</i> to the railroads. 	 Historic Properties (6): In each case, only a small portion of the total property would be used. The use would occur on the edge of the property, there would be no impacts to the historic structures, and there would be no change in the setting, feel or existing associations of the property. Therefore, the historic significance of the property would remain and there would be <i>No adverse effect</i> to these properties. For the Olson Farm and the Hatch Farm, the Preferred Alternative does the most to minimize harm. Ditches (14): In each case, only a small portion of the total ditch would be used either through extension of an existing culvert or addition of a new culvert adjacent to an existing culvert and the impacts would occur in an area where the setting, feel or existing associations of the ditch have already been compromised. The entire historic ditch would retain its historic significance and there would be <i>No adverse effect</i> to these ditches. Railroads (2): For both railroads, the use consists of the modernization of track or associated features in a segment where the track or features have previously been removed. The continued use as a rail line would enhance the historic association of the rail line and therefore would result in <i>No Adverse effect</i> to the railroads.



Use Type	Resource Type	Package A	Package B	Preferred Alternative
De Minimis	Park or Recreation Area	 Parks (5): Use of the parks all consist of acquisition of small portions of the park with no permanent impacts to the features, attributes, or activities that qualify the park for protection under Section 4(f). Trail (1): Use of the trail involves acquisition of a small strip of land adjacent to the rail corridor and would require rerouting the trail approximately 10 feet from the existing location. There would be no permanent impacts to the features, attributes, or activities that qualify the trail for protection under Section 4(f). 	 Parks (4): Use of the parks all consist of acquisition of small portions of the park with no permanent impacts to the features, attributes, or activities that qualify the park for protection under Section 4(f). Trails (3): In each case the trail currently crosses I-25 in an underpass that would be temporarily closed and replaced with a slightly extended underpass to accommodate the highway widening. The trails are currently managed through easements and additional right-of-way would be required for the widened highway template. Use of the trail would not be permanently affected and reasonable detours would be provided during the construction period. There would be no permanent impacts to the features, attributes, or activities that qualify the trail for protection under Section 4(f). 	 Parks (3): Use of the parks all consist of acquisition of small portions of the park with no permanent impacts to the features, attributes, or activities that qualify the park for protection under Section 4(f). Trails (3): In each case the trail currently crosses I-25 in an underpass that would be temporarily closed and replaced with a slightly extended underpass to accommodate the highway widening. The trails are currently managed through easements and additional right-of-way would be required for the widened highway template. Use of the trail would not be permanently affected and reasonable detours would be provided during the construction period. There would be no permanent impacts to the features, attributes, or activities that qualify the trail for protection under Section 4(f).
Permanent Incorporation of land	Historic	 Louden Ditch: A small portion of the ditch would be used. The remainder of the ditch would still have its historic association with the development of water rights and agriculture in Larimer County. It would remain eligible for the NRHP. Schmer Farm: The use consists of a sliver of property that would be converted from agricultural use to transportation use and the construction of an elevated roadway within 	 Louden Ditch: A small portion of the ditch would be used. The remainder of the ditch would still have its historic association with the development of water rights and agriculture in Larimer County. It would remain eligible for the NRHP. Schmer Farm: The use consists of a sliver of property that would be converted from agricultural use to transportation use and the construction of an elevated roadway within 	 Louden Ditch: A small portion of the ditch would be used. The remainder of the ditch would still have its historic association with the development of water rights and agriculture in Larimer County. It would remain eligible for the NRHP. Schmer Farm: The use consists of a sliver of property that would be converted from agricultural use to transportation use and the construction of an elevated roadway within the
		the historic boundary of the property. The agricultural land of the farm is a character-defining element and the loss of this element together with the introduction of visual	the historic boundary of the property. The agricultural land of the farm is a character-defining element and the loss of this element together with the introduction of visual	historic boundary of the property. The agricultural land of the farm is a character-defining element and the loss of this element together with the introduction of visual

Use Type	Resource Type	Package A	Package B	Preferred Alternative
		elements that diminish the property's historic features would result in an adverse effect. The loss, however, is not so severe as to render the farm no longer eligible to the NRHP as the remainder of the farm would continue to operate as a farm.	elements that diminish the property's historic features would result in an adverse effect. The loss, however, is not so severe as to render the farm no longer eligible to the NRHP as the remainder of the farm would continue to operate as a farm.	elements that diminish the property's historic features would result in an adverse effect. The loss, however, is not so severe as to render the farm no longer eligible to the NRHP as the remainder of the farm would continue to operate as a farm.
		• Mountain View Farm: The use consists of a sliver of property that would be converted from agricultural use to transportation use and the construction of an elevated roadway within the historic boundary of the property. The agricultural land of the farm is a character-defining element and the loss of this element together with the introduction of visual elements that diminish the property's historic features would result in an adverse effect. The loss, however, is not so severe as to render the farm no longer eligible to the NRHP as the remainder of the farm would continue to operate as a farm.	• Mountain View Farm: The use consists of a sliver of property that would be converted from agricultural use to transportation use and the construction of an elevated roadway within the historic boundary of the property. The agricultural land of the farm is a character-defining element and the loss of this element together with the introduction of visual elements that diminish the property's historic features would result in an adverse effect. The loss, however, is not so severe as to render the farm no longer eligible to the NRHP as the remainder of the farm would continue to operate as a farm.	Mountain View Farm: The use consists of a sliver of property that would be converted from agricultural use to transportation use and the construction of an elevated roadway within the historic boundary of the property. The agricultural land of the farm is a character- defining element and the loss of this element together with the introduction of visual elements that diminish the property's historic features would result in an adverse effect. The loss, however, is not so severe as to render the farm no longer eligible to the NRHP as the remainder of the farm would continue to operate as a farm.
		 Bein Farm: The use consists of a sliver of property that would be converted from agricultural use to transportation use. The agricultural land of the farm is a character-defining element and the loss of this element and change in character would result in an adverse effect. The loss, however, is not so severe as to render the farm no longer eligible to the NRHP as the remainder of the farm would continue to operate as a farm. Denver/Kansas UPRR: The uses of the railroad (which include utilization of the existing track, placement of a new parallel 	Bein Farm: The use consists of a sliver of property that would be converted from agricultural use to transportation use. The agricultural land of the farm is a character-defining element and the loss of this element and change in character would result in an adverse effect. The loss, however, is not so severe as to render the farm no longer eligible to the NRHP as the remainder of the farm would continue to operate as a farm.	 Bein Farm: The use consists of a sliver of property that would be converted from agricultural use to transportation use. The agricultural land of the farm is a character-defining element and the loss of this element and change in character would result in an adverse effect. The loss, however, is not so severe as to render the farm no longer eligible to the NRHP as the remainder of the farm would continue to operate as a farm. Denver/Kansas UPRR: The uses of the railroad (which include utilization of the existing track, replacement of deteriorated ties



Use Type	Resource Type	Package A	Package B	Preferred Alternative
		track on the right-of-way, replacement of deteriorated ties and abandoned rail, construction of a new bridge over I-25, and removal of an existing structure over an unnamed drainageway along with replacement of that structure with a new structure) are not such that the significance of the remaining portions of this resource would be compromised. It would still be eligible for the NRHP, because it would still be able to convey its association with the early development of the agricultural economy on the Front Range of Colorado.		and abandoned rail, construction of a new bridge over I-25, and removal of an existing structure over an unnamed drainageway along with replacement of that structure with a new structure) are not such that the significance of the remaining portions of this resource would be compromised. It would still be eligible for the NRHP, because it would still be able to convey its association with the early development of the agricultural economy on the Front Range of Colorado.
		Old City Electric Building: Under Package A the entire structure would be removed to construct the new commuter rail line adjacent the existing commercial rail line. The building would be demolished and the site would no longer be eligible for the NRHP.		
		Colorado and Southern/BNSF Railroad Depot: Under Package A the entire structure would be removed to construct the new commuter rail line adjacent the existing commercial rail line. The building would be demolished and the site would no longer be eligible for the NRHP.		
		Hingley Farm: The Hingley Farm farmhouse would be removed. Since the integrity and significance of the farmhouse was the main reason for its eligibility to the NRHP, this farm would most likely no longer be eligible.		Hingley Farm: The Hingley Farm farmhouse would be removed. Since the integrity and significance of the farmhouse was the main reason for its eligibility to the NRHP, this farm would most likely no longer be eligible.



	Decourse				
Use Type	Resource Type	Package A	Package B	Preferred Alternative	
		Jillson Farm: The use consists of a sliver of property that would be converted from agricultural use to commuter rail use. The addition of the rail line and train service would alter the setting of the farm resulting in an adverse effect to the property. However, the remainder of the farm would continue to operate as a farm, retaining its eligibility to the NRHP.		Jillson Farm: The use consists of a sliver of property that would be converted from agricultural use to commuter rail use. The addition of the rail line and train service would alter the setting of the farm resulting in an adverse effect to the property. However, the remainder of the farm would continue to operate as a farm, retaining its eligibility to the NRHP.	
Permanent Incorporation of land	Park or Recreation Area	McWhinney Hahn Sculpture Park: This park would experience a complete loss of its function as a gateway to the city and a large area used to display the sculptures and provide a walking trail for visitors would be removed. The features, attributes and activities would be permanently affected resulting in a use of the property.	McWhinney Hahn Sculpture Park: This park would experience a complete loss of its function as a gateway to the city and a large area used to display the sculptures and provide a walking trail for visitors would be removed. The features, attributes and activities would be permanently affected resulting in a use of the property.	McWhinney Hahn Sculpture Park: This park would experience a complete loss of its function as a gateway to the city and a large area used to display the sculptures and provide a walking trail for visitors would be removed. The features, attributes and activities would be permanently affected resulting in a use of the property.	



De Minimis Uses

Among the alternatives, only minor differences are exhibited as they relate to uses that have been recommended for *de minimis* approval. The Preferred Alternative uses the least acreage from both historic and park properties among the alternatives and fewer resources than Package A. Package B uses less linear distance from the linear resources and fewer resources overall. However, all of the *de minimis* impacts are so minor that their contribution to the evaluation of the three alternatives and the determination of least overall harm is basically nil. The *de minimis* impacts have no adverse effects to the activities, features, and attributes of a park or recreation resource, or they have been determined to be "no adverse effect" from a Section 106 standpoint. Therefore, the remainder of this section focuses on the Section 4(f) resource uses that are not *de minimis*.

Uses: Permanent Incorporation of Land

All three build alternatives result in the same use of the McWhinney Hahn Sculpture Park, the only park or recreation property not recommended for *de minimis* use.

Package A would result in more use (in terms of acres) to more Section 4(f) properties than either of the other alternatives. This is due primarily to the greater uses of properties associated with the commuter rail components, and Package A, as opposed to the Preferred Alternative, included the addition of a second track for its entire length. The five historic properties with adverse effects associated with Package A that are not used with Package B include four properties to be acquired: Jillson Farm, Hingley Farm, the Old City Electric Building, and the Colorado and Southern/BNSF Railroad Depot; and one railroad, the Denver/Kansas/Union Pacific Railroad. The Preferred Alternative would use more properties than Package B as a result of the use of the two farms (Hingley and Jillson) and the Denver/Kansas/Union Pacific Railroad. It would also use more lineal feet of the Louden Ditch and the Denver/Kansas/Union Pacific Railroad.

6.1 Ability to Mitigate Adverse Impacts

In the case of all adverse effects to historic properties, detailed recording of the affected resource in accordance with Colorado Historical Society's Standards for Level II Documentation would occur. For the Louden Ditch, which is adversely affected by all alternatives, this, and insuring the continued operation of the ditch during and after construction, is the only available mitigation option. It would still be eligible for inclusion on the National Register after the project is built.

For three of the historic properties (the Hingley Farm, the Old City Electric Building, and the Colorado and Southern/BNSF Railroad Depot), the ability to mitigate the adverse effects associated with the uses is not sufficient to compensate for their primary loss of integrity. In all three cases, the acquisition and demolition of the primary building would mean they would no longer be eligible for inclusion on the National Register of Historic Places. All three of these properties are used by Package A. The Preferred Alternative only uses one property (the Hingley Farm).

In the case of the railroad that is adversely affected by Package A and the Preferred Alternative (5WL.1969, 5BF130), even though two wooden trestle bridges would be demolished and 2.9 miles of abandoned railroad bed would be modernized, this



modernization is entirely consistent with the original use of the railroad right-of-way as a train corridor.

The use of the Jillson Farm under Package A and the Preferred Alternative has been minimized to the extent possible. The farm could continue to serve its agricultural function. Effects to the Jillson Farm would not result in the loss of any of the contributing structural elements and it would still be eligible to the National Register of Historic Places.

The uses of the Bein Farm, the Mountain View Farm and the Schmer Farm, have all been minimized to the extent possible. The farms could continue to serve their agricultural functions and all three of them would still be eligible to the National Register of Historic Places. The mitigation of the adverse effects associated with the visual elements would be coordinated with the SHPO and finalized in the Programmatic Ageement which addresses adverse effects.

The park uses of the McWhinney Hahn Sculpture Park are identical for all three build alternatives. The key attributes and features of the park are its easy visibility from US 34 so it can be seen as a "gateway" from I-25 to the City of Loveland, its views of the mountains to the west and its clear view of the sculptures. The three build alternatives all damage these attributes and features even without any physical use of the park, since there will be a new high speed ramp that is elevated approximately 30 feet above the park. This means that the park will be only barely visible from US 34, the views of the mountains will be noticeably reduced and the sculptures will no longer be visible. The three build alternatives use 1.21 acres of parkland, in addition to the indirect impacts of the new high speed ramp. All of these impacts are such that the park, in this location, has lost its intended function. The mitigation option that remains, which the City of Loveland supports, is for a new location to be chosen as a replacement. CDOT will coordinate with the City of Loveland to identify a new location and relocate the park, gateway and visitors center. The City believes that a new location will better serve the original activities, features, and attributes of the park.

To summarize, the Section 4(f) uses associated with Package B are able to be fully mitigated such that the four historic properties (the Louden Ditch, Bein Farm, Mountain View Farm, and Schmer Farm) would still be eligible for inclusion on the National Register of Historic Places. The use of the McWhinney Hahn Sculpture Park is also able to be fully mitigated by replacement in a manner and location that enhances its intended function.

For the Preferred Alternative, the Section 4(f) uses of the Louden Ditch, the Denver/Kansas UPRR, the Jillson Farm, the Bein Farm, the Mountain View Farm, the Schmer Farm, and the McWhinney Hahn Sculpture Park are all such that mitigation would effectively alleviate harm so that their integrity and significance is maintained. The use of the Hingley Farm, however, would not be able to be effectively mitigated because the acquisition and demolition of the primary building would be required. That property would lose its eligibility to the National Register of Historic Places.

For Package A, similar to the Preferred Alternative, the Section 4(f) uses of the Louden Ditch, the Denver/Kansas UPRR, the Jillson Farm, the Bein Farm, the Mountain View Farm, the Schmer Farm, and the McWhinney Hahn Sculpture Park are all such that mitigation would effectively alleviate harm so that their integrity and significance is maintained. The uses of the Hingley Farm, the Old City Electric Building and the Colorado and Southern/BNSF Railroad Depot however, would not be able to be effectively mitigated



because the acquisition and demolition of the primary building in each of these cases would be required. Those three properties would all lose their eligibility to the National Register of Historic Places

6.2 Relative Severity of the Remaining Harm

After mitigation, the severity of the remaining harm to the protected activities, attributes or features that qualified these properties for protection is indistinguishable among the alternatives as they relate to the following five resources:

- ▶ The McWinney Hahn Sculpture Park, where the protected park attributes and features would be lost under all three alternatives. The park will be relocated to a site that is likely to better serve its intended function (as a gateway to the City of Loveland). The harm to this park would be fully mitigated because the City of Loveland would prefer to re-locate this park. After mitigation, all attributes and features important for this park will be replaced in the new location.
- ▶ The Bein Farm, a small portion of which would be subject to a conversion to a transportation use under all three alternatives. In all three cases, a narrow strip of cultivated land, which is a character defining feature of the property, is used for transportation purposes, the severity of the remaining harm is such that its eligibility to the National Register of Historic Places would still be maintained as the majority of the cultivated field is intact, and it would still be an active farm able to convey its significance. The Preferred Alternative uses 16.10 acres of the historic farmstead, Package B uses 20.04 acres and Package A uses 17.94 acres.
- ▶ The Mountain View Farm, a small portion of which would be subject to a conversion to a transportation use under all three alternatives. In all three cases, a narrow strip of cultivated land, which is a character defining feature of the property, is used for transportation purposes, the severity of the remaining harm is such that its eligibility to the National Register of Historic Places would still be maintained as the majority of the cultivated field is intact, and it would still be an active farm able to convey its significance. The Preferred Alternative uses 1.82 acres of the historic farmstead, Package B uses 5.28 acres and Package A uses 4.76 acres.
- ▶ The Schmer Farm, a small portion of which would be subject to a conversion to a transportation use under all three alternatives. In all three cases, a narrow strip of cultivated land, which is a character defining feature of the property, is used for transportation purposes, and visual elements would be introduced that diminish the qualities that make this farm eligible to inclusion on the National Register of Historic Places, the severity of the remaining harm is such that its eligibility to the National Register of Historic Places would still be maintained as the majority of the cultivated field is intact, and it would still be an active farm able to convey its significance. The Preferred Alternative uses 5.38 acres of the historic farmstead, Package B uses 7.00 acres and Package A uses 6.61 acres.
- ▶ The Louden Ditch is 23.25 miles in its entirety. All three alternatives would use the ditch by extending the existing culvert that carries the ditch beneath I-25 and by placing the ditch in a new culvert beneath the proposed Byrd Drive. The Preferred Alternative would use an additional 524 linear feet over Packages A and B where the ditch runs



adjacent to LCR 30 and roadway improvements would affect the ditch. The Preferred Alternative would also use another segment not used by the other alternatives at the rail line where an existing culvert would be extended to accommodate the proposed new service road.

Although the Preferred Alternative uses a greater length of the ditch than the other alternatives, there is no difference in the severity of remaining harm to the resource. All uses occur in areas where the setting has previously been compromised by existing culverts and adjacent development. Under all alternatives, the 23.25-mile-long ditch would continue to operate toward its intended purpose both during and after construction and the remainder of the ditch would not be compromised, even though the historic integrity of the affected ditch segment would be permanently compromised (but the nature of the permanent effect is the same under all three alternatives). Under all alternatives, the ditch would still retain its important association with the development of water rights and agriculture in Larimer County and, thus, would still be eligible for the National Register of Historic Places.

The Hingley and Jillson Farms will be affected similarly by Package A and the Preferred Alternative with no impacts under Package B. Since the new commuter rail operation would introduce railroad tracks and train traffic to a historic farm setting, this will result in an adverse affect to the setting and feeling of the farms. The Jillson Farm would still be eligible for inclusion on the National Register of Historic Places because it would still be clear that this is an active farm. Since the Hingley Farm is important primarily because of the farmhouse, it would likely no longer be eligible for inclusion on the National Register of Historic Places.

The Denver Pacific/Kansas Pacific/Union Pacific Railroad, Denver and Boulder Valley Branch (5WL.1969, 5BF130), would be used under Package A and the Preferred Alternative. However, after mitigation as described in **Section 5.6.1**, this would result in relatively low severity of effects to the protected activities, attributes and features of this property.

Package A would also use an additional two properties not used under the Preferred Alternative or Package B. These are the Old City Electric Building (5BL.1245) and the Colorado and Southern/BNSF Depot (5BL.1244). In these cases the remaining harm, after mitigation, would still be severe because the primary buildings on each property would be acquired and demolished.

To summarize, the relative severity of the remaining harm to the four historic properties (the Louden Ditch, Bein Farm, Mountain View Farm, and Schmer Farm) used by Package B are such that their ability to convey their significance is maintained. The one park property (the McWhinney Hahn Sculpture Park), after mitigation, would have its attributes and functions fully replaced in a new preferrable location.

For the Preferred Alternative, the Section 4(f) uses of the Louden Ditch, the Bein Farm, the Mountain View Farm, the Schmer Farm, the Denver/Kansas UPRR, the McWhinney Hahn Sculpture Park and the Jillson Farm are all such that mitigation would effectively alleviate harm so that their integrity and ability to convey their significance is maintained. The use of the Hingley Farm is such that the relative severity of the remaining harm results in a loss of its significance.



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For Package A, similar to the Preferred Alternative, the Section 4(f) uses of the Louden Ditch, Bein Farm, Mountain View Farm, Schmer Farm, the Denver/Kansas UPRR, the McWhinney Hahn Sculpture Park and the Jillson Farm are all such that mitigation would effectively alleviate harm so that their integrity and ability to convey their significance is maintained. The relative severity of the remaining harm to the Hingley Farm, the Old City Electric Building, and the Colorado and Southern/BNSF Railroad Depot however, are all such that their significance, features or attributes would be lost because the primary buildings on each property would be acquired and demolished.

In comparison, Package A, because the commuter rail component must be double tracked to meet the project purpose and need, uses three properties for which the relative severity of remaining harm to each property's significant features is such that these three historic properties lose their eligibility to the National Register of Historic Places; Package B uses no properties that fall within this definition; and the Preferred Alternative uses one property for which the relative severity of remaining harm to that property's significant features is such that it would no longer be eligible to the National Register of Historic Places. For a project of this scale, including improvements to 619.5 lineal miles of highway lanes or passenger rail tracks, along three separate corridors, this minimal use of historic properties demonstrates the efforts that have been undertaken to avoid and minimize uses of historic properties. In northern Colorado the prevalence of historic farm houses and lands is high. These properties are fairly common and similar. Therefore the differences between Package B and the Preferred Alternative, considering the remaining severity of harm are very small.

6.3 Relative Significance of Each Property

The relative significance of the various types of Section 4(f) historic properties that are used, as they relate to other examples of that type in the regional study area is as follows:

- ▶ The Old City Electric Building (used only by Package A) in Longmont was one of the first municipally owned electric generation plants and exhibits unique characteristics in the regional study area as such.
- ▶ The Hingley Farm, Bein Farm, Mountain View Farm and the Jillson Farm are all examples of historic farms and ranches, of which there are many in the regional study area. None of the farms has any particular unique attributes or features that make them special among the other farms in the regional study area.
- ▶ The Schmer Farm has the most intact complex of farm buildings of the farms evaluated for this project. The Schmer Farm has six outbuildings that date to the 1940s and seven buildings that date from 1905 to 1920. The other farms evaluated for this project have only a few of the outbuildings that were originally on the property. However, there are two modern sheds on the Schmer Farm and part of the farm was sold for commercial development decades ago.
- ▶ The Denver Pacific/Kansas Pacific/Union Pacific/Denver and Boulder Valley Railroad branch is no more unique than other railroad tracks still evident on the Plains and in this region. The Colorado & Southern/BNSF Railroad Depot, however, is one of just a few depots associated with the development of the railroads in the regional study



area and is a very good example of that infrastructure. The Depot is used only by Package A.

- ▶ The Louden Ditch can be most appropriately viewed in a context of the nature of the regional study area, which is a historic agricultural area with hundreds of agricultural ditches. It has no special or unique features in comparison with the other ditches in the regional study area.
- ▶ The McWhinney Hahn Sculpture Park is the smallest and least important of the three sculpture parks in the City of Loveland. It was originally placed in this location to serve as a quiet gateway to the City. This function has been compromised by the higher intensity development that has occurred in the area, and would be further compromised by the US 34 interchange improvements planned as a part of all three build alternatives. Even if no use of this property occurs, the high retaining walls would cut off views of the mountains and views of the US 34 motorists of the sculptures in the park. For these reasons, the opinion of the Official with Jurisdiction is that the current location of the park no longer serves its original intent. The significance and value of this park is not tied to the current location.

To summarize the differences in the build alternatives, only Package A uses properties that are of particular significance within the regional study area (the Old City Electric Building and the Colorado and Southern /BNSF Railroad Depot) that are not used by the other alternatives. All three alternatives use a portion of the Schmer Farm, which has unusual significance because of its most intact complex of farm buildings of those evaluated for this project. The other two alternatives use portions of properties (historic farmsteads, ditches, railroads and a park) that have no outstanding characteristics or significance when compared to other similar properties within the regional study area.

6.4 Views of the Officials with Jurisdiction

The officials with jurisdiction that have been coordinated with include the State Historic Preservation Officer and the Parks and Recreation representative from Loveland. The views of the SHPO on the relative significance and value of the historic properties are based on documentation from the Section 106 determinations of eligibility and effects. The views of the official with jurisdiction concerning the McWhinney Hahn Sculpture Park come from a meeting held with that official with jurisdiction.

- ▶ The SHPO's opinion about the Old City Electric Building and the Colorado & Southern/BNSF Depot is that these properties represent important and significant elements of infrastructure development.
- ▶ The SHPO's opinion about the Louden Ditch is that it is one of 16 eligible ditches in the regional study area and is no more or less significant than the other 15 ditches. Similarly, the segment of the Denver/Kansas/UP Railroad is not more significant than other historic railroads in the Front Range and its conversion of use to an active commuter rail line is entirely consistent with its historic use. Similarly, the five historic farms (Hingley Farm, Bein Farm, Mountain View Farm, Schmer Farm and the Jillson Farm) are all examples of historic farms and ranches, of which there are many in the regional study area. Of these five farms and of the totality of farms evaluated for this project, the Schmer Farm has the most intact complex of farm buildings of those



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evaluated for this project. However, there are two modern sheds on the Schmer Farm and part of the farm was sold for commercial development decades ago. None of the other four farms has any particular unique attributes or features that make them special among the other farms in the regional study area. For the Schmer Farm and the Mountain View Farm, although the use of the narrow strip and the introduction of visual elements only slightly diminishes the agricultural significance of the property, the SHPO views these kinds of changes to the visual character and physical use of the character-defining features of the agricultural fields as adverse effects under Section 106. For the Bein Farm, the change in character and physical use of the character-defining feature of the agricultural fields to a transportation use diminishes the qualities that make the property eligible and is also considered a type of adverse effect under Section 106.

The view of the Official with Jurisdiction related to the McWhinney Hahn Sculpture Park is that the effects to the park property, including impediments to the views of the sculpture park from US 34 and from users of the park to the Rocky Mountains are such that the activities, attributes, and features of the park could no longer serve the original intended use as a gateway to Loveland. Therefore, a replacement property that would substitute for the park is the most appropriate mitigation.

To summarize, because the Old City Electric Building and the Colorado & Southern/BNSF Depot Building are of higher significance within the regional study area, the Section 4(f) uses associated with Package A would be of greater concern from the SHPO. Neither Package B nor the Preferred Alternative would use these two buildings.

6.5 Degree to Which Each Alternative Meets the Purpose and Need of the Project

When considering all of the different components of the project purpose and need, the Preferred Alternative cumulatively meets these to a greater extent than the other two build alternatives as described below:

Need to Address the Increased Frequency and Severity of Crashes

All three build alternatives have been designed to be safe. All three build alternatives would reduce the frequency and severity of crashes on I-25, when compared to the No-Action Alternative. Considering only I-25 in 2035, Package B would result in fewer crashes (4,061 average per year) than the Preferred Alternative (4,399) and fewer average crashes per vehicle miles traveled (1.32) than the Preferred Alternative (1.37). However when considering the entire regional system, the Preferred Alternative has the greatest reduction of crashes because of the reduced daily VMT on arterials compared to Package A or Package B. This reduced VMT is a result of the higher capacity provided by the Preferred Alternative on I-25 making I-25 a more attractive route than the adjacent arterial network. The crash rate on arterials is higher than the crash rate on access controlled facilities such as I-25. This results in improved safety under the Preferred Alternative for the entire regional transportation system because of the transfer of VMT from arterials to I-25.

The Preferred Alternative would result in only 11 average annual transit injuries compared to Package B, which would have 24 average annual injuries on transit. Package A would result in the fewest transit injuries per 1,000 revenue hours of service at 0.15; the Preferred



Alternative is very similar with 0.16 injuries per 1,000 revenue hours of service. Package B would result in the highest transit injury rate at 0.32 injuries per 1,000 revenue hours of service.

Need to Address the Increasing Traffic Congestion on I-25, Leading to Mobility and Accessibility Problems

The Preferred Alternative provides the most efficient operations for I-25 compared to Packages A and B. A comparison of the traffic elements of the mobility portion of the purpose and need demonstrates that the Preferred Alternative provides the highest benefit:

- ▶ Its remaining congested miles on I-25 general purpose lanes in the PM peak hour would be noticeably less at 17 miles, compared to 45 miles with Package B and 44 miles with Package A in 2035.
- ▶ In the AM peak hour, its remaining congested miles on general purpose lanes are only 11, compared to 30 with Package B and 16 with Package A in 2035.
- ▶ In 2035, it has the fewest number of interchange ramp merge/diverge locations operating at LOS E or F. The Preferred Alternative would have 13 of these in the AM peak period and 26 in the PM. Package B would have 34 in the AM and 52 in the PM. Package A would have 30 in the AM and 34 in the PM.
- ▶ It has the fastest highway travel time from SH 1 to 20th Street in the general purpose lanes (107 minutes compared to 117 minutes with the other two alternatives in 2035).
- ▶ It has the fastest travel time from SH 1 to 20th Street in the tolled express lanes in 2035 (64 minutes compared to 65 minutes with Package B and 102 minutes with Package A (which only uses a short section of existing tolled express lanes in the Denver metro area and the remaining trip is in general purpose lanes).
- ▶ It provides the most travel choices on I-25 allowing a motorist to pay a toll or carpool to avoid congestion, or choose to travel toll free in the general purpose lanes, or choose express bus.
- ▶ It has the fastest bus transit service from the South Transit Center to 20th Street at 63 minutes for an express bus, compared to 70 minutes for BRT with Package B.
- ▶ Similar to Package B the tolled express lanes provide an opportunity to maintain reliable travel time for buses, HOVs and toll paying users in perpetuity.
- ▶ Because the Preferred Alternative would have the best level of service in the general purpose lanes, it would have the best overall mobility for freight traffic.
- ▶ It would serve the highest number of users on I-25 at over 990,000 users (number of vehicles entering this length of I-25 multiplied by vehicle occupancy. See **Section 4.2.5** Highway Users for an explanation of the calculation).
- ▶ It captures the second highest percentage of transit market share between the northern front range area and the downtown Denver CBD at 50 percent in 2035. Package A captures the highest percentage at 55 percent and Package B captures 45 percent.



▶ It has the second highest ridership with 6,500 daily riders while Package B captures the highest ridership at 6,800 daily riders as a result of its frequent and robust BRT service. Package A captures the fewest riders with 5,850 daily.

- ▶ Regional vehicle hours of travel are the least with the Preferred Alternative at 1.68 million compared to 1.69 million with Package B and 1.70 million with Package A in 2035.
- ▶ It produces the highest amount of vehicle miles of travel at 52.81 as a result of its higher capacity than the other two packages. Package B produces the least amount of regional VMT at 52.62 and Package A produces 52.76.
- ▶ Its regional average speed (including freeways and other facilities) in 2035 is the highest (31.4 miles per hour) compared to 31.1 with the other two build alternatives—a notable increase considering the magnitude of the number of miles and number of hours in the region used to calculate average miles per hour.

Need to Replace Aging and Functionally Obsolete Infrastructure

The Preferred Alternative and Package B both provide the most new structures which replace aging structures: 94, compared to 87 with Package A. All of the alternatives would replace all of the pavement that has exceeded its useful life.

Need to Provide Modal Alternatives

The Preferred Alternative provides the most opportunity for improved mode choice throughout the regional study area. In addition, it allows the ability to implement transit service with minimal initial infrastructure investment. Overall the Preferred Alternative addresses this element of purpose and need in the following ways:

- ▶ The Preferred Alternative would provide the most opportunity to use multiple modes of travel, since two or more modes would be provided along three separate corridors: commuter rail would be provided on the US 287 corridor; express bus and carpooling on TELs on I-25; and commuter bus service would be provided on US 85. Package A would provide multiple modes on only two corridors and Package B would provide multiple modes on only one corridor.
- ▶ The express bus service provided as a part of the Preferred Alternative could be fairly easily implemented and implemented in phases, providing near term multimodal options to commuters traveling the North I-25 and US 85 corridors. BRT service provided as a part of Package B would be harder to implement in phases because stations are located in the median, requiring reconstruction of I-25.
- ▶ Given the uncertainty of the schedules for the FasTracks North Metro and Northwest Rail corridors, express bus service provided as a part of the Preferred Alternative could provide an additional mode choice that would first supplement and then complement the FasTracks commuter rail corridors.
- ▶ It would attract the highest level of special event ridership (transit trips to sporting events, the theater and other activities in downtown Denver), due to the range of transit options that can accessed for these discretionary trips.



To summarize, the Preferred Alternative best responds to the four elements of Purpose and Need. Regional safety is improved the most with the Preferred Alternative. The Preferred Alternative reduces congestion on I-25 to a noticeably greater degree than the other alternatives. It also results in dramatically shorter travel times for highway users, tolled express lane users and bus patrons. And because it includes tolled express lanes, the faster travel time for users of those lanes is a more reliable travel option over time. The Preferred Alternative also provides the most opportunity to use multiple modes of travel,

▶ Commuter rail would be provided along the US 287 corridor.

since two or more modes would be provided along three separate corridors:

- ▶ Express bus, vanpooling and carpooling on TEL lanes would be provided on I-25, along with noticeable improvements to travel in general purpose lanes.
- ▶ Commuter bus service would be provided on US 85.

And it, along with Package B, requires reconstruction of more of the I-25 structures, thus replacing more of the aging infrastructure that is an important element of Purpose and Need.

6.6 Magnitude, After Mitigation, of Adverse Impacts to Other Resources

After reasonable mitigation, the adverse impacts to other resources as a result of the Preferred Alternative would include impacts to established communities and businesses, including relocations and noise impacts. Traffic noise impacts (after mitigation) would occur to 840 receivers under the Preferred Alternative as compared to 826 receivers with Package A and 848 receivers with Package B. The Preferred Alternative would result in 8 fewer residential (51 compared to 59) and 10 fewer business (23 compared to 33) displacements than Package A. Compared to Package B, the Preferred Alternative would result in 51 residential displacements (27 more than Package B) and 23 business displacements (7 more than Package B). Even though there is a noticeable difference in residential and business relocations among the alternatives, the availability of replacement housing and business sites would not indicate that this remaining adverse impact would be of high magnitude.

After mitigation, an adverse effect to established communities would still result from the addition of commuter rail under Package A and the Preferred Alternative. Commuter rail will operate on a more frequent basis than the freight rail along the same corridor (with the addition of a second set of tracks under Package A) and the addition of commuter rail along the alignment between Longmont and the FasTracks North Metro corridor, where no rail service currently exists, would create a new barrier between communities. The existing barrier created by the freight rail service would also be somewhat exacerbated. The magnitude of this impact, however, is offset by the fact that there is already rail service along most of this corridor and the substantial benefit to be gained by the new rail service that would be available to the adjacent residents, businesses and business patrons.

The Preferred Alternative results in the least impacts to:



Wetlands and jurisdictional open waters
 (18.2 acres compared to 21.3 acres with Package B and 21.9 acres with Package A)

- Sensitive wildlife habitat
 (1.9 acres compared to 2.4 acres with Package B and 2.0 acres with Package A)
- ▶ Aquatic habitat (1.5 acres compared to 2.3 acres with Package B and 1.8 acres with Package A)
- Preble's meadow jumping mouse habitat
 (0.7 acre compared to 0.8 acre with Package A and Package B)

In general, the magnitude and severity of the impacts of the three build alternatives to the natural environment are relatively similar taking into account the size of the project. The Preferred Alternative has fewer impacts to the habitat for the Preble's meadow jumping mouse, a federally threatened species. The Preferred Alternative also has the least impacts to aquatic resources. On the other hand, the Preferred Alternative has more impacts than either of the other build alternatives to bald eagle foraging habitat and raptor nests and it has more impervious surface than Package A.

The Preferred Alternative results in impacts to some resources that are greater than the other alternatives: impacts to bald eagle foraging habitat, noise impacts from rail transit and number of raptor nests potentially impacted. The Preferred Alternative results in the least impact to the following resources: wetlands and jurisdictional open waters, Preble's meadow jumping mouse habitat, sensitive wildlife habitat, aquatic habitat and northern leopard frog and common garter snake habitat. It is the view of FHWA and CDOT that the Preferred Alternative has the least impacts to aquatic resources and therefore has the most likelihood of all build alternatives to meet the Section 404(b)(1) requirements to secure an individual Section 404 permit from the USACE.

6.7 Substantial Differences in Cost

A tabulation of costs for the three build alternatives shows that the Preferred Alternative is more than the other two build alternatives. Package A capital cost is \$1.96 billion, Package B capital cost is \$1.72 billion and the Preferred Alternative is \$2.18 billion. However, the Preferred Alternative provides benefits that the other two alternatives do not. The Preferred Alternative:

•

- Better improves regional safety compared to the other two build alternatives
- Reduces congestion more effectively than Package A or Package B
- Is similar to the other alternatives in replacing aging and obsolete infrastructure
- ▶ Is superior to the other alternatives in providing modal options
- ▶ Better addresses goals of the land use plans in the northern Colorado communities
- ▶ Achieves system wide benefits that Package A and B do not provide such as regional connectivity and travel reliability



▶ Better supports livability concepts than Package A and Package B by providing a more comprehensive multimodal system of transportation improvements

6.8 Summary

The determination of least overall harm was made by the lead agencies using primarily three factors: (1) the relative severity of the remaining harm, after mitigation, to the protected activities, attributes, or features that qualifies each property for protection, (2) the degree to which each alternative meets the purpose and need for the project, and (3) after reasonable mitigation, the magnitude of any adverse impacts to resources not protected by Section 4(f). The reasons these factors were emphasized was based on the importance that they play in furthering the Section 4(f) intent, the public benefit provided by the investment in infrastructure and meeting other federal requirements that protect the natural environment.

The Preferred Alternative is identified as the alternative with the least overall harm because: the severity of the remaining harm to Section 4(f) properties is similar between Package B and the Preferred Alternative and much less severe than Package A. The Preferred Alternative demonstrates the highest degree of meeting the purpose and need, thus providing a superior transportation benefit. And the Preferred Alternative has the least impacts to aquatic resources and, therefore, has the most likelihood of all build alternatives to meet the Section 404(b)(1) requirements. (See August 2011 letter from the US Army Corps of Engineers in Appendix A.)

To summarize, the Preferred Alternative is considered to be the least overall harm alternative per 23 CFR 774.3(c)(1) based on:

- 1. The relative severity of remaining harm, after mitigation, to the protected activities, attributes or features that qualifies each property for protection. The Preferred Alternative uses one additional Section 4(f) property with a resulting higher severity of harm than Package B. Although mitigation includes the documentation of the farm, the actual character defining features of this property would be destroyed. This property, the Hingley Farm, is a common type of property in Northern Colorado and does not have unique characteristics that would set it apart from other similar type historic properties. In comparison, Package B does not use a historic property to this relative severity. However, for a project of this scale, including improvements to 619.5 lineal miles of highway lanes or passenger rail tracks, along three separate corridors, this minimal use of historic properties demonstrates the efforts that have been undertaken to avoid and minimize uses of historic properties resulting in a conclusion that the overall severity of these impacts from these alternatives is similar.
- 2. The degree to which the Preferred Alternative meets the purpose and need for the project. The degree to which the Preferred Alternative meets the purpose and need of the project is much higher than the other alternatives, resulting in a transportation benefit that is clearly superior. The Preferred Alternative improves regional safety. The Preferred Alternative reduces congestion on I-25 to a noticeably greater degree than the other alternatives. It also results in dramatically shorter travel times for highway users, tolled express lane users and bus patrons. The benefits of tolled express lanes include the faster travel time for users of those lanes and a more reliable travel option over time.



The Preferred Alternative also provides the most opportunity to use multiple modes of travel, since two or more modes would be provided along three separate corridors:

- Commuter rail would be provided on US 287 corridor, in addition to the auto and bus travel currently provided along US 287; and
- Express bus, vanpooling and carpooling on TEL lanes would be provided on I-25, along with noticeable improvements to travel in general purpose lanes; and
- Commuter bus service would be provided on US 85 in addition to auto travel already on US 85.
- 3. The magnitude, after reasonable mitigation, of any adverse impacts to resources not protected by Section 4(f). In general, the magnitude and severity of the impacts of the three build alternatives to the natural environment are relatively similar taking into account the size of the project. The Preferred Alternative results in impacts to some resources that are greater than the other alternatives: impacts to bald eagle foraging habitat, noise impacts from rail transit and number of raptor nests potentially impacted. The Preferred Alternative results in the least impact to the following natural resources: wetlands and jurisdictional open waters, Preble's meadow jumping mouse habitat, sensitive wildlife habitat, aquatic habitat and northern leopard frog and common garter snake habitat. It is the view of FHWA and CDOT that the Preferred Alternative has the least impacts to aquatic resources and therefore has the most likelihood of all build alternatives to meet the Section 404(b)(1) requirements to secure an individual Section 404 permit from the USACE.

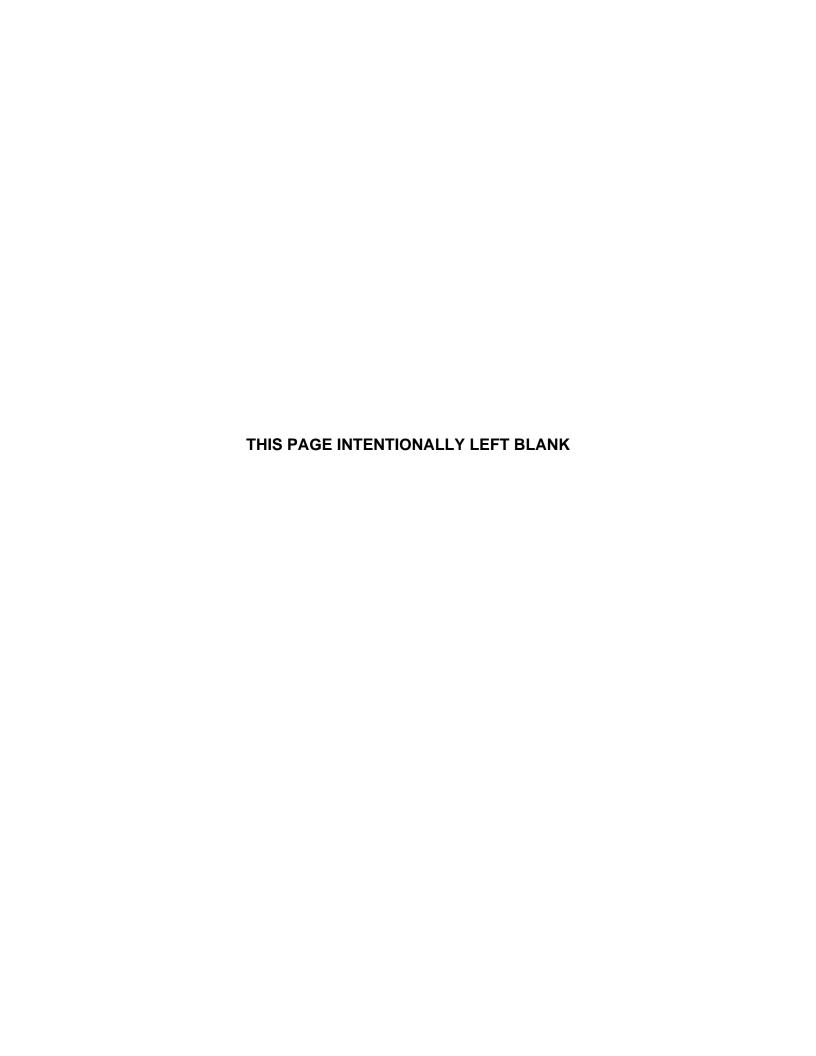
For the remaining four least overall harm factors, the relative differences among the three alternatives is slight between the Preferred Alternative and Package B and a greater difference when comparing Package A, as demonstrated in the following discussion:

- ➤ The ability to mitigate adverse impacts to each Section 4(f) property associated with the Preferred Alternative is, for a project of this scale, similar to that of Package B. The Preferred Alternative results in an inability to mitigate adverse impacts to only one Section 4(f) property, compared to none with Package B. Package A is unable to fully mitigate adverse impacts to three Section 4(f) properties.
- The relative significance of each Section 4(f) property used is indistinguishable between the Preferred Alternative and Package B. Only Package A uses properties that are of unique significance or value within the regional study area and that are not used by the other two alternatives. The three alternatives each use a portion of the Schmer Farm, although the Preferred Alternative uses less of it than the other two alternatives and only a portion of agricultural land is used leaving the structures intact. All alternatives use portions of properties (historic farms, ditches, railroads and a park) that have no outstanding characteristics or significance when compared to other similar types of historic properties within the regional study area.
- ▶ The views of the officials with jurisdiction mirrors the relative significance of the Section 4(f) properties, which is that Package B and the Preferred Alternative are nearly indistinguishable. Because the Old City Electric Building and the Colorado and Southern/BNSF Depot building have unique characteristics within the regional study

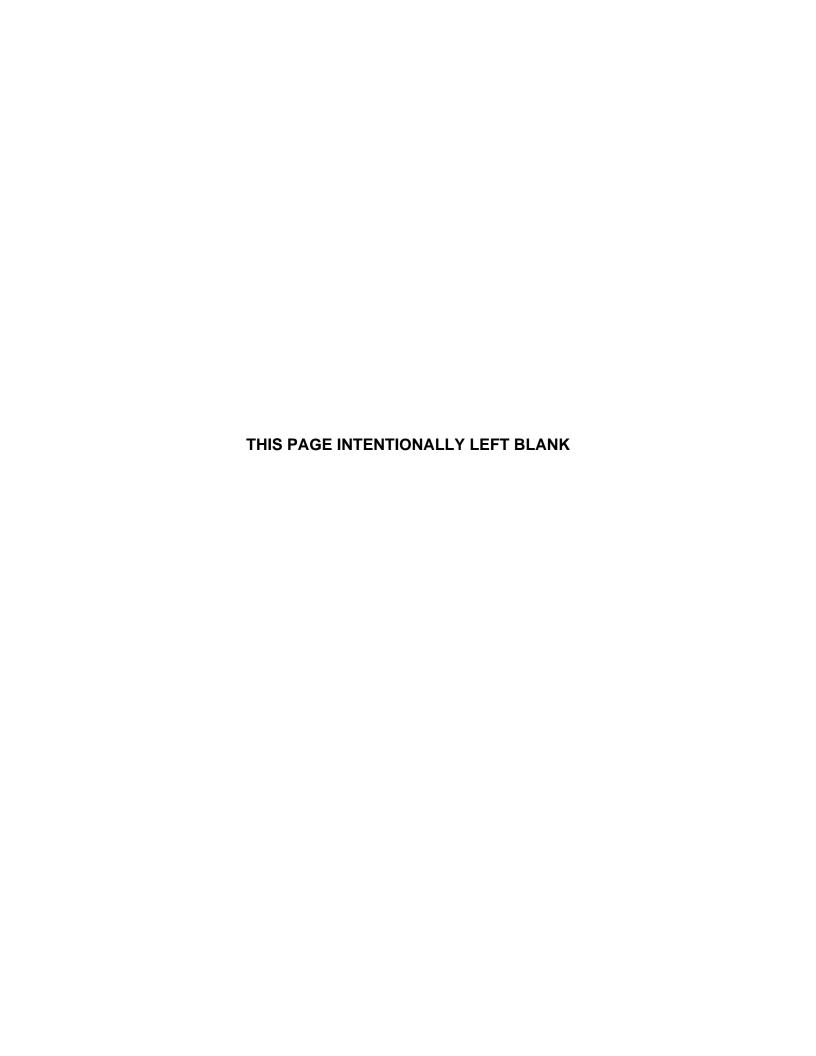


area, the Section 4(f) uses associated with Package A would be of greater concern from the SHPO. Both Package B and the Preferred Alternative avoid these two properties. In addition, all three alternatives use a portion of the agricultural lands associated with the Schmer Farm.

And, finally, any *substantial differences in cost* are not a major factor because although the Preferred Alternative costs the most, its benefits far outweigh the additional costs. When compared to the other two alternatives, it better improves regional safety, reduces congestion more effectively, is similar in the replacement of aging infrastructure, and is superior in providing modal options. It also better addresses goals of the land use plans of northern Colorado communities, achieves system wide regional connectivity and travel reliability benefits and better supports livability concepts by providing a more comprehensive system of multimodal improvements.



APPENDIX A: AGENCY COORDINATION





APPENDIX A AGENCY COORDINATION/CONSULTATION

Historic Coordination/Consultation		
Date	Description of Materials	
January 19, 2004	Invitation letters to resource agency scoping meeting sent to 11 agencies	
February 26, 2004	Resource agency scoping meeting attended by EPA, USFWS, SHPO, RTD, and	
-	DRCOG	
January 29, 2007	CDOT letter to SHPO for review of Area of Potential Effects (APE)	
March 12, 2007	CDOT letter to SHPO clarifying APE boundary	
May 1, 2007	Letter from CDOT to Berthoud Historic Preservation inviting them to be a	
	consulting party	
May 1, 2007	Letter from CDOT to Colorado Preservation, Inc inviting them to be a consulting	
	party	
May 1, 2007	Letter from CDOT to National Trust for Historic Preservation inviting them to be a	
	consulting party s	
May 1, 2007	Letter from CDOT to Fort Lupton Preservation Board inviting them to be a	
14 4 000=	consulting party	
May 1, 2007	Letter from CDOT to Fort Collins Landmark Preservation Commission inviting them	
M 4 0007	to be a consulting party	
May 1, 2007	Letter from CDOT to Broomfield Landmark Preservation Commission inviting them	
Ma.: 4, 0007	to be a consulting party	
May 1, 2007	Letter from CDOT to Brighton Historic Preservation Commission inviting them to be a consulting party	
May 1, 2007	Letter from CDOT to Timnath Planning Commission Commission inviting them to be	
Iviay 1, 2007	a consulting party	
May 1, 2007	Letter from CDOT to Loveland Historic Preservation Commission inviting them to	
Way 1, 2007	be a consulting party	
May 1, 2007	Letter from CDOT to Longmont Historic Preservation Commission inviting them to	
	be a consulting party	
May 1, 2007	Letter from CDOT to Greeley Historic Preservation Commission inviting them to be	
,	a consulting party	
May 1, 2007	Letter from CDOT to Boulder County Historic Preservation Advisory Board inviting	
	them to be a consulting party	
May 4, 2007	Letter from Greeley Historic Preservation agreeing to be a consulting party	
May 22, 2007	Letter from CDOT to Northglenn Historic Preservation Commission inviting them to	
	be consulting parties	
June 26, 2007	Letter to CDOT from Fort Lupton regarding historic park	
August 8, 2007	Letter to CDOT from the City of Greeley re: determinations of not eligible	
August 21, 2007	Letter to CDOT from the SHPO with questions on 12 resources	
October 4, 2007	CDOT letter to SHPO with information in response to the August 21 st letter	
January 7, 2008	SHPO letter to CDOT concurring on eligibility of two neighborhoods	
October 6, 2008	CDOT letter to SHPO regarding additional determinations of eligibility for five	
	properties	
October 29, 2008	Draft EIS distribution letter to the Advisory Council on Historic Preservation	
February 16, 2009	SHPO letter to CDOT and FHWA providing comments on the Draft EIS	
February 19, 2009	ACHP letter to FHWA providing comments on the Draft EIS	



Historic Coordination/Consultation		
Date	Description of Materials	
November 5, 2010	CDOT letter to SHPO requesting concurrence with the Determinations of Eligibility for 38 additional sites	
November 5, 2010	CDOT letter to Fort Collins Historic Preservation Board, requesting concurrence with the Determinations of Eligibility for 38 additional sites	
November 5, 2010	CDOT letter to Greeley Historic Preservation Board, requesting concurrence with the Determinations of Eligibility for 38 additional sites	
November 5, 2010	CDOT letter to Longmont Historic Preservation Board, requesting concurrence with the Determinations of Eligibility for 38 additional sites	
November 29, 2010	SHPO letter to CDOT regarding additional determinations of eligibility for one property (5LR.995.6)	
December 9, 2010	CDOT letter to SHPO containing additional information for one property (5LR.995.6)	
January 3, 2011	SHPO correspondence concurring on eligibility of 38 additional sites	
April 22, 2011	CDOT letter to SHIP requesting concurrence on entire linear resource 5LR.12735 is not eligible for the National Register of Historic Places	
April 26, 2011	Letter from SHPO to CDOT regarding concurrence on entire linear resource 5LR.12735 is not eligible for the National Register of Historic Places	
August 11, 2011	Letter from CDOT to SHPO, Final EIS distribution letter	
August 11, 2011	Letter from CDOT to ACDP, Final EIS distribution letter	
August 11, 2011	Letter from CDOT to Fort Lupton Historic Preservation Board, Final EIS distribution letter	
August 11, 2011	Letter from CDOT to Longmont Historic Preservation Commission, Final EIS distribution letter	
August 11, 2011	Letter from CDOT to Greeley Historic Preservation Commission, Final EIS distribution letter	
August 11, 2011	Letter from CDOT to Northglenn Historic Preservation Commission, Final EIS distribution letter	
October 3, 2011	SHPO letter to CDOT, remarks on consultation of historic properties	
October 14, 2011	SHPO letter to CDOT, follow up remarks on consultation of historic properties	
O010001 14, 2011	Tribal Coordination/Consultation	
Manah 4 0004		
March 4, 2004	Letter from FHWA to Apache Tribe of Oklahoma, inviting them to be consulting parties in Section 106 process	
April 20, 2004	Letter from FTA/FHWA to 31 Indian tribes, inviting them to be consulting parties in Section 106 process	
May 6, 2004	Letter from FTA/FHWA to 31 Indian tribes, inviting them to be consulting parties in Section 106 process	
May 12, 2004	Correspondence from Kiowa Tribe of Oklahoma to CDOT agreeing to be a consulting party	
July 20, 2004	Letter from FHWA to White Mesa Ute Tribe, inviting them to be consulting parties in Section 106 process	
July 23, 2004	Letter from FHWA to Cheyenne and Arapahoe Tribes of Oklahoma, inviting them to be consulting parties in Section 106 process	
July 23, 2004	Letter from FHWA to Northern Arapaho Tribe, inviting them to be consulting parties in Section 106 process	
July 23, 2004	Letter from FHWA to Northern Arapaho Tribe, inviting them to be consulting parties in Section 106 process	
August, 2004	Sec.106 Tribal Consultation Interest Response Forms received from Southern Ute Tribe	



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Tribal Coordination/Consultation		
Date	Description of Materials	
August, 2004	Sec.106 Tribal Consultation Interest Response Forms received from Pawnee	
	Nation of Oklahoma	
August 2004	Sec.106 Tribal Consultation Interest Response Forms received from Northern	
	Cheyenne Tribe	
October 30, 2008	Draft EIS distribution letter to the Cheyenne and Arapaho Tribes of Oklahoma	
October 30, 2008	Draft EIS distribution letter to the Commanche Nation of Oklahoma	
October 30, 2008	Draft EIS distribution letter to the Kiowa Tribe of Oklahoma	
October 30, 2008	Draft EIS distribution letter to the Northern Arapaho Business Council	
October 30, 2008	Draft EIS distribution letter to the Northern Cheyenne Tribe	
October 30, 2008	Draft EIS distribution letter to the Pawnee Nation of Oklahoma	
October 30, 2008	Draft EIS distribution letter to the Southern Ute Indian Tribe	
August 11, 2011	Final EIS distribution letter to the Cheyenne and Arapaho Tribes of Oklahoma	
August 11, 2011	Final EIS distribution letter to the Commanche Nation of Oklahoma	
August 11, 2011	Final EIS distribution letter to the Kiowa Tribe of Oklahoma	
August 11, 2011	Final EIS distribution letter to the Northern Arapaho Business Council	
August 11, 2011	Draft EIS distribution letter to the Northern Cheyenne Tribe	
August 11, 2011	Draft EIS distribution letter to the Pawnee Nation of Oklahoma	
August 11, 2011	Draft EIS distribution letter to the Southern Ute Indian Tribe	
September 9, 2011	Northern Cheyenne consultation response form	
September 29,	Pawnee consultation response letter	
2011		
	Parks Coordination/Consultation	
January 28, 2008	Letter to City of Northglenn requesting concurrence on the Section 4(f)	
	Determination for the 120 th Avenue Underpass and Farmers Highline Canal Trail	
February 27, 2008	Letter of concurrence from the City of Northglenn on the Section 4(f) Determination	
	for the 120 th Avenue Underpass and Farmers Highline Canal Trail	
January 28, 2008	Letter to City of Longmont requesting concurrence on the Section 4(f)	
	Determination for the Oligarchy Primary Greenway	
January 29, 2008	Letter of concurrence from City of Longmont regarding the Section 4(f)	
	Determination for the Oligarchy Primary Greenway	
January 31, 2008	Letter to Town of Wellington requesting concurrence on the Section 4(f)	
	Determination for the Box Elder Creek Trail	
February 1, 2008	Letter of concurrence from Wellington regarding concurrence on the Section 4(f)	
	Determination for the Box Elder Creek Trail	
February 19, 2008	Letter to City of Fort Collins requesting concurrence on the Section 4(f)	
	Determination for the Spring Creek Trail	
February 21, 2008	Letter of concurrence from City of Fort Collins regarding the Section 4(f)	
	Determination for the Spring Creek Trail	
February 19, 2008	Letter to City of Fort Collins requesting concurrence on the Section 4(f)	
	Determination for the Fossil Creek Drive Trail	
February 21, 2008	Letter of concurrence from City of Fort Collins regarding the Section 4(f)	
	Determination for the Fossil Creek Drive Trail	
February 20, 2008	Letter to City of Westminster requesting concurrence on the Section 4(f)	
-	Determination for the Big Dry Creek Trail	
February 29, 2008	Letter of concurrence from City of Westminster regarding the Section 4(f) Determination for the Big Dry Creek Trail	
November 26, 2008	Draft EIS distribution letter to the Town of Berthoud Parks and Recreation District	

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Parks Coordination/Consultation Description of Materials Date Draft EIS distribution letter to the City of Fort Collins Natural Resources November 26, 2008 Department November 26, 2008 Draft EIS distribution letter to the City of Longmont Parks, Open Space, and Public Facilities Department November 26, 2008 Draft EIS distribution letter to the City of Loveland Parks and Recreation Department November 26, 2008 Draft EIS distribution letter to the City of Northglenn Parks and Recreation Department November 26, 2008 Draft EIS distribution letter to the City of Thornton Community Services July 27, 2009 Meeting minutes from meeting with City of Longmont to discuss the Boulder Creek Estates 4(f) Issues March 9, 2010 Letter to City of Longmont requesting concurrence with joint planning for the proposed future City of Longmont Park – Boulder Creek Estates. Concurrence signature received on September 10, 2010. January 20, 2011 Letter to Town of Berthoud requesting concurrence on the Section 4(f) Determination for the Little Thompson Corridor Open Space March 2, 2011 Letter of concurrence from the Town of Berthoud regarding the Section 4(f) Determination for the Little Thompson Corridor Open Space Letter from the City of Thornton to CDOT Re: Effects to Civic Center Park February 17, 2011 March 18, 2011 Letter to the City of Thornton requesting concurrence on the Section 4(f) Determination for the Niver Creek Open Space/Coronado Parkway Trail April 11, 2011 Letter to the City of Loveland requesting concurrence on the Section 4(f) Determination for the Big Thompson River Corridor Trail April 14, 2011 Letter of concurrence from the City of Loveland regarding the Section 4(f) Determination for the Big Thompson River Corridor Trail April 11, 2011 Letter of concurrence from the City of Fort Collins regarding the Section 4(f) Determination for the Fossil Creek Drive Trail June 14, 2011 Letter of concurrence from the City of Fort Collins regarding the Section 4(f) Determination for the Fossil Creek Drive Trail Letter to the Town of Wellington requesting concurrence on the Section 4(f) April 11, 2011 Determination for the Box Elder Creek Trail – amendment to January 21, 2008 letter. April 13, 2011 Letter of concurrence from the Town of Wellington regarding the Section 4(f) Determination for the Box Elder Creek Trail Letter to City of Westminster requesting concurrence on the Section 4(f) April 15, 2011 Determination for the Big Dry Creek Trail and Farmers Highline Canal Trail May 22, 2011 Letter of concurrence from the City of Westminster regarding the Section 4(f) Determination for the Farmers Highline Canal Trail May 22, 2011 Letter of concurrence from the City of Westminster regarding the Section 4(f) Determination for the Big Dry Creek Trail Letter of concurrence from City of Thornton regarding the Section 4(f) April 28, 2011 Determination for the Niver Creek Open Space/Niver Creek Trail May 2, 2011 Letter to the City of Longmont requesting concurrence on the Section 4(f) Determination for the Sandstone Ranch and Railroad Alignment Trail June 4, 2011 Letter of concurrence from the City of Longmont regarding the Section 4(f) Determination for the Sandstone Ranch June 4, 2011 Letter of concurrence from the City of Longmont regarding the Section 4(f) Determination for the Railroad Alignment Trail Letter to the City of Northglenn requesting concurrence on the Section 4(f) May 13, 2011 Determination for the 120th Avenue Transit Station Underpass



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Parks Coordination/Consultation		
Date	Description of Materials	
May 21, 2011	Letter of concurrence from the City of Northglenn regarding the Section 4(f) Determination for the 120 th Avenue Transit Station Underpass	
June 2, 2011	Letter to the City of Fort Collins requesting concurrence regarding the Section 4(f) Determination for the Arapaho Bend and Archery Range Natural Areas	
June 14, 2011	Letter of concurrence from the City of Fort Collins regarding concurrence regarding the Section 4(f) Determination for the Arapaho Bend	
June 14, 2011	Letter of concurrence from the City of Fort Collins regarding concurrence regarding the Section 4(f) Determination for the Archery Range Natural Areas	
Department of Interior Coordination/Consultation		
February 26, 2009	Dept of Interior letter to CDOT with comments on Draft DEIS	
October 29, 2008	Draft EIS distribution letter to the Department of Interior	
August 11, 2011	Final EIS distribution letter to the Department of Interior	
U.S. Army Corps of Engineers Correspondence Regarding LEDPA		
August 15, 2011	FHWA letter to USACE requesting concurrence that the Preferred Alternative is	
	the Least Environmentally Damaging Practicable Alternative	
August 16, 2011	Letter of concurrence from the USACE that the Preferred Alternative is the Least Environmentally Damaging Practicable Alternative	

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DEPARTMENT OF TRANSPORTATION

Region Four 1420 2nd Street Greeley, CD 80631

(970) 350-2146 (Fax) 350-2198



Distribution list is attached.

January 19, 2004

«fname» «lname» «title» «agency» «dept» «add1» «add2» «citystatezip»

Re: North I-25 Front Range EIS
Invitation to a Resource Agency Meeting

Dear Mr. «lname»:

The Colorado Department of Transportation has issued the Notice to Proceed with the North 1-25 Front Range Environmental Impact Statement (EIS) process in CDOT Region Four and the Notice of Intent was published in the Federal Register on December 31, 2003. The goal of this project is to prepare an EIS evaluating future transportation alternatives and improvements for the 1-25 corridor between Denver and Fort Collins.

Alternatives under consideration include:

- 1. Taking no action.
- 2. Improvements to the existing highway network, particularly I-25 but perhaps also US 85 and US 287.
- 3. Transit options including bus and rail technologies.
- 4. Constructing a highway at a new location.

We would like to invite you or your designated representative to participate in the scoping meeting for the Resource Agency Team. This meeting will be:

Thursday, February 26, 2004 2:00 p.m. to 4:00 p.m. Loveland CDOT Office 2207 E. Highway 402 Loveland, CO 80537 At this meeting we will provide a summary of our process and would request your input on any particular issues you wish us to study or processes you wish us to follow.

We look forward to working in a partnership with you to conduct this EIS and determine the best transportation options for Northern Colorado.

Sincerely,

David M. Martinez Project Manager CDOT N. I-25 Front Range EIS

cc: Project File

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NORTH I-25 FRONT RANGE EIS Resource Agency Contact List (11)

David Noe Chief of Engineering Geology Colorado Geological Survey 1313 Sherman Street, Room 715 Denver, CO 80203

Suzette Thieman Transportation Planning Manager North Front Range MPO Offices 235 Mathews Street Fort Collins, CO 80524

Aaron Linstrom
Terrestrial Biologist
Colorado Division of Wildlife
Denver Service Center and
Northeast Region Office
6060 Broadway
Denver, CO 80216

Howard Roitman
Acting Director of Environmental
Programs
Colorado Department of Public
Health and Environment
HMWMD-ADM-B2
4300 Cherry Creek Drive South
Denver, CO 80246-1530

Deborah Lebow
Environmental Protection Agency
NEPA—EcoSystem Protection
Mail Stop 8EPR-EP
999 18th Street
Denver, CO 80202

Alison Deans-Michael U.S. Fish and Wildlife Service 755 Parfet, Suite 361 Lakewood, CO 80215

Tim Carey
U.S. Army Corps of Engineers
Tri-Lakes Project Office
9307 S. Platte Canyon Road
Littleton, CO 80128

Steve Fender
Principal Regional Inspector
Federal Railroad Administration
555 Zang Street, Suite 263
Denver, CO 80228

Dan Corson State Historic Preservation Office 1300 Broadway Denver, CO 80203

Scott Weeks Regional Transportation District 1600 Blake Street Denver, CO 80202

George Scheuernstuhl
Denver Regional Council of
Governments
4500 Cherry Creek Drive South, Suite 800
Denver CO 80246-1531

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MEETING MINUTES

Project: North I-25 Front Range EIS

Purpose: Resource Agency Scoping Meeting

Date Held: February 26, 2004

Location: CDOT Region 4, Loveland Residency

Attendees: CDOT: Pete Graham, Bob Garcia, David Martinez, Beth Chase, Carol Parr

EPA: Robert Edgar, Deborah Lebow

SHPO: Amy Pallante
DRCOG: Jennifer Edwards
RTD: David Krutsinger

FTA: John Dow FHU: Tom Anzia FHWA: Jean Wallace USFWS: Alison Michael

C&B: Kim Gambrill, Gina McAfee, Wendy Wallach

Copies: Attendees, Stan Elmquist, Holly Miller, Gail Keeley, Kirk Webb, Art Hirsch,

File #071609.400

SUMMARY OF DISCUSSION:

- 1. Following introductions, Gina described the five primary purposes for this meeting:
 - Describe the project and possible issues.
 - b. Identify sources of information.
 - c. Ask resource agencies to determine significant or non-significant issues.
 - d. Ask agencies to identify any concerns to be evaluated in cumulative effects analysis.
 - e. Consider if the study area is appropriate.
- Gina then described the project purpose and some of the more important environmental issues to be addressed in the EIS. At the conclusion of this presentation, the resource agency representatives were asked if there were additional questions or concerns to be discussed. These included:
 - a. Robert Edgars, EPA

Question: Who will sign the ROD? What will be screened out during Phase I of the

data collection?

Answer: Gina explained the two-tier data collection effort in greater detail.

b. Amy Pallante

Question: Will this be a programmatic EIS?

Answer: No.

- c. Deborah Lebow, EPA
 - Question: Are there any corridor alignments being identified thus far?

 Answer: Not really, although we anticipate looking at existing highway and railroad lines.
- d. Bob Garcia: There is a study titled Weld County's Parallel Corridors Study that looks at alternative corridors to I-25. The project team needs to be aware of this as we proceed.
- e. Tom Anzia: We've gotten some input on regional travel patterns but not much on local and community travel patterns. We are working to identify community traffic and travel patterns.
- f. Robert Edgar, EPA

Question: What's the time frame for the study?

Answer: The draft and final EISs will be completed in a little over three years. Travel Demand modeling will have to blend DRCOG and NFRACOG models and a piece of the Upper Front Range planning area, so this will take some time to complete the model. In addition, the sheer size of the study area will require more time.

- 3. The agency representatives then identified specific issues and concerns to be addressed in the EIS:
 - a. RTD had the following comments:
 - Relative to the North Metro Study, we need to look at downstream effects on I-25.
 - FasTracks will probably go to the ballot this November. If it passes, an interregional system will be more feasible.
 - b. DRCOG had the following comments:
 - DRCOG has rail concerns. They are working on 2030 plan. Potentially, they would include FasTracks in transit network, but rail north from Longmont to unknown termini may be included in the transit network as well as rail north from SH 7 to 160th.
 - Metrovision plan identifies I-25 up to eight lanes up to SH 7.
 - The Front Range Commuter Bus Study should be reflected in the North I-25 Study.
 - The DRCOG TAC has requested to review purpose and need. We would likely
 present them with information in late spring. Jennifer Edwards will be participating
 in our TAC.

c. USFWS

- Refer to their scoping letter.
- South Platte water depletion issue—this is an evolving program which is also a big issue for EPA. We will need to work together to identify an approach for this issue.

d. SHPO

- Is the study area the area of potential effect? (No: This won't be determined until Phase II data collection.)
- Would appreciate an early coordination meeting on the data collection methodology.
 Phase I is usually general reconnaissance and Phase II is where you define the A.P.E. and do an intensive level survey.
- Concerned about secondary effects of highway projects on historic downtown areas
 of communities, if the widening would increase traffic. (Tom Anzia is also
 concerned with all modes.) Look at secondary effects under 106.
- Also concerned about land use changes that will result, especially to rural and undeveloped communities.
- At what stage will Section 4(f) properties be identified? We will start looking at potential 4(f) properties immediately but won't do eligibility determinations until Phase II data collection.

e. EPA offered the following comments:

- Other ongoing studies include the North Front Range Step Up Study (an FHWA pilot program looking at transportation and land use). These findings should be included in our analysis.
- Very happy we're looking at the Ozone Early Action Compact and using the Delphi technique on induced growth.
- EPA will comment on the Purpose and Need statement. On other projects, EPA is looking to simplify those statements. Gina said we are trying to finalize this so the sooner we can get input, the better.
- EJ needs to be addressed in this study area. Project Team will develop several
 possible approaches and coordinate with EPA on this. This methodology needs to
 be consistent with US 36 Corridor and I-70 East Corridor EIS. North I-25 will include
 specialized targeted outreach; we have already begun to identify potential areas for
 outreach. Bob said we should look at EJ done for the US 287 EA.
- South Platte water depletion is important to EPA right now. Please work with them to address this.
- What is the highway-widening project along I-25 that's underway now and how does this fit in with the North I-25 study?
- Very glad there are multiple alternatives being considered.
- Need to ensure the public is given an opportunity to comment on issues they can
 understand. Must compare impacts to the existing conditions, particularly for air
 quality. Need existing air quality modeled. Give each alternative equal
 consideration.

- Ozone non-attainment is an issue so reasonable mitigation measures, including
 measures outside the preview of CDOT, that could mitigate impacts (i.e., stage I
 and stage II vapor controls for petroleum vapor capture would dramatically reduce
 NOC emissions) are important. The ROD can include recommendations for
 mitigation measures outside their control. The public can make comment on this
 and make suggestions to different entities regarding mitigation.
- 4. The agency representatives were then asked to provide input on cumulative issues. Secondary and cumulative impacts to historic districts (identified earlier by SHPO). EPA is concerned with:
 - Land Use Impacts.
 - Water quality and supply/depletion.
 - Habitat fragmentation for wildlife, associated impacts to wetland and riparian communities.
 - Wetlands.
 - VMT (vehicle miles traveled) impacts on AQ.
- 5. Following this discussion of Cumulative Effects several additional comments and concerns were raised:
 - EPA would like us to figure out impacts to water quality from additional impervious surface using the Driscoll model (for cumulative impacts).
 - Also, EPA feels it would be good to calculate the infrastructure costs of growth.
 - The lack of transit ridership numbers could be addressed through a good survey of
 potential riders (how much would you pay? How often would you use transit? Etc.).
 Perhaps this survey could be tied to the travel demand modeling we're doing. Tom
 feels that the model might be able to shed some light on "mode choice". We need
 to ensure that we have really defensible transit ridership projections.
 - DOW should be contacted for wildlife migration patterns in the area. Roland Wostl at CDOT is working on mapping some of these areas. This effort is called the "Connectivity Campaign" sponsored by CDOT and FHWA.
 - EPA: Any idea of total wetland acreage in the project area? This is unknown at this time.
 - Alison Michaels said a portion of this project will fall under the "shortgrass prairie programmatic" initiative.
- 6. At the conclusion of the meeting it was agreed that this larger group should meet again at key points in the project development process, including when preliminary alternatives have been identified and prior to the release of the Draft EIS. Meanwhile, this group will be kept apprised of project progress through newsletters, E-mail updates, and meeting invites.

DEPARTMENT OF TRANSPORTATION

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

January 29, 2007

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

SUBJECT:

Area of Potential Effects Boundary for the I-25 North Environmental Impact Statement

Dear Ms. Contiguglia:

This letter and the attached documentation constitute the Colorado Department of Transportation's (CDOT) request for your review of the Area of Potential Effects (APE) associated with the project referenced above. The undertaking proposes to improve I-25 and associated transportation corridors between the Denver metropolitan area north to the Fort Collins/Wellington vicinity. Recent commercial and residential development has resulted in increased traffic volume on the interstate and parallel roadways regionally, which requires a broad, comprehensive plan for transportation improvements system-wide. The Draft Environmental Impact Statement for the project is presently planned to be ready for public review in mid-2007.

Area of Projected Effects (APE) Boundaries and Methodology

The Area of Potential Effects (APE) for this project was discussed with your staff at several meetings in early 2006 and further evaluated during a field trip with staff from your office and CDOT personnel on June 15, 2006. Specific APE boundaries have been defined for the three proposed transportation improvements under evaluation: the North I-25 corridor, a commuter rail corridor, and queue jumps for bus rapid transit along US Highways 34 and 85, and State Highway 68. (A queue jump is a lane created through new pavement or re-striping the existing roadway that allows transit vehicles such as buses to get around automobiles stopped at a traffic light.)

North I-25 Corridor

The APE for the North I-25 Corridor extends along I-25 from 84th Ave. in Thornton to State Highway 1 in Wellington. The APE includes the area within the maximum area of disturbance for the project, which is generally the existing ROW plus portions of adjacent properties. In instances where there is an older structure exhibiting architectural integrity outside of the maximum area of disturbance, but within an approximate 150 ft. buffer, that property was also included within the APE.

Commuter Rail Corridor

The APE for the Commuter Rail Corridor extends along the existing BNSF railroad tracks from Fort Collins to Longmont. From Longmont, it follows the new Longmont North Metro alignment eastward along the north side of Hwy 119 to Weld County Road 7, where it continues on the west side of Weld County Road 7 in a southward direction for about seven miles until it intersects with the existing



Ms. Contiguglia January 29, 2007 Page 2

abandoned Union Pacific Railroad tracks near Erie. The APE includes the existing railroad tracks and ROW along the existing BNSF tracks. There are several areas along the BNSF alignment where curves will be slightly realigned. In those areas the APE includes the adjoining parcels. From Longmont to the south and east, the APE includes the parcels within a 300-ft. corridor along the proposed new alignment.

Queue Jumps - Bus Rapid Transit

The APE for the queue jump improvements occur along three highways: US 85 from Platteville through Evans; US 34 from SH 257 to US 85; and SH 68 between I-25 and US 287. The APE includes the area within the maximum area of disturbance. As with the North I-25 corridor, in instances where there is an older structure exhibiting architectural integrity beyond the maximum area of disturbance, but within an approximate 150 ft. buffer, that property was also included within the APE. There are proposed queue jumps to accommodate the commuter bus on US 85, and on US 34 to accommodate Bus Rapid Transit. Most of these queue jumps will be improvements within the existing right-of-way. For improvements associated with queue jumps outside the existing right-of-way, we will include the adjacent first-tier properties.

We request your review of and agreement with the APE boundary(ies) as discussed above and represented on the enclosed maps. Your response is necessary for CDOT's and FHWA'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 Acting Staff Historian Robert Autobee at (303) 757-9758.

Very truly yours,

\Brad Beckham, Manager Environmental Programs Branch

Enclosure: APE maps

CC:

Carol Parr, CDOT Region 4 Gina McAfee, Carter & Burgess Melinda Castillo, FHWA File/CF

DEPARTMENT OF TRANSPORTATION

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

March 12, 2007

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

SUBJECT:

Additional Information on the Area of Potential Effects, North I-25 Environmental

Impact Statement (CHS #42346)

Dear Ms. Contiguglia:

Your letter of February 16, 2007, regarding the Area of Potential Effects (APE) for the project referenced above expressed concerns regarding the commuter rail corridor within the APE. By way of clarification, the APE for the commuter rail corridor extends along the Burlington Northern Santa Fe (BNSF) Railroad from Fort Collins to Longmont. From Longmont, the APE follows the new Longmont-North Metro Alignment eastward along the north side of State Highway 119 to Weld County Road 7 (refer to the enclosed map hook pages A-22, A-23 and B-27), where it continues to the Westside of Weld County Road 7 to the south for about seven miles (see map book pages B-27 through B-31), until it intersects with the existing abandoned Union Pacific (UP) railroad tracks near Erie.

You also inquired if the effects determination took into account potential noise and vibration issues addressed in the APE. In June 2006, representatives from your office and CDOT held a field meeting to discuss the commuter rail APE. Both parties agreed that the commuter rail APE would include the existing railroad itself where the proposed improvements were on existing alignment. Where the track was proposed to be realigned, the APE would include adjacent properties. In those locations where the commuter rail would be on a new alignment (i.e., the Longmont-North Metro Connection), the APE includes parcels within a 300-foot corridor along the proposed new alignment, which will include potential noise and vibration effects. A 1:800 scale map is enclosed that better defines the North I-25 APE boundary to aid in your review.

We request your comment on and agreement with the APE boundary as discussed above and represented on the enclosed maps. 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

Enclosure: APE maps

cc:

Carol Parr, CDOT Region 4
Gina McAfee, Carter & Burgess
Melinda Castillo, FHWA

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DEPARTMENT OF TRANSPORTATION

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



May 1, 2007

Tom Vaughn, Museum Director Berthoud Historic Preservation Commission P. O. Box 225 Berthoud, CO 80513

SUBJECT:

Section 106 Historic Properties Consultation, North Interstate 25 Environmental

Assessment

Dear Mr. Vaughn:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), have initiated preparation of an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 70 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The EIS will address regional and inter-regional movement of people, goods and services in the I-25 corridor.

This project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are currently seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the Berthoud Historic Preservation Commission the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Historic Properties Identification and Area of Potential Effects

As part of our survey of the project area, we are identifying previously unrecorded historic properties in the Area of Potential Effects (APE), as well as known properties. Specific APE boundaries have been defined for the three proposed transportation improvements under evaluation: the North I-25 corridor, a commuter rail corridor, and queue jumps for bus rapid transit along US Highways 34 and 85. (A queue jump is a lane created through new pavement or re-striping the existing roadway that allows transit vehicles such as buses to get around automobiles stopped at a traffic light.) All of these APE boundaries are located within the larger regional study area on the enclosed map. We have provided brief descriptions of the different APE Corridors below:

North I-25 Corridor

Commuter Rail Corridor

The APE for the Commuter Rail Corridor extends along the existing BNSF railroad tracks from Fort Collins to Longmont. From Longmont, it follows the new Longmont North Metro alignment eastward along the north side of State Highway 119 to Weld County Road 7, where it continues on the west side of Weld County Road 7 in a southward direction for about seven miles until it intersects with the existing abandoned Union Pacific Railroad tracks near Erie. The APE includes the existing railroad tracks and ROW along the existing BNSF tracks. There are several areas along the BNSF alignment where curves will be slightly realigned. In those areas the APE includes the adjoining parcels. From Longmont to the south and east, the APE includes the parcels within a 300-foot corridor along the proposed new alignment.

Queue Jumps - Bus Rapid Transit

The APE for the queue jump improvements occur along three highways: US 85 from Platteville through Evans and US 34 from SH 257 to US 85. The APE includes the area within the maximum area of disturbance. As with the North I-25 corridor, in instances where there is an older structure exhibiting architectural integrity beyond the maximum area of disturbance, but within an approximate 150-foot buffer, that property was also included within the APE. There are proposed queue jumps to accommodate the commuter bus on US 85, and on US 34 to accommodate Bus Rapid Transit. Most of these queue jumps will be improvements within the existing right-of-way. For improvements associated with queue jumps outside the existing right-of-way, we will include the adjacent first-tier properties.

APE Maps

For detailed maps of the APE, please refer to the following FTP site: ftp://ftp.c-.com/Projects/North%201-25/ To access the file, follow the directions below:

1) Go to "File"

2) Click "Log-in As"... (using your Internet browser's File menu)

3) Enter Username: NorthI25FTP4) Enter Username: b5adr5we

A single pdf file will appear. This is a large file containing numerous aerial maps, so it will take several minutes for this file to download so please be patient.

Section 106 Consultation

We are contacting local historical organizations to help identify any historic buildings, districts, sites, objects, or archaeological sites of significance within the APE. Additionally, we are conducting research on properties not previously evaluated for the National Register of Historic Places (NRHP) within the project area to determine their architectural and historical significance. Our assessment of significance will be based on the established NRHP eligibility criteria. Any information you can provide will help ensure that important historical resources are considered and protected.

If you are interested in participating as a consulting party for this project under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Lisa Schoch, CDOT Senior Staff Historian, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this project, as stipulated in the Section 106 regulation. If you require additional information or have any questions about the Section 106 process, please contact Ms. Schoch at (303)512-4258.

Mr. Vaughn May 1, 2007 Page 3

Very truly yours,

Brad Beckham, Manager Environmental Programs Branch

Enclosure: Map of Study Area

cc:

Carol Parr, CDOT Region 4
Melinda Urban, FHWA
Wendy Wallach, Carter Burgess
Carol Legard, ACHP
Georgianna Contiguglia, Colorado SHPO

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DEPARTMENT OF TRANSPORTATION

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



May 1, 2007

Mark Rodman Colorado Preservation, Inc. 333 W. Colfax Avenue, Suite 300 Denver, CO 80204

SUBJECT:

Section 106 Historic Properties Consultation, North Interstate 25 Environmental

Assessment

Dear Mr. Rodman:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), have initiated preparation of an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 70 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The EIS will address regional and inter-regional movement of people, goods and services in the I-25 corridor.

This project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are currently seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer Colorado Preservation Incorporated the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Historic Properties Identification and Area of Potential Effects

As part of our survey of the project area, we are identifying previously unrecorded historic properties in the Area of Potential Effects (APE), as well as known properties. Specific APE boundaries have been defined for the three proposed transportation improvements under evaluation: the North I-25 corridor, a commuter rail corridor, and queue jumps for hus rapid transit along US Highways 34 and 85. (A queue jump is a lane created through new pavement or re-striping the existing roadway that allows transit vehicles such as buses to get around automobiles stopped at a traffic light.) All of these APE boundaries are located within the larger regional study area on the enclosed map. We have provided brief descriptions of the different APE Corridors below:

North I-25 Corridor

DEPARTMENT OF TRANSPORTATION

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



May 1, 2007

Ms. Barbara Pahl
National Trust for Historic Preservation
Mountains/Plains Office
535 16th Street, Suite 750
Denver, CO 80202

SUBJECT:

Section 106 Historic Properties Consultation, North Interstate 25 Environmental

Assessment

Dear Ms. Pahl:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), have initiated preparation of an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 70 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The EIS will address regional and inter-regional movement of people, goods and services in the I-25 corridor.

This project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are currently seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the National Trust for Historic Preservation the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Historic Properties Identification and Area of Potential Effects

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North I-25 Corridor

The APE for the North I-25 Corridor extends along I-25 from 84th Avenue to Thornton to State Highway 1 in Wellington. The APE includes the area within the maximum area of disturbance for the project, which is generally the existing ROW plus portions of adjacent properties. In instances where there is an

DEPARTMENT OF TRANSPORTATION

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



May 1, 2007

Jim Sidebottom
Fort Lupton Historic Preservation Board
130 S. McKinley St.
Fort Lupton, CO 80621

SUBJECT:

Section 106 Historic Properties Consultation, North Interstate 25 Environmental

Assessment

Dear Mr. Sidebottom:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), have initiated preparation of an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 70 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The EIS will address regional and inter-regional movement of people, goods and services in the I-25 corridor.

This project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are currently seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the Fort Lupton Historic Preservation Board the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Historic Properties Identification and Area of Potential Effects

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North I-25 Corridor

DEPARTMENT OF TRANSPORTATION

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



May 1, 2007

Karen McWilliams
Fort Collins Landmark Preservation Commission
Fort Collins Advance Planning Dept.
281 N. College Ave.
Fort Collins, CO 80524

SUBJECT:

Section 106 Historic Properties Consultation, North Interstate 25 Environmental

Assessment

Dear Ms. McWilliams:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), have initiated preparation of an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 70 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The EIS will address regional and inter-regional movement of people, goods and services in the I-25 corridor.

This project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are currently seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the Fort Collins Landmark Preservation Commission the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Historic Properties Identification and Area of Potential Effects

As part of our survey of the project area, we are identifying previously unrecorded historic properties in the Area of Potential Effects (APE), as well as known properties. Specific APE boundaries have been defined for the three proposed transportation improvements under evaluation: the North I-25 corridor, a commuter rail corridor, and queue jumps for bus rapid transit along US Highways 34 and 85. (A queue jump is a lane created through new pavement or re-striping the existing roadway that allows transit vehicles such as buses to get around automobiles stopped at a traffic light.) All of these APE boundaries are located within the larger regional study area on the enclosed map. We have provided brief descriptions of the different APE Corridors below:

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DEPARTMENT OF TRANSPORTATION

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



May 1, 2007

Tonya Haas Broomfield Historic Landmark Board 1 Descombes Drive Broomfield, CO 80020

SUBJECT:

Section 106 Historic Properties Consultation, North Interstate 25 Environmental

Assessment

Dear Mr. Vaughn:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), have initiated preparation of an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 70 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The EIS will address regional and inter-regional movement of people, goods and services in the I-25 corridor.

This project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are currently seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the Broomfield Historic Landmark Board the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Historic Properties Identification and Area of Potential Effects

As part of our survey of the project area, we are identifying previously unrecorded historic properties in the Area of Potential Effects (APE), as well as known properties. Specific APE boundaries have been defined for the three proposed transportation improvements under evaluation: the North I-25 corridor, a commuter rail corridor, and queue jumps for bus rapid transit along US Highways 34 and 85. (A queue jump is a lane created through new pavement or re-striping the existing roadway that allows transit vehicles such as buses to get around automobiles stopped at a traffic light.) All of these APE boundaries are located within the larger regional study area on the enclosed map. We have provided brief descriptions of the different APE Corridors below:

North I-25 Corridor

DEPARTMENT OF TRANSPORTATION

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



May 1, 2007

Mark Heidt Brighton Historic Preservation Commission 22 South 4th Avenue, #102 Brighton, CO 80601

SUBJECT:

Section 106 Historic Properties Consultation, North Interstate 25 Environmental

Assessment

Dear Mr. Heidt:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), have initiated preparation of an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 70 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The EIS will address regional and inter-regional movement of people, goods and services in the I-25 corridor.

This project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are currently seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the Brighton Historic Preservation Commission the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Historic Properties Identification and Area of Potential Effects

As part of our survey of the project area, we are identifying previously unrecorded historic properties in the Area of Potential Effects (APE), as well as known properties. Specific APE boundaries have been defined for the three proposed transportation improvements under evaluation: the North I-25 corridor, a commuter rail corridor, and queue jumps for bus rapid transit along US Highways 34 and 85. (A queue jump is a lane created through new pavement or re-striping the existing roadway that allows transit vehicles such as buses to get around automobiles stopped at a traffic light.) All of these APE boundaries are located within the larger regional study area on the enclosed map. We have provided brief descriptions of the different APE Corridors below:

North I-25 Corridor

DEPARTMENT OF TRANSPORTATION

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



May 1, 2007

Joseph A. Racine Timnath Planning Commission P.O. Box 37 4100 Main Street Timnath, CO 81435

SUBJECT:

Section 106 Historic Properties Consultation, North Interstate 25 Environmental

Assessment

Dear Mr. Racine:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), have initiated preparation of an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 70 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The EIS will address regional and inter-regional movement of people, goods and services in the I-25 corridor.

This project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are currently seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the Timnath Planning Commission the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Historic Properties Identification and Area of Potential Effects

As part of our survey of the project area, we are identifying previously unrecorded historic properties in the Area of Potential Effects (APE), as well as known properties. Specific APE boundaries have been defined for the three proposed transportation improvements under evaluation: the North I-25 corridor, a commuter rail corridor, and queue jumps for bus rapid transit along US Highways 34 and 85. (A queue jump is a lane created through new pavement or re-striping the existing roadway that allows transit vehicles such as buses to get around automobiles stopped at a traffic light.) All of these APE boundaries are located within the larger regional study area on the enclosed map. We have provided brief descriptions of the different APE Corridors below:

North I-25 Corridor

DEPARTMENT OF TRANSPORTATION

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



May 1, 2007

C...

Greg George Loveland Historic Preservation Commission 500 E. 3rd St. Loveland, CO 80537

SUBJECT:

Section 106 Historic Properties Consultation, North Interstate 25 Environmental

Assessment

Dear Mr. George:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), have initiated preparation of an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 70 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The EIS will address regional and inter-regional movement of people, goods and services in the I-25 corridor.

This project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are currently seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the Loveland Historic Preservation Commission the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Historic Properties Identification and Area of Potential Effects

As part of our survey of the project area, we are identifying previously unrecorded historic properties in the Area of Potential Effects (APE), as well as known properties. Specific APE boundaries have been defined for the three proposed transportation improvements under evaluation: the North I-25 corridor, a commuter rail corridor, and queue jumps for bus rapid transit along US Highways 34 and 85. (A queue jump is a lane created through new pavement or re-striping the existing roadway that allows transit vehicles such as buses to get around automobiles stopped at a traffic light.) All of these APE boundaries are located within the larger regional study area on the enclosed map. We have provided brief descriptions of the different APE Corridors below:

North I-25 Corridor

DEPARTMENT OF TRANSPORTATION

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



May 1, 2007

Ryan Kragerud
Longmont Historic Preservation Commission
Longmont Planning Office
350 Kimbark St.
Longmont, CO 80501

SUBJECT:

Section 106 Historic Properties Consultation, North Interstate 25 Environmental

Assessment

Dear Mr. Kragerud:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), have initiated preparation of an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 70 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The EIS will address regional and inter-regional movement of people, goods and services in the I-25 corridor.

This project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are currently seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the Longmont Historic Preservation Commission the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Historic Properties Identification and Area of Potential Effects

As part of our survey of the project area, we are identifying previously unrecorded historic properties in the Area of Potential Effects (APE), as well as known properties. Specific APE boundaries have been defined for the three proposed transportation improvements under evaluation: the North I-25 corridor, a commuter rail corridor, and queue jumps for bus rapid transit along US Highways 34 and 85. (A queue jump is a lane created through new pavement or re-striping the existing roadway that allows transit vehicles such as buses to get around automobiles stopped at a traffic light.) All of these APE boundaries are located within the larger regional study area on the enclosed map. We have provided brief descriptions of the different APE Corridors below:

North I-25 Corridor

The APE for the North I-25 Corridor extends along I-25 from 84th Avenue to Thornton to State Highway 1 in Wellington. The APE includes the area within the maximum area of disturbance for the project, which is generally the existing ROW plus portions of adjacent properties. In instances where there is an

DEPARTMENT OF TRANSPORTATION

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



May 1, 2007

Betsy Kellums
Greeley Historic Preservation Commission
City of Greeley Museums
714 8th Street
Greeley, CO 80631

SUBJECT: Section 106 Historic Properties Consultation, North Interstate 25 Environmental Assessment

Dear Ms. Kellums:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), have initiated preparation of an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 70 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The EIS will address regional and inter-regional movement of people, goods and services in the I-25 corridor.

This project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are currently seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the Greeley Historic Preservation Commission the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Historic Properties Identification and Area of Potential Effects

As part of our survey of the project area, we are identifying previously unrecorded historic properties in the Area of Potential Effects (APE), as well as known properties. Specific APE boundaries have been defined for the three proposed transportation improvements under evaluation: the North I-25 corridor, a commuter rail corridor, and queue jumps for bus rapid transit along US Highways 34 and 85. (A queue jump is a lane created through new pavement or re-striping the existing roadway that allows transit vehicles such as buses to get around automobiles stopped at a traffic light.) All of these APE boundaries are located within the larger regional study area on the enclosed map. We have provided brief descriptions of the different APE Corridors below:

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STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



May 1, 2007

Denise Grimm
Boulder County Historic Preservation Advisory Board
Boulder County Land Use Dept.
P. O. Box 471
Boulder, CO 80306

SUBJECT:

Section 106 Historic Properties Consultation, North Interstate 25 Environmental

Assessment

Dear Ms. Grimm:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), have initiated preparation of an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 70 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The EIS will address regional and inter-regional movement of people, goods and services in the I-25 corridor.

This project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are currently seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the Boulder County Historic Preservation Advisory Board the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Historic Properties Identification and Area of Potential Effects

As part of our survey of the project area, we are identifying previously unrecorded historic properties in the Area of Potential Effects (APE), as well as known properties. Specific APE boundaries have been defined for the three proposed transportation improvements under evaluation: the North I-25 corridor, a commuter rail corridor, and queue jumps for bus rapid transit along US Highways 34 and 85. (A queue jump is a lane created through new pavement or re-striping the existing roadway that allows transit vehicles such as buses to get around automobiles stopped at a traffic light.) All of these APE boundaries are located within the larger regional study area on the enclosed map. We have provided brief descriptions of the different APE Corridors below:

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COMMUNITY DEVELOPMENT Historic Preservation

1100 10th Street, Suite 201, Greeley, Colorado 80631 (970) 350-9222 • Fax (970) 350-9895 <u>www.greeleygov.com</u>

May 4, 2007

Lisa Schoch
CDOT Senior Staff Historian
Enivornmental Programs Branch
Shumate Building
4201 East Arkansas Avenue
Denver, Colorado 80222

Dear Lisa,

We appreciate your letter offering us the opportunity to participate in the North Interstate 25 Environmental Assessment. We are interested in participating as a consulting party and are thankful for the chance to comment.

Please note the Greeley Historic Preservation Office address has changed. The new address is: 1100 10th Street, Ste. 201 Greeley, CO 80631

Please feel free to call me at 350-9222 or e-mail me at <u>betsy.kellums@greeleygov.com</u> if you have any questions. Thank you very much. I really appreciate your help.

Regards,

Betsv Kellums

Historic Preservation Specialist

TEST ...

SERVING OUR COMMUNITY . IT'S A TRADITION

We promise to preserve and improve the quality of life for Greeley through timely, courteous and cost effective service.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch Shumate Building 4201 East Arkansas Avenue Denver, Colorado 80222 (303) 757-8259



May 22, 2007

Ms. Celeste Flores
Historic Preservation Commission
City of Northglenn
11701 Community Center Drive
Northglenn, CO 80233

SUBJECT:

Section 106 Historic Properties Consultation, North Interstate 25 Environmental

Assessment

Dear Ms. Grimm:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), have initiated preparation of an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 70 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The EIS will address regional and inter-regional movement of people, goods and services in the I-25 corridor.

This project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are currently seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the Northglenn Historic Preservation Commission the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Historic Properties Identification and Area of Potential Effects

As part of our survey of the project area, we are identifying previously unrecorded historic properties in the Area of Potential Effects (APE), as well as known properties. Specific APE boundaries have been defined for the three proposed transportation improvements under evaluation: the North I-25 corridor, a commuter rail corridor, and queue jumps for bus rapid transit along US Highways 34 and 85. (A queue jump is a lane created through new pavement or re-striping the existing roadway that allows transit vehicles such as buses to get around automobiles stopped at a traffic light.) All of these APE boundaries are located within the larger regional study area on the enclosed map. We have provided brief descriptions of the different APE Corridors below:

North I-25 Corridor

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City of Fort Lupton Planning and Building Department

Tom Parko, Planning Director 130 S. McKinley Avenue Fort Lupton, Colorado 80621 (303) 857-6694 x 125 Fax (303) 857-0351 e-mail: (parko@fortlupton.org http://www.fortlupton.org

June 26, 2007

Brad Beckham, Manager Environmental Programs Branch Colorado Department of Transportation Shumate Building 4201 E Arkansas Ave Denver, CO 80222

Mr. Beckham:

The Historic Preservation Board for the City of Fort Lupton has reviewed the proposed multi-modal transportation improvements along US Highway 85.

Upon review of the application the Board finds that there are no conflicts with the Fort Lupton Preservation Plan or applicable Municipal Codes with regard to Historic Preservation. The Board would like the Colorado Department of Transportation to be aware that the South Platte Valley Historical Society owns property that serves as a Historic Park and includes several historic structures. The Board requests that access to and from this Park not be hindered by this proposed project.

If you have any questions, do not hesitate to contact me at 303/857-6694 ext. 125 or tparko@fortlupton.org.

Kegards,

Tom Parko
Planning Director



August 8, 2007

Brad Beckham, Manager C-DOT Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222

SUBJECT: Eligibility Determinations, North I-25 Environmental Impact Statement

Dear Mr. Beckham:

Thank you for the letter requesting comments on the eligibility determinations in the North I-25 EIS. The Greeley Historic Preservation Office reviewed the forms for Greeley properties including: the North Boomerang Extension Ditch 5WL.2049.1, Book Rack Shopping Center 5WL.5214, New Idea Cleaners 5WL.5298, Best in Show Pet Grooming/Checks Cashed 5WL.5299, Rapp's Service Station 5WL.5300, Tortilleria Y Panaderia 5WL.5281, and Precision Welding & Design 5WL.5280 and agrees with the determinations of not eligible for the National Register of Historic Places.

Please contact me at betsy kellums@greeleygov.com or 970.350.9222 if there is anything I can do to assist with this project.

Sincerely,

Betsy Kellums

Historic Preservation Specialist

Bery Kellum

Community Development-Historic Preservation • 1100 10th Street, Ste. 201, Greeley, CO 80631 • (970) 350-9222 Fax (970) 350-9895

We promise to preserve and improve the quality of life for Greeley through timely courteous and cost-effective service.



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

August 21, 2007

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

Re: North I-25 Environmental Impact Statement: Determinations of Eligibility. (CHS #42346)

Dear Mr. Beckham,

Thank you for your correspondence dated August 1, 2007 and received by our office on that same date regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we have additional questions regarding the resources listed below.

- 5WL.5205. According to the site form the chimney is located in the center of the roof of the main section. This chimney placement strongly suggests that the house conforms to the saddlebag type, which features a central chimney flanked by rooms. This example appears to feature the central chimney with a hipped with ridge roof. The additions appear to be within the historic period and do not overwhelm the house. In our opinion, the property has the potential of being eligible as a good representative example of a saddlebag type residence.
- 5WL.5201. We do not concur that this resource is not eligible for the National Register of Historic Places (NRHP). In our opinion, the property is a good representative example of the I-House type featuring the Gothic Revival style. The rear addition does not appear to overwhelm the historic character-defining features of the house. While the agricultural setting has been lost, the historic setting around the house still appears to be intact. Therefore, we feel the property is eligible under National Register Criterion C for architecture.
- 5WL.3146.1. No official determination has been made by the SHPO for the entire ditch. The submitted site form states that the SHPO officially concurred with a finding of not eligible for the entire ditch in 2001. Item 17 of that form states that the evaluation of the entire ditch is a field determination and not an official SHPO determination. The entire ditch has not been surveyed nor evaluated. The 2001 evaluation was for the segment

- only. In addition, only a very small segment of the ditch that traveled under I-25 was evaluated at that time (approximately 8 km). In our opinion, there is not enough information to make a determination of eligibility for the entire ditch. Please provide an evaluation of whether or not the segment supports or does not support the overall eligibility of the ditch.
- 5WL.1974.1. No official determination has been made by the SHPO for the entire ditch. The submitted site form states that the SHPO officially concurred with a finding of not eligible for the entire ditch in 1993. The entire ditch has not been surveyed nor evaluated. The 1993 evaluation was for the segment only. In addition, only a very small segment of the ditch that traveled under I-25 was evaluated at that time. In our opinion, there is not enough information to make a determination of eligibility for the entire ditch. Please provide an evaluation of whether or not the segment supports or does not support the overall eligibility of the ditch.

5LR.11391. The site form discusses outbuildings, but there are no pictures, sketch map, or detailed narrative descriptions of the outbuildings. Because it is difficult to see the main building in the provided picture, please provide more narrative on why the building is not a good representative example of the bungalow type? The Bungalow type is common in Colorado, but that doesn't mean that it should be considered not eligible just because it is a common type. Is this building a good example of that common type?

5WL.5273. It is difficult to evaluate this barn under National Register Criterion A because very little history regarding the barn is provided. The site form states that the "shed is one of many similar function, basic sheds that were built on the Plains in the early to mid-20th Century," but the form does not state the function.

5LR.995.4. In our opinion, there is not information provided on the 1983 site form to determine that the ditch is not eligible for the NRHP. After review of the submitted site form, we believe that the segment does not support the overall eligibility of the entire

5WL.5461.1. In our opinion, not enough information is provided to determine that the entire ditch is not eligible for the NRHP. The site form states an early date of 1871 and that it serviced alfalfa, corn, dry beans, small grains, sugar beets, and grass pastures.

Why is this historic function not significant at the local level in Boulder County?

5BL.7606. Why is this resource not a good local example of the International style? 5WL.5308.1. The site form states that the history of this resource is tied to the history of the New Thomas Lake; however, no history is provided regarding the lake. In order to evaluate the significance of this resource, please provide a short history on the New

- 5BL.10359.1. We concur that this segment has lost integrity and does not support the overall eligibility of the entire linear resource. We do not concur that the entire railroad line is not eligible. In our opinion, the site form only includes detailed information regarding the segment and does not provide enough detailed information regarding the entire line.
- 5WL.852. Was this resource evaluated as a historic site? According to the National Register Bulletin: How to Complete the National Register Registration Form (formally National Register Bulletin 16A), a site is "a location of a significant event, a prehistoric or historic occupation or activity, or a building or structure, whether standing, ruined, or vanished, where the location itself possess historic, cultural, or archeological value

North I-25 EIS: Determinations of Eligibility August 21, 2007 CHS #42346

2

regardless of the value of any existing structure." Was the townsite of St. Vrains significant at the local level for its history?

We concur with the findings of eligibility for the bridges within the Area of Potential Effects as presented in your cover letter and in the survey report. We concur that resource 5WL.2985 is eligible and listed on the NRHP on October 15, 2002.

In regards to resource 5LR.11396/Einarsen Farm, we concur that this resource is eligible under National Register Criterion C. Was the resources evaluated under National Register Criterion A for significance in agriculture? The resource features the main house, agricultural outbuildings, and farmed fields that can convey and represent the historic association of agriculture.

Item 44 on the site forms for resources 5WL.5267, 5WL.5272, and 5WL.5274 was not marked. From the narratives and the survey report we were able to determine that the evaluation for these resources under item 44 was "not eligible." Staff has marked the forms accordingly.

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,

Georgianna Contiguglia

State Historic Preservation Officer

mach Work

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9259 FAX (303) 757-9445 DOT

October 4, 2007

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

Subject:

Additional Information, North I-25 Environmental Impact Statement

Dear Ms. Contiguglia:

This letter includes additional information regarding resources associated with the project referenced above. As requested in your letter of August 21, 2007, included herein is additional data regarding seven architectural properties and six irrigation and railroad properties.

ARCHITECTURAL PROPERTIES

(Revised site forms were prepared for 5WL5574, 5BL7606 and 5LR11391).

5WL852 (Now 5WL5574): You asked if the St. Vrains town site was evaluated as a historic site, and inquired whether it is significant at the local level. We have determined that the initial site form we submitted did not document the proper resource, so we've assigned a new number and provided a revised site form. The property assigned 5WL852 was evaluated as the St. Vrains town site, which was essentially a post office from 1911 to 1918. The name St. Vrains was given to the junction of the Union Pacific and Denver & Boulder Valley railroad lines, and this junction is about 0.3 miles from the flour elevator documented on the attached revised site form and assigned number 5WL5574. According to research, the grain elevator site was in operation from the early 1900s until the 1930s. The building on the site reportedly once housed an office and scale for weighing grain, but currently consists of a shell with no roof, windows, or doors. There were originally four grain elevators on the site; all that is left of these are four circular foundations. Although the property likely had an association with agricultural development in the area, it does not retain the essential physical features that comprised its character and appearance during the period of its association and therefore is not eligible for the National Register. Please note that the photos attached to the initial site form for 5WL852 remain valid.

5WL5201: You disagreed with our eligibility determination and stated that the property is significant under National Register Criterion C as an example of an I-House featuring the Gothic Revival style. We believe that the addition of vinyl siding and the addition on the rear of the house have compromised its integrity and it is therefore not a good representative example of this architectural style. We continue to support our determination that the property is not eligible.

5WL5205: You stated that the house on this property has the potential to be a good example of a saddlebag type residence. Additional research indicates that saddlebag residences are typical in the southeast part of the country. They are characterized as two one-room cabins that are connected and



share a shingled roof having a single pitch on each side of a central ridge. The cabins have separate entrances and usually there is no interior door between them. A central chimney is common, so the cabins are joined back-to-back and share the same chimney stack. The house at 5WL5205 appears to be a hipped cottage with a hipped-roof room and shed roof addition on the north elevation. Based on the description of the saddlebag, we do not believe this is a good example of the saddlebag architectural type and given the modifications to the structure, we also don't believe it is a good example of a hipped cottage. We maintain our initial determination that this property is not eligible.

5WL5273: You requested information about the history of the shed on this property. Additional research indicates that the shed was mainly used for agricultural equipment storage. It was built in 1930 and features 8-foot headers, so no large equipment was stored in the structure. The shed was once part of a 300-acre farm that was purchased in 1958 by the Koldeway family. The family used the farm until 1972, when it was purchased by a gravel company, who then sold it to an investment company. In 2001, the investment company sold 200 acres to the City of Longmont for open space and the remaining land was subdivided into 3 lots and leased for cattle grazing. The current parcel size is 3 to 4 acres. The original farmhouse burned and was replaced with a new house built in 1993. Although the shed was once part of a larger agricultural complex, the setting within the property boundary has been altered and the shed itself does not have any historical associations beyond its use on the former farm complex. Based on the additional research, CDOT has determined that the property, including the shed, is not eligible.

• 5BL7606: We have re-evaluated the building and determined that this is a good example of the International Style; a revised the site form (enclosed) indicates that it is eligible under NRHP Criterion C.

5LR11391: We have re-evaluated the property and determined that it is a good example of the bungalow type, and that it is eligible under NRHP Criterion C. Once again, a revised site form is included herewith.

5RL11396: CDOT agrees that the property is also eligible under Criterion A for its association with agriculture.

IRRIGATION DITCHES AND RAILROADS

(Revised site forms were prepared for the ditch and railroad properties listed below. Please refer to these in your review.)

51.R995.4: We have determined that this ditch is potentially eligible for association with agriculture in Larimer County. However, we still support our initial determination that the ditch segment lacks integrity. Your staff concurred with the integrity finding for this segment in correspondence dated August 21, 2007.

5WL1974.1, 5WL3146.1: We have determined that these ditches are potentially eligible under Criterion A for association with agriculture in Weld County. However, we have also determined that the ditch segments lack integrity.

• 5WL5461.1: CDOT has determined that this ditch is potentially eligible under Criterion A for association with the development of agriculture in Weld County. The ditch segment in the project area retains sufficient integrity to support the overall significance of the resource.

5BL10359.1: We have determined that the entire railroad is potentially eligible, but we still support the initial determination that the segment in the project area has lost integrity. You concurred with the integrity finding for the segment in correspondence dated August 21, 2007.

5WL5308.1: Your office requested additional information regarding the history of the New Thomas Lake Feeder Ditch and its relationship to New Thomas Lake. Archival research indicates that the ditch functions as a supply ditch to both Thomas Lake (built in 1891) and New Thomas Lake, which was built between 1949 and 1979. Research also indicates that the portion of the ditch west of Interstate 25 was built c. 1891, and the ditch to the east of the highway was built c. 1965. CDOT has determined that the entire ditch is not eligible to the NRHP and that the segment in the project area lacks integrity.

We request your concurrence with the additional information and determinations of eligibility outlined herein. 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,

2Brad Beckham, Manager

Environmental Programs Manager

Enclosures:

Revised site forms

cc: File/R

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

CDOT-Region 4 Environmental/Planning 1420 2nd Street Greeley, Colorado 80631 (970) 350-2204



October 6, 2008

Mr. Edward C. Nichols State Historic Preservation Officer Colorado Historical Society 1300 Broadway Denver, CO 80203

SUBJECT:

Additional Determinations of Eligibility, I-25 North Environmental Impact Statement (EIS), CDOT Project No. IM 0253-179, Boulder and Larimer Counties, (CHS#42346)

Dear Mr. Nichols:

This letter and enclosed materials constitute a request for additional determinations of eligibility for the project referenced above. In October 2007, your office concurred with our initial eligibility determinations for historic properties within the I-25 North project corridor. During the summer of 2008, the I-25 North project team discovered five additional properties along the proposed commuter rail corridor between Fort Collins and Longmont requiring survey and inclusion into the EIS.

Methodology and Survey Results

Four of the sites are in Longmont with the remaining property in Berthoud. All five properties are within the boundaries of the Area of Potential Effects (APE) as agreed to by your office on March 21, 2007. In August 2008, Gail Keeley of Hermsen Consultants surveyed three unrecorded properties and re-evaluated two previously recorded sites. Please refer to the table below for a brief description of each site:

OAHP Site Number	Location	Name/Description	Eligibility Assessment
5BL9186	833 Baker Street, Longmont	Residence	Recommended Field - not eligible, 2003
5BL9187	841 Baker Street, Longmont	Residence	Recommended Field- not eligible, 2003
5BL10636	122 8 th Avenue, Longmont	Boggs Residence	Determined NRHP- eligible under Criterion C, 2008
5BL10637	11120 Vermillion Road, Longmont	Carlson Farm	Determined not eligible to the NRHP, 2008
5LR12015	1933 S. County Road 15, Berthoud	Johnstone Residence	Determined not eligible to the NRHP, 2008

Accompanying the site forms is a revised map of the Schmer Farm's (Colorado Office of Archaeology and Historic Preservation [OAHP] Site No. 5LR11209) historic property boundary. The new map corrects an error found in the 2007 Historic Resources Survey Report. This office will submit for review



Administration

Colorado Federal Aid Division

October 29, 2008

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

Mr. Don Klima, Director
Office of Federal Agency Progr
Attn: Carol Legard
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW, Ste. 803
Washington, DC 20004

In Reply Refer To: Project 14276

Dear Mr. Klima:

SUBJECT: Draft EIS for the North I-25 Corridor

The Notice of Availability for the North I-25 Corridor Draft Environmental Impact Statement (DEIS) will be published October 31, 2008. This is a joint lead project with Federal Transit Administration (FTA) and the Federal Highway Administration (FHWA). Enclosed please find a CD of the entire document. We are providing this information for input on the effects to historic properties. Our determinations include adverse effect to six historic properties. There were 91 properties in the Area of Potential Effect identified as eligible or already listed to the National Register of Historic Places.

In 2003, the Colorado Department of Transportation (CDOT), Federal Transit Administration (FTA) and FHWA proposed a merger process under 36 CFR 800.8(c). CDOT, FTA and FHWA have formally arranged with the SHPO to substitute the project's NEPA documents (DEIS and FEIS) in lieu of separate correspondence, in order to accomplish the Section 106 consultation process. The document substitution process is intended to provide a more complete opportunity for comments on the effects to historic properties by the various project alternatives. This will, hopefully, reduce the time and complexity of the review process involving the SHPO and other Section 106 consulting parties, by providing detailed information about project alternatives and impacts in the DEIS. In reviewing the correspondence, it appears that the ACHP was not included. Attached is the correspondence from December 16, 2003 to the SHPO concerning the request. Realizing that the regulations require notification of the ACHP as well as the SHPO, we apologize for the oversight.

Previous steps in the document substitution process, as applied in the North I-25 Corridor project, have included identification of the Area of Potential Effect and the identification of properties eligible for the National Register of Historic Properties (NRHP). The Section 106 consultation step involving determinations of NRHP-eligibility for all historic and archaeological resources was accomplished by the traditional method of submitting survey reports to the SHPO and Section 106 participating consulting parties. Once this step was completed, and all questions and comments were satisfactorily addressed, CDOT and FHWA described and made determinations of effect for these properties in the DEIS, arranged by project alternative.



All Section 106 consulting parties now have the opportunity to comment upon the determinations of effect and recommended mitigation measures as presented in the DEIS. Following the consultation on effects, any changes as a result of the consultation can be incorporated into the FEIS. Once the consultation on effect has been completed, the mitigation commitments will be memorialized in a Memorandum of Agreement (MOA) to be signed by CDOT, FHWA, the SHPO and other appropriate parties.

If you have questions or concerns with this process, please call Monica Pavlik at (720) 963-3012.

Sincerely,

Morner Charlik for Karla S. Petty, P.E. Division Administrator

Enclosures: CD of Draft EIS, Letter Request to SHPO for merger 12/16/2003

Cc: Carol Parr, CDOT Region 4

Dave Beckhouse, FTA

OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

February 16, 2009

Russell George Executive Director Colorado Department of Transportation 4201 E. Arkansas Avenue Denver, CO 80220

Katla Petty
Division Administrator, Colorado Division
Federal Highway Administration
12300 West Dakota Avenue, Suite 180
Lakewood, CO 80228

Terry Rosapep Regional Administrator, Region 8 Federal Transit Administration 12300 West Dakota Avenue, Suite 310 Lakewood, CO 80228

Re: CDOT Project IM 0253-179, I-25 North Draft Environmental Impact Statement (CHS #42346)

Dear: Mr. George, Ms. Petty, and Mr. Rosapep:

Thank you for the opportunity to review the above-mentioned document under 36 CFR 800.8 of Section 106 of the National Historic Preservation Act (Section 106). After review of the Draft Environmental Impact Statement (DEIS), we concur with the recommended findings of effect under Section 106 for packages A and B for the properties discussed in the DEIS except for the properties listed below.

After review of the DEIS, we have further questions regarding the resources listed below.

- 5LR.995.4/Lake Canal. According to the Table 3.15-1 presented on page 3.15-6, the
 resource is included in a listing of properties identified as being listed on or
 considered eligible for the National Register. However, on page 3.15-34, the
 resource is described as being not eligible in 1983. After a review of our files, a field
 determination of not eligible was made in 1983, but the SHPO never concurred with
 that finding. Assuming that the entire Lake Canal Ditch is eligible for the National
 Register, we concur with the recommended finding of no adverse effect for package A
 and B.
- 5WL.1974/Rural Ditch. The text on page 3.15-101 states that the entire Rural Ditch was determined not eligible in 1993, but then also states the entire Rural Ditch is

- eligible for the National Register. Assuming that the entire Rural Ditch is eligible for the National Register, we concur with the recommended finding of no adverse effect for package A and finding of no historic properties affected for package B.
- 5LR.488/Colorado and Southern Railway Depot/Loveland Depot. Potential effects to this resource are addressed on page 3.15-121 and 3.15-160 in regards to different aspects of the project. Also, on page 3.15-121, the text states that: "Although there would be direct effect to the property, there would be no direct effect to the structure." In our opinion, the direct effect should be evaluated to the entire property/setting within the National Register boundary, and not just to the envelope of the building. We also believe that the effects to this resource may not be fully evaluated until the architectural designs (as mentioned on page 3.15-160) are completed.

In regards to the resources listed below, we have the same questions. The resources below are significant in the area of agriculture under National Register Criterion A, which means that the agricultural land associated with the buildings is as important and significant as the buildings themselves. FHwA and CDOT recommend a finding of no adverse effect [36 CFR 800.5(b)] under Section 106 based on calculating what percentage of the agricultural land would be taken as a result of the project. In our opinion, the taking of agricultural land, a character-defining feature of the historic property, from within the National Register boundary of a historic site is a direct effect to the historic property. According to 36 CFR 800.5(a)(2)(i) and 36 CFR 800.5(a)(2)(iv) an adverse effect takes place when part of a property is lost or when a character-defining feature is changed within the property's historic setting. Beyond calculating the percentage of agricultural land lost within the historic boundaries for the resources listed below, please provide justification on why the taking of character-defining features within a National Register boundary is not an adverse effect.

- 5LR.11209/Schmer Farm.
- 5LR.11382/Hatch Farm.
- 5LR.11242/Mountain View Farm.
- 5WL.5203/Bein Farm.
- 5WL.5198/Olsen Farm.

In regards to the mitigation measures presented in Table 3.15-4, we are unable to fully comment on the mitigation measures until formal consultation on the resolution of adverse effect can begin among the lead Federal agency and all the consulting parties.

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.

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 Manager, at (303) 866-4678.

Sincerely,

Edward C. Nichols State Historic Preservation Officer



February 19, 2009

Karla S. Petty Division Administrator Colorado Division Federal Highway Administration 12300 W. Dakota Ave., Suite 180 Lakewood, CO 80228

Dear Ms. Petty:

Thank you for notifying the Advisory Council on Historic Preservation (ACHP) that the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), intend to use the process in 36 CFR 800.8(c) to complete consultation under Section 106 of the National Historic Preservation Act (16 USC 470f) for the North 1-25 Corridor Project. In addition, you have notified us that the project will have an adverse effect on six historic properties. The Draft Environmental Impact Statement (DEIS) included with your notification documents the area of potential effects (APE), CDOT's efforts to identify historic properties, and a description of identified properties that are eligible for inclusion in the National Register of Historic Places (NHRP). It also documents your application of the criteria of adverse effect for each property and an overall determination that the undertaking may have an adverse effect on historic properties if either Package A or Package B is selected for construction. FHWA intends to conclude consultation with the execution of a Memorandum of Agreement documenting measures agreed on, through consultation, to resolve adverse effects.

Based upon the information you provided, we have concluded that Appendix A, Criteria for Council Involvement in Reviewing Individual Section 106 Cases, of our regulations, "Protection of Historic Properties" (36 CFR Part 800), does not apply to this undertaking. Accordingly, we do not believe that our participation in the consultation to resolve adverse effects is needed. However, if we receive a request for participation from the State Historic Preservation Officer, an affected Indian tribe, a consulting party, or other party, we may reconsider this decision. Additionally, should circumstances change, and you determine that our participation is needed to conclude the consultation process, please notify us.

Pursuant to 36 CFR §800.6(b)(1)(iv), you will need to file the final Memorandum of Agreement (MOA), developed in consultation with the Colorado State Historic Preservation Office (SHPO) and any other consulting parties, and related documentation with the ACHP at the conclusion of the consultation process. The filing of the MOA and supporting documentation with the ACHP is required in order to complete the requirements of Section 106 of the National Historic Preservation Act.

Thank you for providing us with your notification of adverse effect and DEIS for review. If you have any questions or require our further assistance, please contact Carol Legard, our FHWA Liaison, at 202-606-8522 or via e-mail at clegard@achp.gov.

Sincerely,

Charlene Dwin Vaughn

Assistant Director

Office of Federal Agency Programs

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region Four Environmental/Planning Section 1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2203



November 5, 2010

Mr. Edward C. Nichols State Historic Preservation Officer History Colorado/Colorado Historical Society 1560 Broadway, Suite 400 Denver, CO 80203

SUBJECT:

Additional Determinations of Eligibility, North I-25 Environmental Impact Statement (EIS), CDOT Project Number IM 0253-179, Adams, Boulder, Larimer and Weld

Counties, (CHS#42346)

Dear Mr. Nichols:

This letter constitutes a request for comment on Determinations of Eligibility for the project referenced above. CDOT submitted to your office the Historic Resources Survey Report as a part of the North Interstate (I-25) Environmental Impact Statement (EIS) in July 2007. The properties surveyed for that report were located within the Area of Potential Effects (APE) for Package A and Package B. In October 2007, your office subsequently reviewed the survey forms associated with the report and provided determinations of eligibility. Resulting from design modifications, this office submitted another group of surveys in August 2008. The project design team has selected a Preferred Alternative for this project. The Preferred Alternative is currently under analysis within the Final Environmental Impact Statement (FEIS). Your office will receive an FEIS for review upon completion of the document.

Further design for the Preferred Alternative resulted in areas where double tracking and maintenance roads maybe needed for potential commuter rail elements. The highway elements also incorporated design changes that extended the east/west distances of the tapers from some of the planned interchanges along I-25. Because of these design changes, Gail Keeley of Hermsen Consultants conducted 33 new surveys and five re-evaluations of additional properties within the APE from August to September 2010. The following two tables list those additional surveys and re-evaluations. The first table lists those surveys prepared for the commuter rail element of the Preferred Alternative and the second one lists those for the highway elements. This office will submit effects determinations for these sites within the FEIS later. Please refer to the accompanying forms for further information on each site.

Survey Results

Table I. -- Additional Surveys Prepared for Commuter Rail

OAHP Site	Address	Eligibility Assessment
Number		
Larimer County	1	
5LR.12548	3725 W 57 th St., Loveland	Determined not eligible to the NRHP,
		2010.
5LR.12549	5209 Lariat Dr., Loveland	Determined not eligible to the NRHP,
		2010.

5LR.12550	5101 Ranch Acres Dr., Loveland	Determined not eligible to the NRHP, 2010.
5LR.12551	5005 Ranch Acres Dr., Loveland	Determined not eligible to the NRHP, 2010.
5LR.12552	205-207 S. 1st St., Berthoud	Determined Eligible to the NRHP, 2010.
Boulder County	1	
5BL.11214	1625 Lamplighter Dr., Longmont	Determined not eligible to the NRHP, 2010.
5BL.11215	1619 Lamplighter Dr., Longmont	Determined not eligible to the NRHP, 2010.
5BL.11216	1525 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.
5BL.11217	1519 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.
5BL.11218	1513 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.
5BL.11219	1507 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.
5BL.11220	1501 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.
5BL.11221	120 9 th Ave, Longmont	Determined not eligible to the NRHP, 2010.
5BL.9163	846 Atwood, Longmont (re-evaluation)	Determined Field Eligible to the NRHP, 2003.
5BL.11222	130 3 rd Ave., Longmont	Determined not eligible to the NRHP, 2010.
5BL.11223	225 Baker St., Longmont	Determined not eligible to the NRHP, 2010.
5BL.11224	211-255 E. Rogers Rd., Longmont	Determined not eligible to the NRHP, 2010.
5BL.11225	12594 Highway 119, Longmont	Determined not eligible to the NRHP, 2010.
Weld County		
5WL.6564	2877 CR 18, Longmont	Determined Eligible to the NRHP, 2010.

Table II. - Additional Surveys Prepared for Highway Improvements

OAHP Site Number	Address	Eligiblity Assessment
Larimer Count	Υ	
5LR.12553	4027 Cleveland Ave, Wellington	Determined not eligible to the NRHP, 2010.
5LR.12554	4021 Cleveland Ave, Wellington	Determined not eligible to the NRHP, 2010.
5LR.12555	4228 E. Mulberry St., Ft. Collins	Determined not eligible to the NRHP, 2010.
5LR.11393	Rudolph Farm 1028-1100 SE Frontage Rd.(re-evaluation)	Determined not eligible to the NRHP, 2006.
5LR.12556	3716 E. Prospect Rd.	Determined not eligible to the NRHP,

		2010.
5LR.12557	3604 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.
5LR.12558	3540 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.
5LR.12559	3532 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.
5LR.12561	4401 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.
5LR.995.6	Lake Canat Ditch (re-evaluation)	Determined not eligible to the NRHP, 1983.
5LR.12562	4409 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.
5LR.12552	Cline Cottage, County Road 38 (re- evaluation)	Re-evaluated as not eligible to the NRHP, 2010.
5LR.11210	4856 E. Highway 34 (re-evaluation)	Determined Officially Eligible to the NRHP, 2006.
5LR.12563	7221 E. Highway 34	Determined not eligible to the NRHP, 2010.
5LR.12564	6330 E. CR 18	Determined not eligible to the NRHP, 2010
5LR.12565	6333 E. CR 18	Determined not eligible to the NRHP, 2010.
5LR.12566	6231 E. CR 18	Determined not eligible to the NRHP, 2010.
5LR.12567	6127 E. CR 16, Loveland	Determined not eligible to the NRHP, 2010.
Adams County		
5AM.2770	441 E. 136 th Ave., Thornton	Determined not eligible to the NRHP, 2010.

Out of the 38 sites, CDOT has determined that four resources (5LR.12552, 5BL.9163, 5WL.6564, and 5LR.11210) are *eligible* to the NRHP.

We request your concurrence with the Determinations of Eligibility 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. This office has transmitted copies of this correspondence and site forms to those Certified Local Governments who have previously expressed an interest in participating in the review process.

If you have questions or require additional information in order to complete your review, please contact CDOT Region 4 Senior Historian Robert Autobee at (970) 350-2204.

Very truly yours,

Robert Autobee, Senior Historian

CDOT-Region 4, Environmental/Planning

Enclosures

cc: Monica Pavlik, FHWA/Carol Parr, CDOT-Region 4/Thor Gjelsteen, FHU

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region Four Environmental/Planning Section 1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2203



November 5, 2010

Mr. Mike Konefal Fort Lupton Historic Preservation Board 130 S. McKinley Street Fort Lupton, CO 80621

SUBJECT:

Additional Determinations of Eligibility, North I-25 Environmental Impact Statement (EIS), CDOT Project Number IM 0253-179, Adams, Boulder, Larimer and Weld

Counties, (CHS#42346)

Dear Mr. Konefal:

This letter constitutes a request for comment on Determinations of Eligibility for the project referenced above. CDOT submitted to your office the Historic Resources Survey Report as a part of the North Interstate (I-25) Environmental Impact Statement (EIS) in July 2007. The properties surveyed for that report were located within the Area of Potential Effects (APE) for Package A and Package B. In October 2007, your office subsequently reviewed the survey forms associated with the report and provided determinations of eligibility. Resulting from design modifications, this office submitted another group of surveys in August 2008. The project design team has selected a Preferred Alternative for this project. The Preferred Alternative is currently under analysis within the Final Environmental Impact Statement (FEIS). Your office will receive an FEIS for review upon completion of the document.

Further design for the Preferred Alternative resulted in areas where double tracking and maintenance roads maybe needed for potential commuter rail elements. The highway elements also incorporated design changes that extended the east/west distances of the tapers from some of the planned interchanges along I-25. Because of these design changes, Gail Keeley of Hermsen Consultants conducted 33 new surveys and five re-evaluations of additional properties within the APE during August and September 2010. The following two tables list those additional surveys and re-evaluations. The first table identifies surveys prepared for the commuter rail element of the Preferred Alternative while the second table records those surveys associated with the highway elements. This office will submit effects determinations within the FEIS for your review at a later date. Please refer to the accompanying forms for further information on each site.

Survey Results

Table I. -- Additional Surveys Prepared for Commuter Rail

OAHP Site	Address	Eligibility Assessment
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Larimer County		
5LR.12548	3725 W 57 th St., Loveland	Determined not eligible to the NRHP,
		2010.
5LR.12549	5209 Lariat Dr., Loveland	Determined not eligible to the NRHP,
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5LR.12550	5101 Ranch Acres Dr., Loveland	Determined not eligible to the NRHP,

		2010.
5LR.12551	5005 Ranch Acres Dr., Loveland	Determined not eligible to the NRHP,
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5LR.12552	205-207 S. 1 st St., Berthoud	Determined Eligible to the NRHP, 2010.
Boulder Count	у	
5BL.11214		Determined not eligible to the NRHP,
	1625 Lamplighter Dr., Longmont	2010.
5BL.11215		Determined not eligible to the NRHP,
	1619 Lamplighter Dr., Longmont	2010.
5BL.11216		Determined not eligible to the NRHP,
	1525 Liberty Ct., Longmont	2010.
5BL.11217		Determined not eligible to the NRHP,
	1519 Liberty Ct., Longmont	2010.
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	1507 Liberty Ct., Longmont	2010.
5BL.11220		Determined not eligible to the NRHP,
	1501 Liberty Ct., Longmont	2010.
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	120 9 th Ave, Longmont	2010.
5BL.9163		Determined Field Eligible to the NRHP,
	846 Atwood, Longmont (re-evaluation)	2003.
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5AM.2770	441 E. 136 th Ave., Thornton	Determined not eligible to the NRHP, 2010.

Out of the 38 sites, CDOT has determined that four resources (5LR.12552, 5BL.9163, 5WL.6564, and 5LR.11210) are *eligible* to the NRHP.

As a local governmental authority, and participant in the I-25 North FEIS review process, we welcome your comments regarding these determinations of eligibility. Should you elect to respond, we request that you do so within 30 of receipt of this letter. If you have questions or require additional information, please contact me at (970) 350-2204.

Very truly yours,

Robert Autobee, Senior Historian

CDOT-Region 4, Environmental/Planning

Enclosures

cc: Monica Pavlik, FHWA, Carol Parr, CDOT-Region 4, and Thor Gjelsteen, FHU

DEPARTMENT OF TRANSPORTATION

Region Four Environmental/Planning Section 1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2203



November 5, 2010

Ms. Betsy Kellums Greeley Historic Preservation Commission 1100 10th Street Suite 210 Greeley, CO 80631

SUBJECT:

Additional Determinations of Eligibility, North I-25 Environmental Impact Statement (EIS), CDOT Project Number IM 0253-179, Adams, Boulder, Larimer and Weld Counties, (CHS#42346)

Dear Ms. Kellums:

This letter constitutes a request for comment on Determinations of Eligibility for the project referenced above. CDOT submitted to your office the Historic Resources Survey Report as a part of the North Interstate (I-25) Environmental Impact Statement (EIS) in July 2007. The properties surveyed for that report were located within the Area of Potential Effects (APE) for Package A and Package B. In October 2007, your office subsequently reviewed the survey forms associated with the report and provided determinations of eligibility. Resulting from design modifications, this office submitted another group of surveys in August 2008. The project design team has selected a Preferred Alternative for this project. The Preferred Alternative is currently under analysis within the Final Environmental Impact Statement (FEIS). Your office will receive an FEIS for review upon completion of the document.

Further design for the Preferred Alternative resulted in areas where double tracking and maintenance roads maybe needed for potential commuter rail elements. The highway elements also incorporated design changes that extended the east/west distances of the tapers from some of the planned interchanges along I-25. Because of these design changes, Gail Keeley of Hermsen Consultants conducted 33 new surveys and five re-evaluations of additional properties within the APE during August and September 2010. The following two tables list those additional surveys and re-evaluations. The first table identifies surveys prepared for the commuter rail element of the Preferred Alternative while the second table records those surveys associated with the highway elements. This office will submit effects determinations within the FEIS for your review at a later date. Please refer to the accompanying forms for further information on each site.

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5BL.11215	1619 Lamplighter Dr., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11216	1525 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11217	1519 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11218	1513 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11219	1507 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11220	1501 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11221	120 9 th Ave, Longmont	Determined not eligible to the NRHP, 2010.	
5BL.9163	846 Atwood, Longmont (re-evaluation)	Determined Field Eligible to the NRHP, 2003.	
5BL.11222	130 3 rd Ave., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11223	225 Baker St., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11224	211-255 E. Rogers Rd., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11225	12594 Highway 119, Longmont	Determined not eligible to the NRHP, 2010.	
Weld County			
5WL.6564	2877 CR 18, Longmont	Determined Eligible to the NRHP, 2010.	

Table II. - Additional Surveys Prepared for Highway Improvements

OAHP Site	Address	Eligiblity Assessment	
Number			
Larimer County	1		
5LR.12553 4027 Cleveland Ave, Wellington		Determined not eligible to the NRHP, 2010.	
5LR.12554 4021 Cleveland Ave, Wellington		Determined not eligible to the NRHP, 2010.	
5LR.12555	4228 E. Mulberry St., Ft. Collins	Determined not eligible to the NRHP, 2010.	
5LR.11393 Rudolph Farm 1028-1100 SE Frontage Rd.(re-evaluation)		Determined not eligible to the NRHP, 2006.	
5LR.12556 3716 E. Prospect Rd.		Determined not eligible to the NRHP, 2010.	

5LR.12557	3604 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.	
5LR.12558	3540 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.	
5LR.12559	3532 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.	
5LR.12561	4401 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.	
5LR.995.6	Lake Canal Ditch (re-evaluation)	Determined not eligible to the NRHP, 1983.	
5LR.12562	4409 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.	
5LR.12552	Cline Cottage, County Road 38 (re- evaluation)	Re-evaluated as not eligible to the NRHP, 2010.	
5LR.11210	4856 E. Highway 34 (re-evaluation)	Determined Officially Eligible to the NRHP, 2006.	
5LR.12563	7221 E. Highway 34	Determined not eligible to the NRHP, 2010.	
5LR.12564	6330 E. CR 18	Determined not eligible to the NRHP, 2010	
5LR.12565	6333 E. CR 18	Determined not eligible to the NRHP, 2010.	
5LR.12566	6231 E. CR 18	Determined not eligible to the NRHP, 2010.	
5LR.12567	6127 E. CR 16, Loveland	Determined not eligible to the NRHP, 2010.	
Adams County			
5AM.2770	441 E. 136 th Ave., Thornton	Determined not eligible to the NRHP, 2010.	

Out of the 38 sites, CDOT has determined that four resources (5LR.12552, 5BL.9163, 5WL.6564, and 5LR.11210) are eligible to the NRHP.

As a local governmental authority, and participant in the I-25 North FEIS review process, we welcome your comments regarding these determinations of eligibility. Should you elect to respond, we request that you do so within 30 of receipt of this letter. If you have questions or require additional information, please contact me at (970) 350-2204.

Robert Autobee, Senior Historian

CDOT-Region 4, Environmental/Planning

Enclosures

cc: Monica Pavlik, FHWA, Carol Part, CDOT-Region 4, and Thor Gjelsteen, FHU

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DEPARTMENT OF TRANSPORTATION

Region Four Environmental/Planning Section 1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2203



November 5, 2010

Mr. Brien Schumacher, Principal Planner Longmont Historic Preservation Commission Longmont Planning Office 350 Kimbark St. Longmont, CO 80501

SUBJECT:

Additional Determinations of Eligibility, North I-25 Environmental Impact Statement (EIS), CDOT Project Number IM 0253-179, Adams, Boulder, Larimer and Weld

Counties, (CHS#42346)

Dear Mr. Schumacher:

This letter constitutes a request for comment on Determinations of Eligibility for the project referenced above. CDOT submitted to your office the Historic Resources Survey Report as a part of the North Interstate (I-25) Environmental Impact Statement (EIS) in July 2007. The properties surveyed for that report were located within the Area of Potential Effects (APE) for Package A and Package B. In October 2007, your office subsequently reviewed the survey forms associated with the report and provided determinations of eligibility. Resulting from design modifications, this office submitted another group of surveys in August 2008. The project design team has selected a Preferred Alternative for this project. The Preferred Alternative is currently under analysis within the Final Environmental Impact Statement (FEIS). Your office will receive an FEIS for review upon completion of the document.

Further design for the Preferred Alternative resulted in areas where double tracking and maintenance roads maybe needed for potential commuter rail elements. The highway elements also incorporated design changes that extended the east/west distances of the tapers from some of the planned interchanges along I-25. Because of these design changes, Gail Keeley of Hermsen Consultants conducted 33 new surveys and five re-evaluations of additional properties within the APE during August and September 2010. The following two tables list those additional surveys and re-evaluations. The first table identifies surveys prepared for the commuter rail element of the Preferred Alternative while the second table records those surveys associated with the highway elements. This office will submit effects determinations within the FEIS for your review at a later date. Please refer to the accompanying forms for further information on each site.

Survey Results

Table I. -- Additional Surveys Prepared for Commuter Rail

OAHP Site	Address	Eligibility Assessment	
Number			
Larimer Count	У		
5LR.12548	3725 W 57 th St., Loveland	Determined not eligible to the NRHP,	
	·	2010.	
5LR.12549	5209 Lariat Dr., Loveland	Determined not eligible to the NRHP,	
	, '	2010.	

5LR.12550 5101 Ranch Acres Dr., Loveland		Determined not eligible to the NRHP, 2010.	
5LR.12551	5005 Ranch Acres Dr., Loveland	Determined not eligible to the NRHP, 2010.	
5LR.12552	205-207 S. 1 st St., Berthoud	Determined Eligible to the NRHP, 201	
Boulder County			
5BL.11214 1625 Lamplighter Dr., Longmont		Determined not eligible to the NRHP, 2010.	
5BL.11215	1619 Lamplighter Dr., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11216	1525 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11217	1519 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11218	1513 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11219	1507 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11220	1501 Liberty Ct., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11221	120 9 th Ave, Longmont	Determined not eligible to the NRHP, 2010.	
5BL.9163	846 Atwood, Longmont (re-evaluation)	Determined Field Eligible to the NRHP, 2003.	
5BL.11222	130 3 rd Ave., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11223	225 Baker St., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11224	211-255 E. Rogers Rd., Longmont	Determined not eligible to the NRHP, 2010.	
5BL.11225	12594 Highway 119, Longmont	Determined not eligible to the NRHP, 2010.	
Weld County		D to the HELD COAC	
5WL.6564	2877 CR 18, Longmont	Determined Eligible to the NRHP, 2010.	

Table II. -- Additional Surveys Prepared for Highway Improvements

OAHP Site	Address	Eligiblity Assessment	
Number			
Larimer County			
5LR.12553 4027 Cleveland Ave, Wellington		Determined not eligible to the NRHP, 2010.	
5LR.12554	4021 Cleveland Ave, Wellington	Determined not eligible to the NRHP, 2010.	
5LR.12555	4228 E. Mulberry St., Ft. Collins	Determined not eligible to the NRHP, 2010.	
5LR.11393	Rudolph Farm 1028-1100 SE Frontage Rd. (re-evaluation)	Determined not eligible to the NRHP, 2006.	
5LR.12556	3716 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.	

5LR.12557 3604 E. Prospect Rd.		Determined not eligible to the NRHP, 2010.	
5LR.12558	3540 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.	
5LR.12559	3532 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.	
5LR.12561	4401 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.	
5LR.995.6	Lake Canal Ditch (re-evaluation)	Determined not eligible to the NRHP, 1983.	
5LR.12562	4409 E. Prospect Rd.	Determined not eligible to the NRHP, 2010.	
5LR.12552	Cline Cottage, County Road 38 (re- evaluation)	Re-evaluated as not eligible to the NRHP, 2010.	
5LR.11210	4856 E. Highway 34 (re-evaluation)	Determined Officially Eligible to the NRHP, 2006.	
5LR.12563	7221 E. Highway 34	Determined not eligible to the NRHP, 2010.	
5LR.12564	6330 E. CR 18	Determined not eligible to the NRHP, 2010	
5LR.12565	6333 E. CR 18	Determined not eligible to the NRHP, 2010.	
5LR.12566	6231 E. CR 18	Determined not eligible to the NRHP, 2010.	
5LR.12567	6127 E. CR 16, Loveland	Determined not eligible to the NRHP, 2010.	
Adams County			
5AM.2770 441 E. 136 th Ave., Thornton		Determined not eligible to the NRHF 2010.	

Out of the 38 sites, CDOT has determined that four resources (5LR.12552, 5BL.9163, 5WL.6564, and 5LR.11210) are *eligible* to the NRHP.

As a local governmental authority, and participant in the I-25 North FEIS review process, we welcome your comments regarding these determinations of eligibility. Should you elect to respond, we request that you do so within 30 of receipt of this letter. If you have questions or require additional information, please contact me at (970) 350-2204.

Very truly yours,

Robert Autobee, Senior Historian

CDOT-Region 4, Environmental/Planning

Enclosures

cc: Monica Pavlik, FHWA, Carol Parr, CDOT-Region 4, and Thor Gjelsteen, FHU

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November 29, 2010

Bob Autobee Colorado Department of Transportation Region Four Environmental/Planning Section 1420 2nd Street Greeley, CO 80631

Re: Additional Determinations of Eligibility, North I-25 Environmental Impact Statement, CDOT Project Number IM 0253-179, Adams, Boulder, Larimer, and Weld Counties. (CHS #42346)

Dear Mr. Autobee;

Thank you for your correspondence dated November 5, 2010 and received by our office on November 8, 2010 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

We have additional questions for the resources listed below.

• 5LR.995.6 The site form makes the recommendation that the entire linear resource is not eligible for the National Register of Historic Places and that the segment is "not eligible." Since the original recording of this segment, our offices have agreed to evaluate segments in terms of supporting or not supporting of the overall eligibility of the entire linear resource. It is not clear if the form is making the recommendation that the entire linear resource is not eligible or if the segment is non-supporting of an eligible linear resource. Also, according to our files, segment 5LR.995.6

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 Manager, at (303) 866-4678.

Sincerely,

Edward C. Nichols

State Historic Preservation Officer

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DEPARTMENT OF TRANSPORTATION

CDOT-Region 4 Environmental/Planning 1420 2nd Street Greeley, Colorado 80631 (970) 350-2204



December 9, 2010

Mr. Edward C. Nichols
State Historic Preservation Officer
History Colorado/Colorado Historical Society
1560 Broadway, Suite 400
Denver, CO 80203

SUBJECT:

Additional Information, North I-25 Environmental Impact Statement, CDOT Project No.

IM 0253-179, Adams, Boulder, Larimer and Weld Counties (CHS#42346)

Dear Mr. Nichols:

Thank you for your letter of November 29, 2010 regarding the project above. The following is CDOT-Region 4's response to your request for additional information on a 1,400-foot long segment of the Lake Canal (5LR.995.6).

Eligibility Determination

<u>5LR.995.6, 1,400-foot long segment of the Lake Canal:</u> Your correspondence referred to a change in evaluation of linear resource segments since the initial recordation of the entire Lake Canal by Rebecca Herbst of CDOT in 1983. Based on the information provided by Gail Keeley of Hermsen Consultants in September 2010, the ditch and segment, has lost their original historic integrity, setting and feeling. CDOT concurs with the initial 1983 determination that the entire Lake Canal is *not eligible* to the National Register of Historic Places (NRHP). Additionally, segment 5LR.995.6 does not support the potential eligibility of the overall resource.

We request your concurrence with our determination of eligibility. 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 me at (970) 350-2204.

Very truly yours,

Robert Autobee, CDOT-Region 4 Historian

Environmental/Planning Branch

Carol Parr, CDOT-Region 4

Page 79

Enc. /cc:

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From: Autobee, Robert [mailto:Robert.Autobee@dot.state.co.us]

Sent: Monday, January 03, 2011 8:27 AM

To: Parr, Carol; Thor.Gjelsteen

Subject: Determination of Eligibility North I-25 EIS (CHS#42346)

Carol and Thor:

Please use the following as the SHPO's concurrence on the determinations of eligibility for the recent round of properties for the North I-25 EIS.

Bob Autobee

Robert Autobee CDOT-Region 4 Senior Historian 1420 2nd Street Greeley, CO 80631 (T): (970) 350-2204/(F): (970) 350-2203

From: Pallante, Amy [mailto:Amy.Pallante@chs.state.co.us]

Sent: Monday, January 03, 2011 7:59 AM

To: Autobee, Robert

Subject: RE: Determination of Eligibility North I-25 EIS (CHS#42346)

Happy New Year,

Hello Bob,

We concur with the recommended findings of National Register eligibility for the surveyed properties presented in your November 5, 2010. We had additional questions in regards to resource 5LR.995 from your November 5, 2010 letter which were answered in your December 9, 2010 letter.

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Amy

Amy Pallante
Section 106 Compliance Manager
Colorado State Historic Preservation Office
Colorado Historical Society
1560 Broadway
Suite 400
Denver, CO 80202
303-866-4678
amy.pallante@chs.state.co.us

From: Autobee, Robert [mailto:Robert.Autobee@dot.state.co.us]

Sent: Thursday, December 23, 2010 1:42 PM

To: Pallante, Amy

Subject: Determination of Eligibility North I-25 EIS (CHS#42346)

Amy:

I just received the letter of concurrence (dated December 20, 2010) for the eligibility of the Lake Canal Ditch (5LR.995). This was a follow-up to the determination letter of November 29, 2010. I could not find in either letter a mention of concurrence on the eligibility of the other properties submitted for review. Can we say that your office concurs with our findings?

Thank you,

Bob Autobee

Robert Autobee CDOT-Region 4 Historian 1420 2nd Street Greeley, CO 80631

(T): (970) 350-2204/(F): (970) 350-2203

DEPARTMENT OF TRANSPORTATION

Region Four Environmental / Planning Section 1420 2nd Street Greeley, CO 80631 (970) 350-2170 DEPARTMENT OF TRANSPORTATION

April 22, 2011

Mr. Edward C. Nichols State Historic Preservation Officer History Colorado/Colorado Historical Society 1560 Broadway, Suite 400 Denver, CO 80203

Subject: Additional Determination of Eligibility, I-25 North Environmental Impact Statement, CDOT Project No. IM 0253-179, Adams, Boulder, Larimer and Weld Counties (CHS #42346)

Dear Mr. Nichols:

This letter and enclosed materials constitute a request of a determination of eligibility for a potentially historic linear feature within the I-25 North Area of Potential Effects (APE). An effects determination for this resource will be included in the historic properties section of the Final Environmental Impact Statement (FEIS) scheduled for delivery to your office later this year.

Methodology

In October 2010, Gail Keeley of Hermsen Consultants, Inc. submitted an evaluation of potential impacts on historic farms within the I-25 North APE for review by the project team. In the evaluation, Ms. Keeley noted that on the eastern boundary of the Mountain View Farm (Colorado Office of Archaeology and Historic Preservation Site No. 5LR.11242) there was a concrete-lined irrigation lateral. This feature was not included in previous eligibility determinations submitted to your office. In March 2011, Ms. Keeley conducted a field survey of the 15,500-foot long Ditch Line A of the Gard Lateral (5LR. 2735.1) and interviewed a user of the lateral to gauge the resource's historic significance. This is the first recordation of this resource.

Determination of Eligibility

15,500-foot segment of the Ditch Line A of the Gard Lateral (5LR.12735.1): There is little available documentation regarding this resource. The lateral was completed before the incorporation of the Gard Lateral Company in 1904. Irrigation water delivered through this channel comes from the Home Supply Ditch and is eventually stored in the Chapman Reservoir. The survey determined that the lateral has no notable structural characteristics and subsequent research found no association with any significant event or person in Larimer County history. Therefore, CDOT has determined that 5LR.12735.1 is not eligible to the National Register of Historic Places under Criteria A and C.

We request your concurrence with this determination 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.

If you have questions or require additional information, please contact me at (970) 350-2204.

Robert Autobee, Senior Historian

CDOT Region 4

Enclosures: Site forms

cc:

Monica Pavlik, FHWA Carol Parr, CDOT-Region 4 Thor Gjelsteen, FHU File/CF



April 26, 2011

Bob Autobee Colorado Department of Transportation Region Four Environmental/Planning Section 1420 2nd Street Greeley, CO 80631

Re: Additional Determination of Eligibility, I-25 North Environmental Impact Statement, CDOT project no. IM 0253-179, Adams, Boulder, Larimer and Weld Counties. (CHS #42346)

Dear Mr. Autobee:

Thank you for your correspondence dated April 22, 2011 and received by our office on April 25, 2011 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106). After review of the provided information, we concur that the entire linear resource 5LR.12735 is not eligible for the National Register of Historic Places.

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 Manager, at (303) 866-4678.

Sincerely,

Edward C. Nichols

State Historic Preservation Officer

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DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177 DOT

DEPARTMENT OF TRANSPORTATION

August 11, 2011

Edward C. Nichols, State Historic Preservation Officer Office of Archaeology and Historic Preservation 1560 Broadway, #400 Denver, Colorado 80203

RE: North I-25 Final Environmental Impact Statement (CHS#42346)

Dear Mr. Nichols.

Transmitted with this letter is the Documentation for Finding of Adverse Effect for the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) North I-25 EIS. The properties that CDOT and FHWA believe will be adversely affected are: the Louden Ditch (5LR.8930), Hingley Farm (5WL.5263), and Jillson Farm (5WL.6564).

The Notice of Availability for the North I-25 Final Environmental Impact Statement (FEIS) will be published on August 19, 2011. Enclosed please find a CD of the entire document. We are providing this information to you under the Section 106 document substitution process. This document will be processed by your office for historic and archaeological resource determination of effects.

In 2003, the CDOT, the Federal Transit Administration (FTA) and FHWA agreed together with your office to substitute the project's National Environmental Policy Act (NEPA) documents (Draft EIS and Final EIS) in lieu of separate documentation, in order to accomplish the Section 106 consultation process on effects. The document substitution process is intended to reduce the time and complexity of the review process involving your office and other Section 106 consulting parties, by providing detailed information about project impacts associated with the various alternatives in the EIS rather than additional documents that may not be as effective for consulting on alternatives.

Since the Draft EIS was approved, the FTA decided to be a cooperating agency instead of a lead agency. The Final EIS includes a preferred alternative, which is a combination of elements from Packages A and B that were evaluated in the Draft EIS. The Final EIS is the documentation used for consultation on the effects of the Preferred Alternative. Previous steps in the document substitution process, as applied for the North I-25 EIS include:

- 1. Identification of the Area of Potential Effect
- 2. Identification of properties eligible for inclusion on the NRHP
- 3. Submittal of survey reports and site forms to SHPO and to the Section 106 Consulting Parties with eligibility determinations, concurrence achieved.
- 4. Submittal of determinations of effect in the Draft EIS for Packages A and B.
- 5. Response to SHPO and consulting parties comments on the effects, documented in the Final EIS
- 6. Completion of determinations of effect for all packages (A, B and Preferred Alternative).

Mr. Edward C. Nichols August 11, 2011 Page 2

All Section 106 consulting parties, along with your office, now have the opportunity to review and comment upon the determinations of effect and proposed mitigation measures for all alternatives in the Final EIS. The deadline for comments is September 19, 2011. Any disagreements will be addressed prior to approval of a Record of Decision.

Resolution of adverse effects will be documented in a Programmatic Agreement. Due to the long term nature of implementing the Preferred Alternative, continued consultation will be needed. CDOT and FHWA request your participation in the development of this Programmatic Agreement which will address future consultations and re-evaluation processes as construction projects are funded and designs are refined.

Please let me know if your office has any comments on the determinations of effect.

If you have any questions or concerns, please notify me at 970-350-2170.

Sincerely,

Carol H. Parr

N I-25 EIS Project Manager



Colorado Division

12300 W. Dakota Ave., Ste. 180 Lakewood, Colorado 80228 720-963-3000

720-963-3000 720-963-3001

August 11, 2011

Mr. John M. Fowler Advisory Council on Historic Preservation 1100 Pennsylvania Avenue, NW Washington, DC 20004 Attn: Ms. Carol Legard, FHWA Liaison

Subject: Notification of Adverse effects on the North I-25 Final Environmental Impact Statement (FEIS)

Dear Mr. Fowler:

Transmitted with this letter is the Documentation for Finding of Adverse Effect for the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) North I-25 EIS. The properties that CDO T and FHWA believe will be adversely affected are: the Louden Ditch (5LR.8930), Hingley Farm (5WL.5263), and the Jillson Farm (5WL.6564).

In 2003, the CDOT, the Federal Transit Administration (FTA) and FHWA agreed together with the Colorado State Historical Preservation Officer (SHPO) to substitute the project's National Environmental Policy Act (NEPA) documents (Draft EIS and Final EIS) in lieu of separate documentation, in order to accomplish the Section 106 consultation process on effects. The document substitution process is intended to reduce the time and complexity of the review process involving the SHPO and other Section106 consulting parties, by providing detailed information about project impacts associated with the various alternatives in the EIS rather than additional documents that may not be as effective for consulting on alternatives.

Since the Draft EIS was approved, the FTA decided to be a cooperating agency instead of a lead agency. The Final EIS includes a preferred alternative, which is a combination of elements from Packages A and B that were evaluated in the Draft EIS. The Final EIS is the documentation used for consultation on the effects of the Preferred Alternative. Previous steps in the document substitution process, as applied for the North I-25 EIS include:

- 1. Identification of the Area of Potential Effect
- 2. Identification of properties eligible for inclusion on the NRHP
- 3. Submittal of survey reports and site forms to SHPO and to the Section 106 Consulting Parties with eligibility determinations, concurrence achieved
- 4. Submittal of determinations of effect in the Draft EIS for Packages A and B
- 5. Response to SHPO and consulting parties comments on the effects, documented in the Final EIS
- 6. Completion of determinations of effect for all packages (A, B and Preferred Alternative)

All Section 106 consulting parties now have the opportunity to review and comment upon the determinations of effect and proposed mitigation measures for all alternatives in the Final EIS. The deadline for comments is September 19, 2011. Any disagreements will be addressed prior to approval of a Record of Decision.

Resolution of adverse effects will be documented in a Programmatic Agreement. Due to the long term nature of implementing the Preferred Alternative, continued consultation will be needed. The Programmatic Agreement will address future consultations and re-evaluation processes as construction projects are funded and designs are refined.

Please let FHWA know if your office has any comments on the determinations of effect and/or would like to be involved in the resolution of adverse effects as a result of this project. If you have any questions or concerns, please notify Monica Pavlik at 720-963-3012.

Sincerely,

Maues Charle

for John M. Cater
Division Administrator

Enclosures: FEIS CDs

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177 DOT

DEPARTMENT OF TRANSPORTATION

August 11, 2011

Mr. Todd Hodges, City Planner Fort Lupton Historic Preservation Board 130 S. McKinley Street Fort Lupton, CO 80621

RE: North I-25 Final Environmental Impact Statement and Draft Programmatic Agreement

Dear Mr. Hodges,

Transmitted with this letter is the Documentation for Finding of Adverse Effect for the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) North I-25 EIS. The properties that CDOT and FHWA believe will be adversely affected are: the Louden Ditch (5LR.8930), Hingley Farm (5WL.5263), and Jillson Farm (5WL.6564).

The Notice of Availability for the North I-25 Final Environmental Impact Statement (FEIS) will be published on August 19, 2011. Enclosed please find a CD of the entire document. Enclosed also is a draft of the Programmatic Agreement that addresses the resolution of adverse effects. We are providing this information to you as a Consulting Party under the Section 106 document substitution process.

In 2003, the CDOT, the Federal Transit Administration (FTA) and FHWA agreed together with the Colorado State Historical Preservation Officer (SHPO) to substitute the project's National Environmental Policy Act (NEPA) documents (Draft EIS and Final EIS) in lieu of separate documentation, in order to accomplish the Section 106 consultation process on effects. The document substitution process is intended to reduce the time and complexity of the review process involving your office and other Section 106 consulting parties, by providing detailed information about project impacts associated with the various alternatives in the EIS rather than additional documents that may not be as effective for consulting on alternatives.

Since the Draft EIS was approved, the FTA decided to be a cooperating agency instead of a lead agency. The Final EIS includes a preferred alternative, which is a combination of elements from Packages A and B that were evaluated in the Draft EIS. The Final EIS is the documentation used for consultation on the effects of the Preferred Alternative. Previous steps in the document substitution process, as applied for the North I-25 EIS include:

- 1. Identification of the Area of Potential Effect
- 2. Identification of properties eligible for inclusion on the NRHP
- 3. Submittal of survey reports and site forms to SHPO and to the Section 106 Consulting Parties with eligibility determinations, concurrence achieved.
- 4. Submittal of determinations of effect in the Draft EIS for Packages A and B.
- 5. Response to SHPO and consulting parties comments on the effects for Packages A and B, documented in the Final EIS.
- 6. Completion of determinations of effect for all packages (A, B and Preferred Alternative).

Mr. Hodges August 11, 2011 Page 2

All Section 106 consulting parties now have the opportunity to review and comment upon the determinations of effect and proposed mitigation measures for all alternatives in the Final EIS. This information is contained in Section 3.15 of the attached CD. The deadline for comments is September 19, 2011. Any disagreements will be addressed prior to approval of a Record of Decision.

Resolution of adverse effects will be documented in a Programmatic Agreement, a draft of which is attached. Due to the long term nature of implementing the Preferred Alternative, continued consultation will be needed.

CDOT and FHWA invite your participation for resolving adverse effects in the Programmatic Agreement (PA) being prepared. If you would like to participate in the preparation of this PA or to be added as a signatory, please contact me.

If you have any questions or concerns, please notify me at 970-350-2170.

Sincerely,

Carol H. Parr

N I-25 EIS Project Manager

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177 DOT

DEPARTMENT OF TRANSPORTATION

August 11, 2011

Mr. Brien Schumacherm, Principal Planner Longmont Historic Preservation Commission Longmont Planning Office 350 Kimbark Street Longmont, CO 80501

RE: North I-25 Final Environmental Impact Statement and Draft Programmatic Agreement

Dear Mr. Schumacherm.

Transmitted with this letter is the Documentation for Finding of Adverse Effect for the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) North I-25 EIS. The properties that CDOT and FHWA believe will be adversely affected are: the Louden Ditch (5LR.8930), Hingley Farm (5WL.5263), and Jillson Farm (5WL.6564).

The Notice of Availability for the North I-25 Final Environmental Impact Statement (FEIS) will be published on August 19, 2011. Enclosed please find a CD of the entire document. Enclosed also is a draft of the Programmatic Agreement that addresses the resolution of adverse effects. We are providing this information to you as a Consulting Party under the Section 106 document substitution process.

In 2003, the CDOT, the Federal Transit Administration (FTA) and FHWA agreed together with the Colorado State Historical Preservation Officer (SHPO) to substitute the project's National Environmental Policy Act (NEPA) documents (Draft EIS and Final EIS) in lieu of separate documentation, in order to accomplish the Section 106 consultation process on effects. The document substitution process is intended to reduce the time and complexity of the review process involving your office and other Section 106 consulting parties, by providing detailed information about project impacts associated with the various alternatives in the EIS rather than additional documents that may not be as effective for consulting on alternatives.

Since the Draft EIS was approved, the FTA decided to be a cooperating agency instead of a lead agency. The Final EIS includes a preferred alternative, which is a combination of elements from Packages A and B that were evaluated in the Draft EIS. The Final EIS is the documentation used for consultation on the effects of the Preferred Alternative. Previous steps in the document substitution process, as applied for the North I-25 EIS include:

- 1. Identification of the Area of Potential Effect
- 2. Identification of properties eligible for inclusion on the NRHP
- 3. Submittal of survey reports and site forms to SHPO and to the Section 106 Consulting Parties with eligibility determinations, concurrence achieved.
- 4. Submittal of determinations of effect in the Draft EIS for Packages A and B.
- 5. Response to SHPO and consulting parties comments on the effects for Packages A and B, documented in the Final EIS.
- 6. Completion of determinations of effect for all packages (A, B and Preferred Alternative).

Mr. Brien Schumacherm August 11, 2011 Page 2

All Section 106 consulting parties now have the opportunity to review and comment upon the determinations of effect and proposed mitigation measures for all alternatives in the Final EIS. This information is contained in Section 3.15 of the attached CD. The deadline for comments is September 19, 2011. Any disagreements will be addressed prior to approval of a Record of Decision.

Resolution of adverse effects will be documented in a Programmatic Agreement, a draft of which is attached. Due to the long term nature of implementing the Preferred Alternative, continued consultation will be needed.

CDOT and FHWA invite your participation for resolving adverse effects in the Programmatic Agreement (PA) being prepared. If you would like to participate in the preparation of this PA or to be added as a signatory, please contact me.

If you have any questions or concerns, please notify me at 970-350-2170.

Sincerely,

Carol H. Parr

N I-25 EIS Project Manager

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



August 11, 2011

Ms. Betsy Kellums Greeley Historic Preservation Commission 1100 10th Street, Suite 210 Greeley, CO 80631

RE: North I-25 Final Environmental Impact Statement and Draft Programmatic Agreement

Dear Ms. Kellums.

Transmitted with this letter is the Documentation for Finding of Adverse Effect for the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) North I-25 EIS. The properties that CDOT and FHWA believe will be adversely affected are: the Louden Ditch (5LR.8930), Hingley Farm (5WL.5263), and Jillson Farm (5WL.6564).

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Since the Draft EIS was approved, the FTA decided to be a cooperating agency instead of a lead agency. The Final EIS includes a preferred alternative, which is a combination of elements from Packages A and B that were evaluated in the Draft EIS. The Final EIS is the documentation used for consultation on the effects of the Preferred Alternative. Previous steps in the document substitution process, as applied for the North I-25 EIS include:

- 1. Identification of the Area of Potential Effect
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Ms. Betsy Kellums August 11, 2011 Page 2

All Section 106 consulting parties now have the opportunity to review and comment upon the determinations of effect and proposed mitigation measures for all alternatives in the Final EIS. This information is contained in Section 3.15 of the attached CD. The deadline for comments is September 19, 2011. Any disagreements will be addressed prior to approval of a Record of Decision.

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CDOT and FHWA invite your participation for resolving adverse effects in the Programmatic Agreement (PA) being prepared. If you would like to participate in the preparation of this PA or to be added as a signatory, please contact me.

If you have any questions or concerns, please notify me at 970-350-2170.

Sincerely,

Carol H. Parr

N I-25 EIS Project Manager

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



August 11, 2011

Ms. Joyce Downing, Chairwoman Northglenn Historic Preservation Commission 11932 McCumb Drive Northglenn, CO 80233

RE: North I-25 Final Environmental Impact Statement and Draft Programmatic Agreement

Dear Ms. Downing,

Transmitted with this letter is the Documentation for Finding of Adverse Effect for the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) North I-25 EIS. The properties that CDOT and FHWA believe will be adversely affected are: the Louden Ditch (5LR.8930), Hingley Farm (5WL.5263), and Jillson Farm (5WL.6564).

The Notice of Availability for the North I-25 Final Environmental Impact Statement (FEIS) will be published on August 19, 2011. Enclosed please find a CD of the entire document. Enclosed also is a draft of the Programmatic Agreement that addresses the resolution of adverse effects. We are providing this information to you as a Consulting Party under the Section 106 document substitution process.

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Since the Draft EIS was approved, the FTA decided to be a cooperating agency instead of a lead agency. The Final EIS includes a preferred alternative, which is a combination of elements from Packages A and B that were evaluated in the Draft EIS. The Final EIS is the documentation used for consultation on the effects of the Preferred Alternative. Previous steps in the document substitution process, as applied for the North I-25 EIS include:

- 1. Identification of the Area of Potential Effect
- 2. Identification of properties eligible for inclusion on the NRHP
- 3. Submittal of survey reports and site forms to SHPO and to the Section 106 Consulting Parties with eligibility determinations, concurrence achieved.
- 4. Submittal of determinations of effect in the Draft EIS for Packages A and B.
- 5. Response to SHPO and consulting parties comments on the effects for Packages A and B, documented in the Final EIS.
- 6. Completion of determinations of effect for all packages (A, B and Preferred Alternative).

Ms. Joyce Downing August 11, 2011 Page 2

All Section 106 consulting parties now have the opportunity to review and comment upon the determinations of effect and proposed mitigation measures for all alternatives in the Final EIS. This information is contained in Section 3.15 of the attached CD. The deadline for comments is September 19, 2011. Any disagreements will be addressed prior to approval of a Record of Decision.

Resolution of adverse effects will be documented in a Programmatic Agreement, a draft of which is attached. Due to the long term nature of implementing the Preferred Alternative, continued consultation will be needed.

CDOT and FHWA invite your participation for resolving adverse effects in the Programmatic Agreement (PA) being prepared. If you would like to participate in the preparation of this PA or to be added as a signatory, please contact me.

If you have any questions or concerns, please notify me at 970-350-2170.

Sincerely,

Carol H. Parr

N I-25 EIS Project Manager



October 3, 2011

Carol Parr
N I-12 EIS Project Manager
State of Colorado
Department of Transportation
Region Four
1420 2nd Street
Greeley, CO 80631

Re: North I-25 Final Environmental Impact Statement (CHS #42346)

Dear Ms. Parr:

Thank you for your correspondence dated August 11, 2011 and received by our office on August 17, 2011 regarding the review of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106). Please find our comments below in regards to consultation of historic properties from the draft EIS.

5WL.5198/Olson Farm

We concur with the recommended finding of no adverse effect [36 CFR 800.5(b)] for packages A, B, and the preferred alternative. The property was determined significant under National Register Criterion A for agriculture, however, we concur that the agricultural land being taken for the project is not a character-defining feature and does not support the overall integrity of the historic property. We believe that the preferred alternative does the most to minimize the effects of the project on the historic resource.

5LR.11382/Hatch Farm

We concur with the recommended finding of no adverse effect [36 CFR 800.5(b)] for packages A, B, and the preferred alternative. The property was determined significant under National Register Criterion C for architecture and no character-defining features are being taken as a result of the project. However, we believe that the preferred alternative does the most to minimize the effects of the project on the historic resource.

5WL.5203/Bein Farm

After review of the assessment of adverse effect, we are not able to concur with the recommended finding of no adverse effect [36 CFR 800.5(b)] under Section 106. The criteria of adverse effect [36 CFR 800.5(a)(1)] states that an "adverse effect is found when an

undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association." The Bein Farm was determined significant under National Register Criterion A for agriculture which means the agricultural fields retain integrity and are considered character-defining features of the property. According to 36 CFR 800.5(a)(2)(iv), an adverse effect happens when a "change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance" takes place. In our opinion, the important evaluation of effect is if any character-defining features are being diminished as a result of the project. The Section 106 regulations state that the evaluation of adverse effect must be based on whether or not the qualities (character-defining features) that make the property National Register eligible are being diminished as a result of the project. The assessment of adverse effect is not based on whether or not the property maintains National Register eligibility, but whether or not the qualities of National Register eligibility are being diminished. A project could diminish the qualities that make a property National Register eligible and have an adverse effect, however, the property could still maintain National Register eligibility. In our opinion and based on the definition of adverse effect in 36 CFR 800.5(a)(2)(iv), the change of the character and physical use of the character-defining feature of the agricultural fields to transportation use within the historic setting of the property's historic boundary diminishes the qualities that make the property eligible and, therefore, is an adverse effect under Section 106.

5LR.11242/Mountain View Farm

After review of the assessment of adverse effect, we are not able to concur with the recommended finding of no adverse effect [36 CFR 800.5(b)] under Section 106. The criteria of adverse effect [36 CFR 800.5(a)(1)] states that an "adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association." The Mountain View Farm was determined significant under National Register Criterion A for agriculture which means the agricultural fields retain integrity and are considered character-defining features of the property. According to 36 CFR 800.5(a)(2)(iv), an adverse effect happens when a "change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance" takes place. Adverse effect is also defined in 36 CFR 800.5(a)(2)(v) as the "Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features." In our opinion, the important evaluation of effect is if any character-defining features are being diminished as a result of the project. The project will take character-defining agricultural land and also construct elevated roadway within the historic boundary for the property. The effects evaluation states that the character-defining features would not be "substantially diminish[ed]," but the criteria of

adverse effect [36 CFR 800.5(a)(1)] states that if the character-defining features are diminished then the finding of adverse effect is appropriate. The effect does not have to substantially diminish, but only diminish the qualities that make the property eligible. In our opinion and based on the definition of adverse effect in 36 CFR 800.5(a)(2)(iv) and 36 CFR 800.5(a)(2)(v), the change of the character and physical use of the character-defining feature of the agricultural fields to transportation use within the historic setting of the property's historic boundary as well as the introduction of visual elements that diminish the qualities that make the property eligible is an adverse effect under Section 106.

5LR.11209/Schmer Farm

After review of the assessment of adverse effect, we are not able to concur with the recommended finding of no adverse effect [36 CFR 800.5(b)] under Section 106. The criteria of adverse effect [36 CFR 800.5(a)(1)] states that an "adverse effect is found when an undertaking may alter, directly or indirectly, any of the characteristics of a historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association." The Schmer Farm was determined significant under National Register Criterion A for agriculture which means the agricultural fields retain integrity and are considered character-defining features of the property. According to 36 CFR 800.5(a)(2)(iv), an adverse effect happens when a "change of the character of the property's use or of physical features within the property's setting that contribute to its historic significance" takes place. Adverse effect is also defined in 36 CFR 800.5(a)(2)(v) as the "Introduction of visual, atmospheric, or audible elements that diminish the integrity of the property's significant historic features." In our opinion, the important evaluation of effect is if any character-defining features are being diminished as a result of the project. The project will take character-defining agricultural land and also construct elevated roadway within the historic boundary for the property. The effects evaluation states that the character-defining features would not be "substantially diminish[ed]," but the criteria of adverse effect [36 CFR 800.5(a)(1)] states that if the character-defining features are diminished then the finding of adverse effect is appropriate. The effect does not have to substantially diminish, but only diminish the qualities that make the property eligible. In our opinion and based on the definition of adverse effect in 36 CFR 800.5(a)(2)(iv) and 36 CFR 800.5(a)(2)(v), the change of the character and physical use of the character-defining feature of the agricultural fields to transportation use within the historic setting of the property's historic boundary as well as the introduction of visual elements that diminish the qualities that make the property eligible is an adverse effect under Section 106.

5LR.488/Loveland Depot

We concur with the recommended finding of *no adverse effect* [36 CFR 800.5(b)] for package A and the preferred alternative. The property was determined significant under National Register Criterion A for transportation and under National Register Criterion C for

architecture. In our opinion, no character-defining features will be diminished as a result of the project. However, we believe that the preferred alternative does the most to minimize the effects of the project on the historic resource.

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.

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

Sincerely,

Edward C. Nichols

State Historic Preservation Officer



October 14, 2011

Carol Parr N I-12 EIS Project Manager State of Colorado Department of Transportation Region Four 1420 2nd Street Greeley, CO 80631

Re: North I-25 Final Environmental Impact Statement (CHS #42346)

Dear Ms. Parr:

To follow up on our October 3, 2011 letter, we would like to confirm that we concur with the recommended findings of effects under 36 CFR 800 for the properties identified in the Final EIS that were not specifically mentioned in the October 3, 2011 letter.

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.

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

Sincerely,

Edward C. Nichols

Fuel A Who

State Historic Preservation Officer

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Tribal Coordination / Consultation

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216 16th Street Mall, Suite 650 Denver, CO 80202 (303) 844-3242 555 Zang Street, Suite 250 Lakewood, CO 80228 (303) 969-6730

March 4, 2004

Mr. Alonzo Chalepah, Chairman Apache Tribe of Oklahoma P.O. Box 1220 Anadarko, OK 73005

Subject: Request for Section 106 Consultation, North I-25 Environmental Impact

Statement, Adams, Boulder, Broomfield, Denver, Weld, Larimer, and Jefferson

Counties, Colorado

Dear Mr. Chalepah:

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT) and Regional Transportation District (RTD), are preparing an Environmental Impact Statement (EIS) on a proposal to address transportation demand along a segment of I-25 between Denver and Fort Collins, Colorado (please refer to the enclosed map and aerial photo). Improvements to this severely congested corridor, as well as portions of adjacent and closely related roadways and other transportation corridors, are needed in order to address substandard capacity and safety conditions in a fast-growing environment. Pursuant to the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality implementing regulations (40 CFR 1500-1508), FHWA, FTA and CDOT are documenting the potential social, economic and environmental consequences of this action in an EIS.

The agencies are seeking the participation of regional tribal governments described in Section 106 of the National Historic Preservation Act implementing regulations 36 CFR 800 et seq. As a consulting party you are offered the opportunity to identify traditional cultural and religious properties, evaluate significance of these properties and how the project affects them. If it is found that the project will impact historic properties that are eligible for inclusion on the National Register of Historic Places, your role in the consultation process includes participation in resolving how to avoid, minimize, and mitigate the impacts. With your participation in the proposed undertaking we can more effectively avoid and minimize our impacts on areas important to tribal governments. If you have interest in participating in this undertaking as a consulting party, please notify us by responding with the enclosed form by May 5, 2004.

The proposed area of potential effect (APE) as defined by 36 CFR 800.16(d) for the undertaking has not been defined because of the large size of the study area. The APE will be defined later in the process and will be much smaller than the area identified on the enclosed map. A comprehensive survey and assessment of historic properties in the study area has not yet been

conducted. Once this task has been completed, all interested parties and consulting tribes will be apprised of the results and asked to comment. If you desire to consult, make a request to send a representative or want to provide input on the APE, please return the enclosed form as a consulting party by the above date.

A part of the EIS process will be an analysis of the cumulative effects of the undertaking. This will include past, present and reasonably foreseeable future projects. If you have any input on issues of concern from a cumulative impact standpoint, please let us know.

The North Front Range area is home to a number of American Indian people. As such, 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 can facilitate that interaction.

We are committed to ensuring that tribal governments are informed and involved in decisions that may impact places that have significance to your tribe. If you are interested in becoming a consulting party for the North I-25 EIS, please complete and return the enclosed Consultation Interest Response Form to CDOT Native American liaison Dan Jepson by May 5, 2004 (the mailing address and facsimile number for Mr. Jepson are listed at the bottom of that sheet). Mr. Jepson can also be reached via E-mail at daniel.Jepson@dot.state.co.us, or by telephone at (303) 757-9631. Thank you for considering this request for consultation.

Very truly yours,

William C. Jones FHWA Division Administrator Lee O Waddleton FTA Regional Administrator

cc: Jean Wallace (FHWA)
John Dow (FTA)
Daniel Jepson (CDOT)
Dave Martinez (CDOT)
Bob Garcia (CDOT)
Stan Elmquist (CDOT)
Carol Parr (CDOT)
Tom Anzia (FHU)
Gina McAfee (C&B)
File

Enclosures

ARCHAED HISTORICAL



Route Slip Federal Highway Administration Colorado Federal Ald Division

FELSBURG, HOLT & ULLEVIG

Date: 5/6/2004

From: Mike Vanderhoof, Env. Program Manager (303) 969-6730, ext. 331

To:

Dan Jepson, CDOT Environmental Programs

Carol Parr, CDOT Region 4 Env.

Tom Anzia, FHU Gina McAfee, C-B

	Per Your Request	For Your Signature
XX	For Your Information	 Comment
	Per Our Conversation	 Take Appropriate Action
	Note and Return	 Prepare Reply for Signature of
	Discuss With Me	
	For your Approval	

Remarks:

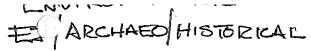
Attached is a copy of a letter (with attachments) dated April 20, 2004, from FTA/FHWA to Ms. Maxine Natchees, regarding North I-25 Front Range EIS. Also attached is a list of individuals who received an identical letter and copy notations were made as appropriate from the additional list attached.

Attachments: 6

Copy: Jean Wallace, FHWA

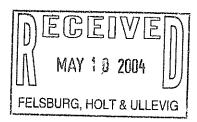
John Dow, FTA

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Route Slip
Federal Highway Administration Colorado Federal Aid Division



Date: 5/6/2004

From: Mike Vanderhoof, Env. Program Manager (303) 969-6730, ext. 331

To:

Dan Jepson, CDOT Environmental Programs

Carol Parr, CDOT Region 4 Env.

Tom Anzia, FHU Gina McAfee, C-B

	Per Your Request	For Your Signature
XX	For Your Information	 Comment
	Per Our Conversation	 Take Appropriate Action
	Note and Return	 Prepare Reply for Signature of
	Discuss With Me	
	For your Approval	

Remarks:

Attached is a copy of a letter (with attachments) dated April 20, 2004, from FTA/FHWA to Ms. Maxine Natchees, regarding North I-25 Front Range EIS. Also attached is a list of individuals who received an identical letter and copy notations were made as appropriate from the additional list attached.

Attachments:

Copy: Jean Wallace, FHWA

John Dow, FTA

File



U.S. Department Of Transportation

Federal Highway Administration 555 Zang Street, Room 250 Lakewood, CO 80228-1040

Federal Transit Administration 216 Sixteenth Street, Suite 650 Denver, CO 80202-5120

April 20, 2004

Ms. Maxine Natchees, Chairwoman Uintah and Ouray Tribal Business Committee P.O. Box 190 Ft. Duchesne, UT 84026

Dear Ms. Natchees:

Subject: Request for Section 106 Consultation, North I-25

Front Range Environmental Impact Statement, Adams, Boulder, Broomfield, Denver, Jefferson, Larimer and

Weld Counties, Colorado

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT) and Regional Transportation District (RTD), are preparing an Environmental Impact Statement (EIS) on a proposal to address transportation demand along a segment of Interstate 25 between Denver and Fort Collins, Colorado (please refer to the enclosed maps). Improvements to this severely congested corridor, as well as portions of adjacent and closely related roadways and other transportation corridors, are needed in order to address substandard capacity and safety conditions in a fast-growing environment. Pursuant to the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality implementing regulations (40 CFR 1500-1508), FHWA, FTA and CDOT are documenting the potential social, economic and environmental consequences of this action in an EIS.

The agencies are seeking the participation of regional tribal governments as described in Section 106 of the National Historic Preservation Act implementing regulations 36 CFR 800 et seq. As a consulting party, you are offered the opportunity to identify traditional cultural and religious properties, evaluate significance of these properties and 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. If you have interest in this project and in cultural resources that may be of religious or cultural significance to your tribe, we invite you to be a consulting party.

The Area of Potential Effect (APE) for the undertaking, as defined by 36 CFR 800.16(d), has not been determined because of the large size of the study area, which incorporates an enormous area between Denver and Fort Collins, Colorado. The agencies intend to perform a records review to identify known historic properties within the corridor and use that information to develop and screen improvement alternatives down to those that will be evaluated in detail. An APE will be developed for each alternative that is much smaller than the area identified on the enclosed map. A comprehensive survey and assessment of historic properties within that APE will be conducted. Once this task has been completed, all interested parties and consulting tribes will be apprised of the results and asked to comment. We would appreciate any information you have that may locate cultural resources in this corridor so that they may be considered with other known resources.

The EIS process will entail an analysis of the secondary and cumulative effects of the undertaking, which will include past, present and reasonably foreseeable future projects. If you have any input on issues of concern from the standpoint of secondary or cumulative impacts, please let us know. Also, the North Front Range area is home to a number of American Indian people. As such, 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 can facilitate that interaction.

We are committed to ensuring that tribal governments are informed of, and involved in. decisions that may impact places that have religious or cultural significance. If you are interested in becoming a consulting party for the North I-25 EIS, please complete and return the enclosed Consultation Interest Response Form to CDOT Native American liaison Dan Jepson within 60 days of receipt (the mailing address and facsimile number for Mr. Jepson are listed at the bottom of that sheet). Mr. Jepson can also be reached via E-mail 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 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.

Very truly yours,

William C. Jones

Michaela Van Derhoop

FHWA Division Administrator

ee O. Waddleton

FTA Regional Administrator

Enclosures

cc:

Ms. Betsy Chapoose, Director, Cultural Rights & Protection Office

Ms. Jean Wallace, FHWA

Mr. John Dow, FTA

Mr. Daniel Jepson, CDOT Env. Programs

Ms. Carol Parr, CDOT Region 4 Env.

Mr. Tom Anzia, FHU

Ms. Gina McAfee, C-B

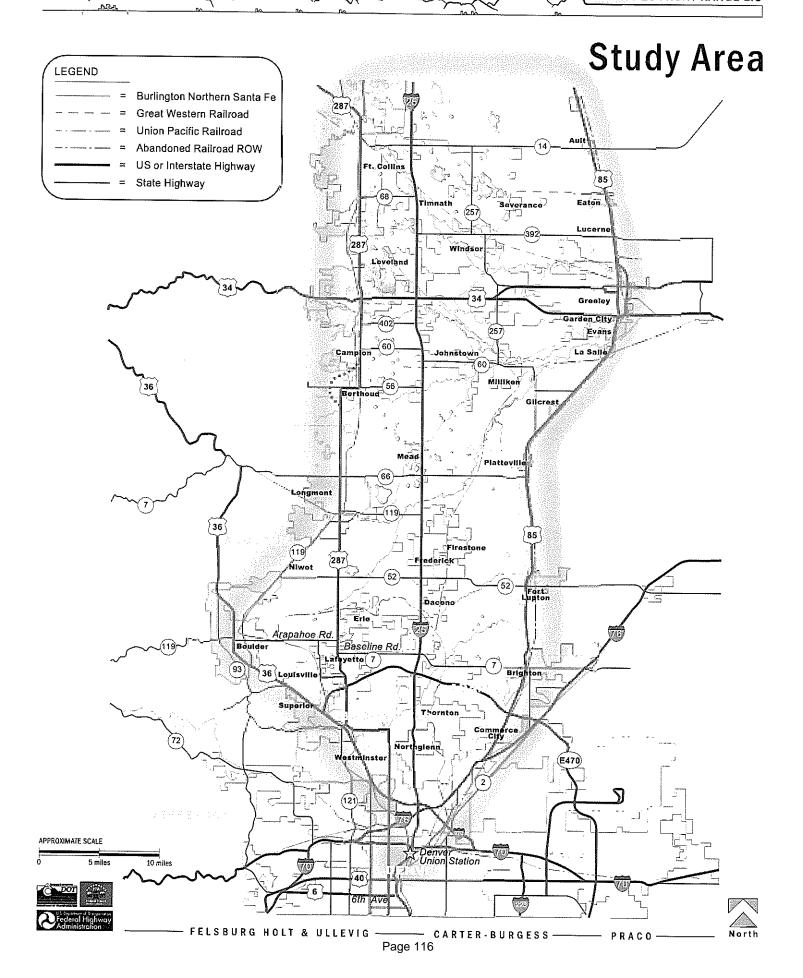
FEDERAL HIGHWAY ADMINISTRATION/COLORADO DEPARTMENT OF TRANSPORTATION SECTION 106 TRIBAL CONSULTATION INTEREST RESPONSE FORM

PROJECT: North I-25 Front Range Environmental Impact Statement
The Tribe [is / is not] (circle one) interested in becoming a
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 CFI
800). If your tribe will be a consulting party, please answer the questions below.
Er ay, rame and questions seron.
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





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

MR. BURTON HUTCHINSON CHAIRMAN, NORTHERN ARAPAHO TRIBE BUSINESS COUNCIL P.O. BOX 396 FORT WASHAKIE, WY 82514

MS. ROXANNE SAZUE CHAIRWOMAN CROW CREEK SIOUX TRIBAL COUNCIL P.O. BOX 658 FORT THOMPSON, SD 57325

MR. GEORGE E. HOWELL PRESIDENT PAWNEE NATION OF OKLAHOMA P.O. BOX 470, BLDG. 64 PAWNEE, OK 74058

MR. CLIFFORD MCKENZIE CHAIRMAN KIOWA TRIBE OF OKLAHOMA P.O. BOX 369 CARNEGIE, OK 73015 MR. HOWARD RICHARDS CHAIRMAN SOUTHERN UTE INDIAN TRIBE P.O. BOX 737 IGNACIO, CO 81137

MS. GERI SMALL CHAIRWOMAN NORTHERN CHEYENNE TRIBE P.O. BOX 128 LAME DEER, MT 59043

MR. WILLIAM KINDLE PRESIDENT ROSEBUD SIOUX TRIBE P.O. BOX 430 ROSEBUD, SD 57570

MR. HAROLD CUTHAIR ACTING CHAIRMAN UTE MOUNTAIN UTE TRIBE P.O. BOX 348 TOWAOC, CO 81334

MR. WALLACE COFFEY CHAIRMAN, COMANCHE TRIBAL BUSINESS COMMITTEE P. O. BOX 908 LAWTON, OK 73502 MR. ROBERT TABOR CHAIRMAN, CHEYENNE & ARAPAHO BUS COMMITTEE PO BOX 38 CONCHO, OK 73022

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MR. JOHN YELLOWBIRD PRESIDENT OGLALA SIOUX TRIBAL COUNCIL P.O. BOX H PINE RIDGE, SD 57770

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

Original letters mailed to each of the above

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

MR GORDON YELLOWMAN
NHPA/TRANSPORTATION PLANNER
CHEYENNE & ARAPAHO TRIBES/OKLA
ROADS CONSTRUCTION PROGRAM
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REVEREND GEORGE DAINGKAU NAGPRA REPRESENTATIVE KIOWA TRIBE OF OKLAHOMA 118 N STEPHENS HOBART OK 73015

MR HOWARD BROWN, CHAIR ECONOMIC DEVELOPMENT COMMISSION NORTHERN ARAPAHOE TRIBE PO BOX 9079 ARAPAHOE, WY 82510

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

TIM MENTZ STANDING ROCK SIOUX TRIBE CULTURAL RESOURCE PLANNER PO BOX D FT YATES, ND 58538



U.S. Department Of Transportation

Federal Highway Administration 555 Zang Street, Room 250 Lakewood, CO 80228-1040

Federal Transit Administration 216 Sixteenth Street, Suite 650 Denver, CO 80202-5120

April 20, 2004

Ms. Maxine Natchees, Chairwoman Uintah and Ouray Tribal Business Committee P.O. Box 190 Ft. Duchesne, UT 84026

Dear Ms. Natchees:

Subject:

Request for Section 106 Consultation, North I-25 Front Range Environmental Impact Statement, Adams, Boulder, Broomfield, Denver, Jefferson, Larimer and

Weld Counties, Colorado

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT) and Regional Transportation District (RTD), are preparing an Environmental Impact Statement (EIS) on a proposal to address transportation demand along a segment of Interstate 25 between Denver and Fort Collins, Colorado (please refer to the enclosed maps). Improvements to this severely congested corridor, as well as portions of adjacent and closely related roadways and other transportation corridors, are needed in order to address substandard capacity and safety conditions in a fast-growing environment. Pursuant to the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality implementing regulations (40 CFR 1500-1508), FHWA, FTA and CDOT are documenting the potential social, economic and environmental consequences of this action in an EIS.

The agencies are seeking the participation of regional tribal governments as described in Section 106 of the National Historic Preservation Act implementing regulations 36 CFR 800 et seq. As a consulting party, you are offered the opportunity to identify traditional cultural and religious properties, evaluate significance of these properties and 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. If you have interest in this project and in cultural resources that may be of religious or cultural significance to your tribe, we invite you to be a consulting party.

The Area of Potential Effect (APE) for the undertaking, as defined by 36 CFR 800.16(d), has not been determined because of the large size of the study area, which incorporates an enormous area between Denver and Fort Collins, Colorado. The agencies intend to perform a records review to identify known historic properties within the corridor and use that information to develop and screen improvement alternatives down to those that will be evaluated in detail. An APE will be developed for each alternative that is much smaller than the area identified on the enclosed map. A comprehensive survey and assessment of historic properties within that APE will be conducted. Once this task has been completed, all interested parties and consulting tribes will be apprised of the results and asked to comment. We would appreciate any information you have that may locate cultural resources in this corridor so that they may be considered with other known resources.

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The EIS process will entail an analysis of the secondary and cumulative effects of the undertaking, which will include past, present and reasonably foreseeable future projects. If you have any input on issues of concern from the standpoint of secondary or cumulative impacts, please let us know. Also, the North Front Range area is home to a number of American Indian people. As such, 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 can facilitate that interaction.

We are committed to ensuring that tribal governments are informed of, and involved in. decisions that may impact places that have religious or cultural significance. If you are interested in becoming a consulting party for the North I-25 EIS, please complete and return the enclosed Consultation Interest Response Form to CDOT Native American liaison Dan Jepson within 60 days of receipt (the mailing address and facsimile number for Mr. Jepson are listed at the bottom of that sheet). Mr. Jepson can also be reached via E-mail 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 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.

Very truly yours,

William C. Jones

Michaela Van Derhoy

FHWA Division Administrator

Lee O. Waddleton

FTA Regional Administrator

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Enclosures

cc:

Ms. Betsy Chapoose, Director, Cultural Rights & Protection Office

Ms. Jean Wallace, FHWA

Mr. John Dow, FTA

Mr. Daniel Jepson, CDOT Env. Programs

Ms. Carol Parr, CDOT Region 4 Env.

Mr. Tom Anzia, FHU

Ms. Gina McAfee, C-B

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

PROJECT:	North 1-25 Front Range Environmental Impact Statement
consulting part complying wit 800). If your t	Tribe [is / is not] (circle one) interested in becoming a ty for the Colorado Department of Transportation project referenced above, for the purpose of h Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR ribe will be a consulting party, please answer the questions below.
	Signed:
	Name and Title
Do you know o	ARTY STATUS [36 CFR §800.2(c)(3)] of any specific sites or places to which your tribe attaches religious and cultural significance that d 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.
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Yes No	If yes, please explain.
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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 MS. MAXINE NATCHEES CHAIRWOMAN, UINTAH & OURAY TRIBAL BUSINESS COMMITTEE P.O. BOX 190 FORT DUCHESNE, UT 84026

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TIM MENTZ STANDING ROCK SIOUX TRIBE CULTURAL RESOURCE PLANNER PO BOX D FT YATES, ND 58538

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List of Individuals Who Received Copies of Letter based on Tribe

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Jepson, Daniel

From: George Daingkau [pastor04@sbcglobal.net]

Sent: Wednesday, May 12, 2004 9:23 PM

To: Jepson, Daniel Subject: Impact studies

These tracts of eis, or ea is what I am consulting you about today.

State Hwy 402, US 287 to I 25; Larimer County, Colo. #25 From Range EIS Adams, Boulder, Broomfield, Denver, Larimar and Weld Counties Powers Boulevard EA, El Paso County. Colo.

Powers Boulevard under taking is an existing road? Construction on widening it out? What unsurveyed areas are you taking about? What els do you have now? What ROW does CDOT have to do improvements?

In talking with the Elders on this road, there would have been many sites but since the construction of past roads and hwy's many of the sites were destroyed and now they want to consult us? I think what they met was that if new reality would be disturbed out side of the ROW then there would need to be an on site visit made.

Front Range. The I-25 that is existing now does not provide enough road way? These substandard roads your talking about, does it mean pull-offs, road parks, rest area, loops, off and on ramps, and (4) four more lanes?

Klowa is known to be in this area up and down the East range of Colorado, so there must be some sites along this corridor. In this study area are you or CDOT asking for Tribal monitors to help with this undertaking? The only answer I can give now is we want to be a consulting party.

State Hwy 402 US 287 to 1-25; Yes we will become a consulting party when this project is underway.

Well Dan, hope this helps. About the signing of the PEIS is still in limbo because now I am told there are some discrepancies on our newly appointed vice-chairman, or if he can sign at all. Be safe, Rev. Daingkau

5/14/2004

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U.S. Depayment Of Transportation Federal Highway Administration Istraction 2005 1917

Colorado Federal Aid Division 555 Zang Street, Room 250 Lakewood, CO 80228-1040

July 20, 2004

Ms. Blaine Atzitty Council Representative White Mesa Ute Tribe P.O. Box 7096 White Mesa, UT 84511

Dear Ms. Atzitty:

Subject:

Request for Section 106 Consultation, North I-25
Front Range Environmental Impact Statement, Adams,

Boulder, Broomfield, Denver, Jefferson, Larimer and

Weld Counties, Colorado

Thank you for your request for a copy of our April 20, 2004, consultation letter. We are enclosing a file copy with a complete recipient list, location map, and tribal interest response form. As noted, the purpose of the letter is to request participation of regional tribal governments in consultation as required by Section 106 the National Historic Preservation Act.

We look forward to your response. If you have any questions or comments, please contact Mr. Michael Vanderhoof, Environmental Program Manager, at 720-963-3013, or Mr. Dan Jepson, Colorado Department of Transportation, at 303-757-9631.

Sincerely yours,

Douglas Bennett

Acting Division Administrator

Michael & Vandehor

Enclosures

CC;

Ms. Jean Wallace, FHWA

Mr. Dave Beckhouse, FTA

Mr. Daniel Jepson, CDOT Env. Programs

Ms. Carol Parr, CDOT Region 4 Env.

Mr. Tom Anzia, FHU

Ms. Gina McAfee, C-B





U.S. Department Of Transportation Federal Highway Administration

Colorado Federal Aid Division 12300 W. Dakota Ave., Ste. 180 Lakewood, CO 80228-1040

July 23, 2004

File: 14276, 13599

Mr. Gordon Yellowman NHPA/Transportation Planner Cheyenne and Arapahoe Tribes of Oklahoma Roads Construction Program P.O. Box 137 Concho, OK 73724

Subject:

Request for Section 106 Consultation, North 1-25
From Range Environmental Impact Statement, Adams,
Boulder, Broomfield, Denver, Jefferson, Larimer and
Wold Counties, Colorado

Request for Section 106 Consultation, Interstate 70 East Corridor Environmental Impact Statement, Adams, Arapahoe and Denver Counties, Colorado

Dear Mr. Yellowman:

Thank you for your request for a copy of the April 20, 2004 consultation letters for our North I-25 Front Range, and I 70 East Corridor Projects. We have enclosed a file copy with a complete recipient list, location map, and tribal interest response form for each project. As noted, the purposes of the letters are to request participation of regional tribal governments in consultation as required by Section 106 the National Historic Preservation Act.

We look forward to your response. If you have any questions or comments please contact Mr. Michael Vanderhoof, Environmental Program Manager at (720) 963-3013 or Mr. Dan Jepson, Colorado Department of Transportation at (303) 757-9631.

Sincerely yours,
Michael & Vandelling
In Douglas Bennett

Acting Division Engineer

Enclosures

Ms. Joan Wallace, PHWA
Mr. Chris. Horn, PHWA
Mr. Chris. Horn, PHWA
Mr. Dave Beckhouse, FTA
Mr. Daviel Jepson, CDOT Bay: Programs
Ms. Canal Paur, CBOT Region 4 Ear.
Ms. Gina McAlte, C-B
Ms. Sharan Linp, CDOT Region 6



U.S. Department Of Transportation Federal Highway Administration Colorado Federal Aid Division 12300 W. Dakota Ave., Stc. 180 Lakewood, CO 80228-1040

July 23, 2004

File: 14276, 13599

Mr. Howard Brown Chairman Economic Development Commission Northern Arapaho Tribe P.O. Box 9079 Arapahoe, WY 82510

Subjects

Request for Section 106 Consultation, North 1-25

Front Range Environmental Impact Statement, Adams,
Boulder, Broomfield, Denver, Jefferson, Larimer and
Weld Counties, Colorado

Request for Section 106 Consultation, Interstate 70 East Corridor Environmental Impact Statement, Adams, Arapahoe and Denver Counties, Colorado

Dear Mr. Brown:

Thank you for your request for a copy of the April 20, 2004 consultation letters for our North I-25 Front Range, and I 70 East Corridor Projects. We have enclosed a file copy with a complete recipient list, location map, and tribal interest response form for each project. As noted, the purposes of the letters are to request participation of regional tribal governments in consultation as required by Section 106 the National Historic Preservation Act.

We look forward to your response. If you have any questions or comments please contact Mr. Michael Vanderhoof, Environmental Program Manager at (720) 963-3013 or Mr. Dan Jepson, Colorado Department of Transportation at (303) 757-9631.

Sincerely yours,
Muhael (Landlehea)

O Douglas Bennett

Acting Division Engineer

Enclosures

Ms. Jean Wafface, PHWA
Mc. Chifs. Horn, PHWA
Mc. David Beckhouse, FTA
Mc. Daniel Jopson, CDOT Env. Programs
Ms. Carol Part, CDOT Region 4 Env.
Ms. Gina McAce, C-B
Ms. Sharen Lipp, CDOT Region 6

W



U.S. Department Of Transportation Federal Highway Administration

Colorado Federal Aid Division 12300 W. Dakota Ave., Ste. 180 Lakewood, CO 80228-1040

July 23, 2004

File: 14276, 13599

Mr. William L. Pedro NAGPRA Representative Cheyenne and Arapahoe Tribes of Oklahoma P.O. Box 41 Concho, OK 73022

Subject:

Request for Section: 106 Consultation, North 1-25 Front Range Environmental Impact Statement, Adams, Boulder, Broomfield, Denver, Jefferson, Larimer and Weld Counties, Colorado

Request for Section 106 Consultation, Interstate 70 East Corridor Environmental Impact Statement, Adams, Arapahoe and Denver Counties, Colorado

Dear Mr. Pedro:

Thank you for your request for a copy of the April 20, 2004 consultation letters for our North I-25 Front Range, and I 70 East Corridor Projects. We have enclosed a file copy with a complete recipient list, location map, and tribal interest response form for each project. As noted, the purposes of the letters are to request participation of regional tribal governments in consultation as required by Section 106 the National Historic Preservation Act.

< ₫,

We look forward to your response. If you have any questions or comments please contact Mr. Michael Vanderhoof, Environmental Program Manager at (720) 963-3013 or Mr. Dan Jepson, Colorado Department of Transportation at (303) 757-9631.

Sincerely yours, -Michael & Vander Korf In Douglas Bennett

Acting Division Engineer

Enclosores

Ms. Jean-Wallace, HHWA
Mr. Clarls Horn, PHWA
Mr. Dave Beckhouse, FTA
Wir. Daniel Jepson, CDCP Env. Programs
Ms. Catol Perr, CHOT Region 4 Env.
Ms. Gina McARc; C-B
Ms. Sharon Lipp, CDOT Region 6

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

PROJECT: North I-25 Front Range Environmental Impact Statement

The Schirt Harral LITE Truly and Truly and

Signed: NEIL B. CLOUD-NAGPER COOF.

Name and Title

CONSULTING PARTY STATUS [36 CFR \$800.2(6)(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.

WE SHAVE OUR ANCESTORS BORIED IN THOSE ARMS.

Score 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.

IF YOU DIG IN CERTAIN AREAS YOU INADVERTENTLY DISCOVER HUMAN REMAINS.

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

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

PROJECT: North 1-25 Front Range Environmental Impact Statement The Paul met Anthon of Oklahoma 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: Alice Alexander Pawnee Nation 771PO 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.
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(res) No. If yes, please explain. Possible site just north of liver more hand to 5 N/L 2615 is located in Weld County. Oral History says we traveled this occur.
5 NL 2615 is located in Weld County. Oral History says we
traveled this area.
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200

AUG-29-2006 16:20

FROM-COOT ENVIRONMENTAL PROGRAMS

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T-45, P.002/003 F-455

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

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DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



October 30, 2008

Mr. Darrell Flyingman, Governor Cheyenne and Arapaho Tribes of Oklahoma P.O. Box 38 Concho, OK 73022

RE: North I-25 Draft Environmental Impact Statement

Dear Mr. Flyingman:

The Notice of Availability for the North I-25 Corridor Draft Environmental Impact Statement (DEIS) will be published October 31, 2008. Enclosed please find a CD of the entire document. You are receiving this document for review as a consulting party under Section 106 of the National Historic Preservation Act.

The public comment period for this project begins October 31, 2008 and ends December 30, 2008. An electronic version of the comment form is available for your use on the project website at www.cdot.info/northi25eis/, and comments can be submitted online. Additional information on the project, including the public hearings to be held November 18th, 19th and 20th, is available on the project website as well.

If you have any questions or concerns with regard to this information, please call me at (970) 350-2170 or contact Long Nguyen (CDOT Region 4) at (970) 622-1280. Thanks.

Sincerely,

Carol H. Parr

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



October 30, 2008

Mr. Wallace Coffey, Chairman Commanche Tribal Business Committee Commanche Nation of Oklahoma P.O. Box 908 Lawton, OK 73502

RE: North I-25 Draft Environmental Impact Statement

Dear Mr. Coffey:

The Notice of Availability for the North I-25 Corridor Draft Environmental Impact Statement (DEIS) will be published October 31, 2008. Enclosed please find a CD of the entire document. You are receiving this document for review as a consulting party under Section 106 of the National Historic Preservation Act.

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Sincerely,

Carol H. Parr

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



October 30, 2008

Mr. Billy Evans Horse, Chairman Kiowa Business Committee Kiowa Tribe of Oklahoma P.O. Box 369 Carnegie, OK 73015

RE: North I-25 Draft Environmental Impact Statement

Dear Mr. Evans Horse:

The Notice of Availability for the North I-25 Corridor Draft Environmental Impact Statement (DEIS) will be published October 31, 2008. Enclosed please find a CD of the entire document. You are receiving this document for review as a consulting party under Section 106 of the National Historic Preservation Act.

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Sincerely,

Carol H. Parr

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



October 30, 2008

Mr. Richard Brannan, Chairman Northern Arapaho Business Council P.O. Box 396 Fort Washakie, WY 82514

RE: North I-25 Draft Environmental Impact Statement

Dear Mr. Brannan:

The Notice of Availability for the North I-25 Corridor Draft Environmental Impact Statement (DEIS) will be published October 31, 2008. Enclosed please find a CD of the entire document. You are receiving this document for review as a consulting party under Section 106 of the National Historic Preservation Act.

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Sincerely,

Carol H. Parr

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



October 30, 2008

Mr. Eugene Little Coyote, Chairman Northern Cheyenne Tribe P.O. Box 128 Lame Deer, MT 59043

RE: North I-25 Draft Environmental Impact Statement

Dear Mr. Little Coyote:

The Notice of Availability for the North I-25 Corridor Draft Environmental Impact Statement (DEIS) will be published October 31, 2008. Enclosed please find a CD of the entire document. You are receiving this document for review as a consulting party under Section 106 of the National Historic Preservation Act.

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Sincerely,

Carol H. Parr

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



October 30, 2008

Mr. George Howell, President Pawnee Nation of Oklahoma 881 Little Dee Drive Pawnee, OK 74058

RE: North I-25 Draft Environmental Impact Statement

Dear Mr. Howell:

The Notice of Availability for the North I-25 Corridor Draft Environmental Impact Statement (DEIS) will be published October 31, 2008. Enclosed please find a CD of the entire document. You are receiving this document for review as a consulting party under Section 106 of the National Historic Preservation Act.

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Sincerely,

Carol H. Parr

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



October 30, 2008

Mr. Clement Frost, Chairman Southern Ute Indian Tribe P.O. Box 737 Ignacio, Colorado 81137

RE: North I-25 Draft Environmental Impact Statement

Dear Mr. Frost:

The Notice of Availability for the North I-25 Corridor Draft Environmental Impact Statement (DEIS) will be published October 31, 2008. Enclosed please find a CD of the entire document. You are receiving this document for review as a consulting party under Section 106 of the National Historic Preservation Act.

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Sincerely,

Carol H. Parr

N I-25 Corridor EIS Project Manager

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DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



August 11, 2011

Ms. Janice Prairie Chief-Boswell, Governor Cheyenne and Arapaho Tribes of Oklahoma P.O. Box 38 Concho, OK 73022

RE: North I-25 Final Environmental Impact Statement and Draft Programmatic Agreement

Dear Ms. Prairie Chief-Boswell:

Transmitted with this letter is the Documentation for Finding of Adverse Effect for the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) North I-25 EIS. The properties that CDOT and FHWA believe will be adversely affected are: the Louden Ditch (5LR.8930), Hingley Farm (5WL.5263), and Jillson Farm (5WL.6564).

The Notice of Availability for the North I-25 Final Environmental Impact Statement (FEIS) will be published on August 19, 2011. Enclosed please find a CD of the entire document. Enclosed also is a draft of the Programmatic Agreement that addresses the resolution of adverse effects. We are providing this information to you as a Consulting Party under the Section 106 document substitution process.

In 2003, the CDOT, the Federal Transit Administration (FTA) and FHWA agreed together with the Colorado State Historical Preservation Officer (SHPO) to substitute the project's National Environmental Policy Act (NEPA) documents (Draft EIS and Final EIS) in lieu of separate documentation, in order to accomplish the Section 106 consultation process on effects. The document substitution process is intended to reduce the time and complexity of the review process involving your office and other Section 106 consulting parties, by providing detailed information about project impacts associated with the various alternatives in the EIS rather than additional documents that may not be as effective for consulting on alternatives.

Since the Draft EIS was approved, the FTA decided to be a cooperating agency instead of a lead agency. The Final EIS includes a preferred alternative, which is a combination of elements from Packages A and B that were evaluated in the Draft EIS. The Final EIS is the documentation used for consultation on the effects of the Preferred Alternative. Previous steps in the document substitution process, as applied for the North I-25 EIS include:

- 1. Identification of the Area of Potential Effect
- 2. Identification of properties eligible for inclusion on the NRHP
- 3. Submittal of survey reports and site forms to SHPO and to the Section 106 Consulting Parties with eligibility determinations, concurrence achieved.
- 4. Submittal of determinations of effect in the Draft EIS for Packages A and B.
- 5. Response to SHPO and consulting parties comments on the effects for Packages A and B, documented in the Final EIS.
- 6. Completion of determinations of effect for all packages (A, B and Preferred Alternative).

Ms. Prairie Chief-Boswell August 11, 2011 Page 2

All Section 106 consulting parties now have the opportunity to review and comment upon the determinations of effect and proposed mitigation measures for all alternatives in the Final EIS. This information is contained in Section 3.15 of the attached CD. The deadline for comments is September 19, 2011. Any disagreements will be addressed prior to approval of a Record of Decision.

Resolution of adverse effects will be documented in a Programmatic Agreement, a draft of which is attached. Due to the long term nature of implementing the Preferred Alternative, continued consultation will be needed.

CDOT and FHWA invite your participation for resolving adverse effects in the Programmatic Agreement (PA) being prepared. If you would like to participate in the preparation of this PA or to be added as a signatory, please contact me.

If you have any questions or concerns, please notify me at 970-350-2170.

Sincerely,

Carol H. Parr

N I-25 EIS Project Manager

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177 DOT

DEPARTMENT OF TRANSPORTATION

August 11, 2011

Acting Chairman Comanche Tribal Business Committee Comanche Nation of Oklahoma Attn: Mr. Jimmy Arterberry, THPO P.O. Box 908 Lawton, OK 73502

RE: North I-25 Final Environmental Impact Statement and Draft Programmatic Agreement

Dear Acting Chairman:

Transmitted with this letter is the Documentation for Finding of Adverse Effect for the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) North I-25 EIS. The properties that CDOT and FHWA believe will be adversely affected are: the Louden Ditch (5LR.8930), Hingley Farm (5WL.5263), and Jillson Farm (5WL.6564).

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Acting Chairman August 11, 2011 Page 2

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If you have any questions or concerns, please notify me at 970-350-2170.

Sincerely,

Carol H. Parr

N I-25 EIS Project Manager

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177 DOT

DEPARTMENT OF TRANSPORTATION

August 11, 2011

Mr. Ronald Twohatchet, Chairman Kiowa Business Committee Kiowa Tribe of Oklahoma Attn: Mr. James Eskew, NAGPRA Representative P.O. Box 369 Carnegie, OK 73015

RE: North I-25 Final Environmental Impact Statement and Draft Programmatic Agreement

Dear Mr. Twohatchet:

Transmitted with this letter is the Documentation for Finding of Adverse Effect for the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) North I-25 EIS. The properties that CDOT and FHWA believe will be adversely affected are: the Louden Ditch (5LR.8930), Hingley Farm (5WL.5263), and Jillson Farm (5WL.6564).

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Mr. Twohatchet August 11, 2011 Page 2

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If you have any questions or concerns, please notify me at 970-350-2170.

Sincerely,

Carol H. Parr

N I-25 EIS Project Manager

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177 DEPARTMENT OF TRANSPORTATION

August 11, 2011

Ms. Kim Harjo, Chairwoman Northern Arapahoe Business Council Attn: Ms. Darlene Conrad, THPO P.O. Box 396 Fort Washakie, WY 82514

RE: North I-25 Final Environmental Impact Statement and Draft Programmatic Agreement

Dear Ms. Harjo:

Transmitted with this letter is the Documentation for Finding of Adverse Effect for the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) North I-25 EIS. The properties that CDOT and FHWA believe will be adversely affected are: the Louden Ditch (5LR.8930), Hingley Farm (5WL.5263), and Jillson Farm (5WL.6564).

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Ms. Harjo August 11, 2011 Page 2

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Sincerely,

Carol H. Parr

N I-25 EIS Project Manager

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



August 11, 2011

Mr. Leroy Spang, Chairman Northern Cheyenne Tribe Attn: Mr. Conrad Fisher, THPO P.O. Box 128 Lame Deer, MT 59043

RE: North I-25 Final Environmental Impact Statement and Draft Programmatic Agreement

Dear Mr. Spang:

Transmitted with this letter is the Documentation for Finding of Adverse Effect for the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) North I-25 EIS. The properties that CDOT and FHWA believe will be adversely affected are: the Louden Ditch (5LR.8930), Hingley Farm (5WL.5263), and Jillson Farm (5WL.6564).

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Mr. Sprang August 11, 2011 Page 2

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Sincerely,

Carol H. Parr

N I-25 EIS Project Manager

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177 DOT

DEPARTMENT OF TRANSPORTATION

August 11, 2011

Mr. George Howell, President Pawnee Nation of Oklahoma Attn: Mr. Gordon Adams, THPO 881 Little Dee Drive Pawnee, OK 74058

RE: North I-25 Final Environmental Impact Statement and Draft Programmatic Agreement

Dear Mr. Howell:

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Mr. Howell August 11, 2011 Page 2

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If you have any questions or concerns, please notify me at 970-350-2170.

Sincerely,

Carol H. Parr

N I-25 EIS Project Manager

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177 DOT

DEPARTMENT OF TRANSPORTATION

August 11, 2011

Ms. Pearl Casias, Chairwoman Southern Ute Indian Tribe Attn: Mr. Neil Cloud, NAGPRA Representative P.O. Box 737 Ignacio, Colorado 81137

RE: North I-25 Final Environmental Impact Statement and Draft Programmatic Agreement

Dear Ms. Casias:

Transmitted with this letter is the Documentation for Finding of Adverse Effect for the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) North I-25 EIS. The properties that CDOT and FHWA believe will be adversely affected are: the Louden Ditch (5LR.8930), Hingley Farm (5WL.5263), and Jillson Farm (5WL.6564).

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- 6. Completion of determinations of effect for all packages (A, B and Preferred Alternative).

Ms. Casias August 11, 2011 Page 2

All Section 106 consulting parties now have the opportunity to review and comment upon the determinations of effect and proposed mitigation measures for all alternatives in the Final EIS. This information is contained in Section 3.15 of the attached CD. The deadline for comments is September 19, 2011. Any disagreements will be addressed prior to approval of a Record of Decision.

Resolution of adverse effects will be documented in a Programmatic Agreement, a draft of which is attached. Due to the long term nature of implementing the Preferred Alternative, continued consultation will be needed.

CDOT and FHWA invite your participation for resolving adverse effects in the Programmatic Agreement (PA) being prepared. If you would like to participate in the preparation of this PA or to be added as a signatory, please contact me.

If you have any questions or concerns, please notify me at 970-350-2170.

Sincerely,

Carol H. Parr

N I-25 EIS Project Manager

Northern Cheyenne Tribe Tribal Historic Preservation Office P.O. Box 128

Lame Deer, Montana 59043

Phone: (406) 477-4838/4839 F

Fax: (406) 477-3839

Native American Consultation Response Form

	,
TCNS Notification ID Number (5LR. 8935)	(5WL. 5263) (5WL. 6514)
Phone/Fax 170/350-2177	
Response:	
REQUEST ADDITIONAL INFORMATION	
NO ADVERSE EFFECT	
NO INTEREST	
ADVERSE EFFECT	
NO COMMENT	
Exceptions: If archaeological materials or l during construction, the State Historic Pre American Tribes will be notified.	numan remains are encountered servation Office and applicable Native
O 71	9/29/11
Signature Conrad Fisher, T.H.P.O.	Date
Printed Name (Signing Official)	

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Pawnee Nation of Oklahoma

Office of Historic Preservation

657 Harrison Street P.O. Box 470 Pawnee, OK 74058

September 29, 2011

Ms. Carol H. Parr,
N I-25 EIS Project Manager
State of Colorado
Department of Transportation, Region 4
1420 2nd Street
Greeley, CO 80631
970.350.2170
FAX: 970.350.2177

Re: N I-25 Final EIS and Draft PA

1 I Ala

Dear Ms. Parr,

The Pawnee Nation Office of Historic Preservation received your letter dated August 11, 2011. Thank you for the information you provided in the N I-25 EIS and draft PA. Given the information provided, it appears that your report is indeed comprehensive.

Please be advised that the Pawnee Nation has no comment on either the EIS or draft PA you submitted to us.

I Wish You Well,

Gordon F. Adams

Gordon F. Adams, MPA Tribal Historic Preservation Officer gadams@pawneenation.org

Fax: 918.762.3662

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Parks Coordination / Consultation

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information, cooperation, transportation

January 28, 2008

Travis Reynolds Senior Planner Planning and Zoning Division City of Northglenn 11701 Community Center Drive Northglenn, CO 80233-8061

RE: North I-25 Environmental Impact Statement and the 120th Avenue Underpass and Farmers Highline Canal Trail

Dear Mr. Reynolds.

The Federal Highway Administration and the Federal Transit Administration, in cooperation with the Colorado Department of Transportation (CDOT), have initiated an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along the 70-mile I-25 transportation corridor extending from the Fort Collins/Wellington area to Denver. The improvements being considered in this Draft EIS would address regional and inter-regional movement of people, goods, and services in the I-25 corridor. The purpose and need for the improvements is to address mobility, accessibility, safety, and aging infrastructure problems along I-25, as well as to provide for a greater variety of transportation choices and support economic growth.

Two multi-modal build packages, Package A and Package B, are being evaluated, as well as the No-Action Alternative in accordance with National Environmental Policy Act requirements. Types of highway improvement being considered as a part of the multi-modal packages include highway widening, tolled express lanes and interchange reconstruction. Transit improvements being considered in the multi-modal packages include commuter rail, commuter bus, and bus rapid transit (BRT) on three different alignments.

The proposed improvements in Package B (Attachment A) may affect bicycle and pedestrian facilities within your jurisdiction, including the 120th Avenue Transit Station Underpass and Farmers Highline Canal Trail. These improvements include the lengthening of the existing underpasses to accommodate additional traffic lanes on Interstate 25, necessitating a temporary trail closure and detour of pedestrian and bicycle traffic (Attachment B).

CDOT is asking that you concur that these improvements would not adversely affect the 120th Avenue Underpass or the Farmer Highline Canal Trail, and therefore be classified as a "temporary occupancy" as defined by Section 4(f) of the U.S. Department of Transportation Act of 1965. To be classified as such, five specific conditions must be satisfied. These conditions, and CDOT's efforts to meet them, are outlined below:

Condition (i)

Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.



Letter of Concurrence, 120th Avenue Underpass and Farmers Highline Canal Trail

The trail closures will only occur during times of immediately adjacent construction and there will be no change in ownership of the land.

Condition (ii)

Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the resource are minimal.

Package B calls for the construction of additional lanes on Interstate 25. To accommodate this construction, the existing underpasses at 120th Avenue and along the Farmers Highline Canal Trail, require lengthening. This will not affect the existing trail alignment at either location.

Condition (iii)

There are no anticipated permanent adverse physical impacts, nor will there be interference with the activities or purpose of the resource, on either a temporary or permanent basis.

CDOT will provide detours, with signage, for the duration of the trail closures. The map and narrative description (Attachment B) illustrate the proposed detour routes.

Condition (iv)

The land being used must be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the project.

With the exception of a slight visual alteration caused by the lengthening of the underpasses, the trails will see no permanent adverse impacts.

Condition (v)

There must be documented agreement of the appropriate Federal, State, or local officials having jurisdiction over the resource regarding the above conditions.

The attached letter of concurrence serves as the agreement of local officials that the efforts described above would meet these conditions.

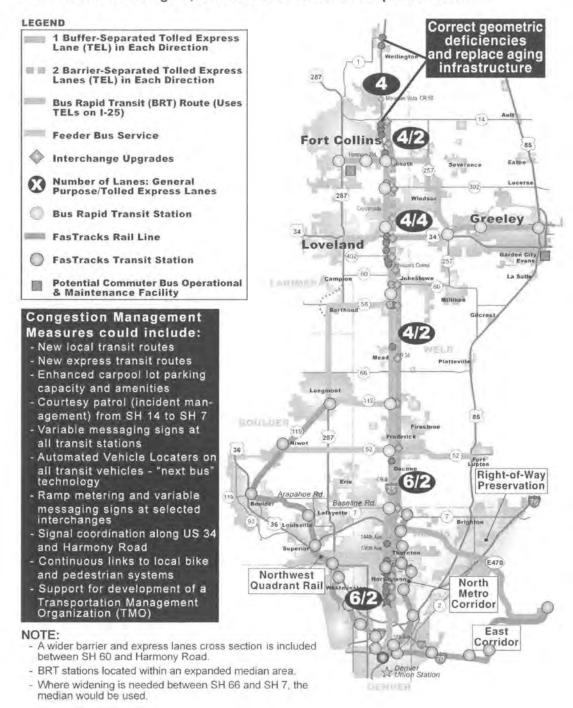
Should you, or others in your department, have concerns or questions regarding the above information please contact Wendy Wallach, Senior Project Manager, at 303-820-4807, or wendy.wallach@jacobs.com.

Sincerely,

Cc: Steve Zoet, Director of Parks and Recreation Project file

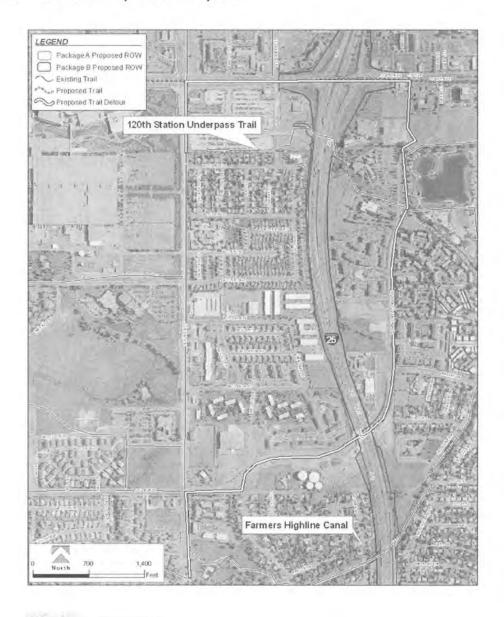


Attachment A: Package B, North I-25 Environmental Impact Statement





Attachment B: Detour Map and Description



120th Avenue Underpass

The map illustrates not only the detour, but the connection to the Farmers Highline Canal as well. The detour will require trail users to take Huron Street north to 120th Avenue, then east across I-25. By taking Community Center Drive south, users would reach the Farmers Highline Canal, to which the 120th Avenue Transit Station Underpass connects.



Letter of Concurrence, 120th Avenue Underpass and Farmers Highline Canal Trail

Farmers Highline Canal

The detour will require trail users to take Community Center Drive south at EB Rains Jr.

Memorial Park. Community Center Drive crosses I-25 as an overpass with wide sidewalks suitable for bicycles. Once on the west side of I-25, users would take West 112th Avenue to Huron Street, go south and reconnect with the Farmers Highline Canal Trail.

Please advise if alternative detour routes exist that you would prefer.



Letter of Concurrence, 120th Avenue Underpass and Farmers Highline Canal Trail

January 28, 2008

Travis Reynolds Senlor Planner Planning and Zoning Division City of Northglenn 11701 Community Center Drive Northglenn, CO 80233-8061

Wendy Wallach Senior Project Manager Jacobs Carter Burgess 707 17th Street, Suite 2300 Denver, CO 80202

RE: Letter of Concurrence North I-25 EIS and the 120th Avenue Underpass and Farmers Highline Canal Trail

Dear Ms. Wallach,

Based on the provided information the City of Northglenn finds that the criteria of a temporary occupancy have been satisfied. Thus, the City of Northglenn concurs with the temporary occupancy designation for both the Farmers Highline Canal Trail and the 120th Avenue Underpass in regard to the North I-25 Environmental Impact Statement.

-



information, cooperation, transportation

January 28, 2008

Paula Fitzgerald
Parks & Open Space Projects Coordinator
City of Longmont
7 South Sunset Street
Longmont, CO 80501

RE: North I-25 Environmental Impact Statement and Oligarchy Primary Greenway

Dear Ms. Fitzgerald,

The Federal Highway Administration and the Federal Transit Administration, in cooperation with the Colorado Department of Transportation (CDOT), have initiated an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along the 70-mile I-25 transportation corridor extending from the Fort Collins/Wellington area to Denver. The improvements being considered in this Draft EIS would address regional and inter-regional movement of people, goods, and services in the I-25 corridor. The purpose and need for the improvements is to address mobility, accessibility, safety, and aging infrastructure problems along I-25, as well as to provide for a greater variety of transportation choices and support economic growth.

Two multi-modal build packages, Package A and Package B, are being evaluated, as well as the No-Action Alternative in accordance with National Environmental Policy Act requirements. Types of highway improvement being considered as a part of the multi-modal packages include highway widening, tolled express lanes and interchange reconstruction. Transit improvements being considered in the multi-modal packages include commuter rail, commuter bus, and bus rapid transit (BRT) on three different alignments.

The proposed improvements in Package A (Attachment A) may affect bicycle and pedestrian facilities within your jurisdiction, including this proposed section of the Oligarchy Primary Greenway. These improvements include an additional railroad track, adjacent to the existing Burlington Northern Santa Fe alignment. If Lanyon Trail exists at the time of construction a trail closure will be required, necessitating a detour of pedestrian and bicycle traffic (Attachment B).

CDOT is asking that you concur that these improvements would not adversely affect Oligarchy Primary Greenway, and therefore be classified as a "temporary occupancy" as defined by Section 4(f) of the U.S. Department of Transportation Act of 1965. To be classified as such, five specific conditions must be satisfied. These conditions, and CDOT's efforts to meet them, are outlined below:

Condition (i)

Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.

The trail closure will only occur during times of immediately adjacent construction and there will be no change in ownership of the land.

Letter of Concurrence, Oligarchy Primary Greenway

Condition (ii)

Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the resource are minimal.

Package A calls for the construction of an additional railroad track that will cross the trail. This would result in an additional rail crossing, both adjacent to, and at the same grade, as the existing crossing.

Condition (iii)

There are no anticipated permanent adverse physical impacts, nor there interference with the activities or purpose of the resource, on either a temporary or permanent basis.

CDOT will provide detours, with signage, for the duration of the trail closure. The map and narrative description (Attachment B) provide the proposed detour route.

Condition (iv)

The land being used must be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the project.

With the exception of a slight visual alteration caused by the additional at-grade crossing and related signage, the trail will see no permanent adverse impacts.

Condition (v)

There must be documented agreement of the appropriate Federal, State, or local officials having jurisdiction over the resource regarding the above conditions.

The attached letter of concurrence serves as the agreement of local officials that the efforts described above would meet these conditions.

Should you, or others in your department, have concerns or questions regarding the above information please contact Wendy Wallach, Senior Project Manager, at 303-820-4807, or wendy.wallach@jacobs.com.

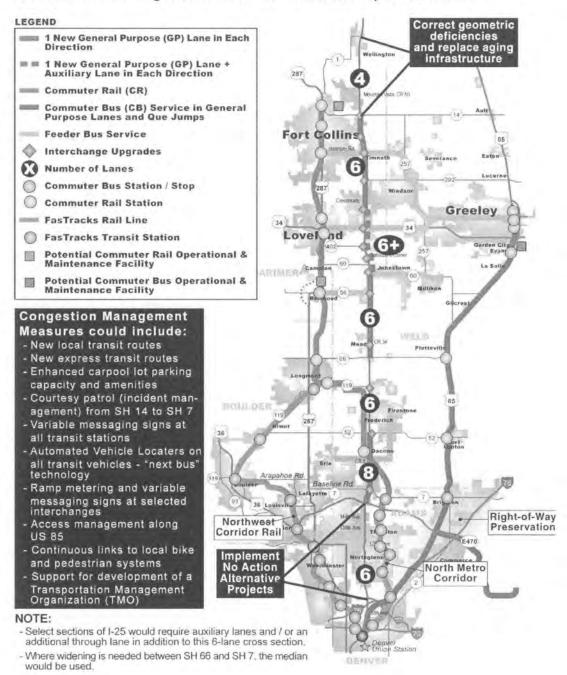
Sincerely,

Cc: Project file



Letter of Concurrence, Oligarchy Primary Greenway

Attachment A: Package A, North I-25 Environmental Impact Statement





Letter of Concurrence, Oligarchy Primary Greenway

Attachment B: Detour Map and Description



The detour will require trail users to take 15^{th} Avenue east to Lamplighter Drive, then north until 17^{th} Avenue, and west to reconnect with Oligarchy Primary Greenway.

Please advise if alternative detour routes exist that you would prefer.



information cooperation transportation.

January 28, 2008

Paula Fitzgerald Parks & Open Space Projects Coordinator City of Longmont 7 South Sunset Street Longmont, CO 80501

Wendy Wallach Senior Project Manager Jacobs Carter Burgess 707 17th Street, Suite 2300 Denver, CO 80202

RE: Letter of Concurrence North I-25 EIS and Oligarchy Primary Greenway

Dear Ms. Wallach,

Based on the provided information the City of Longmont finds that the criteria of a temporary occupancy have been satisfied. Thus, the City of Longmont concurs with the temporary occupancy designation for the Oligarchy Primary Greenway in regard to the North I-25 Environmental Impact Statement.

Printed Name:

Signature:

Page 173

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information, cooperation, transportation,

January 31, 2008

Bill Bodkins Public Works Director Town of Wellington 3735 Cleveland Avenue Wellington, CO 80549

RE: North I-25 Environmental Impact Statement and the Box Elder Creek Trail

Dear Mr. Bodkins,

The Federal Highway Administration and the Federal Transit Administration, in cooperation with the Colorado Department of Transportation (CDOT), have initiated an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along the 70-mile I-25 transportation corridor extending from the Fort Collins/Wellington area to Denver. The improvements being considered in this Draft EIS would address regional and inter-regional movement of people, goods, and services in the I-25 corridor. The purpose and need for the improvements is to address mobility, accessibility, safety, and aging infrastructure problems along I-25, as well as to provide for a greater variety of transportation choices and support economic growth.

Two multi-modal build packages, Package A and Package B, are being evaluated, as well as the No-Action Alternative in accordance with National Environmental Policy Act requirements. Types of highway improvement being considered as a part of the multi-modal packages include highway widening, tolled express lanes and interchange reconstruction. Transit improvements being considered in the multi-modal packages include commuter rail, commuter bus, and bus rapid transit (BRT) on three different alignments.

The proposed improvements, in both Package A and Package B (Attachment A), may affect bicycle and pedestrian facilities within your jurisdiction, including the Box Elder Creek Trail. These improvements include the lengthening of the existing underpass as part of the effort to replace aging infrastructure along Interstate 25, necessitating a temporary trail closure and detour of pedestrian and bicycle traffic (Attachment B).

CDOT is asking that you concur that these improvements would not adversely affect the Box Elder Creek Trail, and therefore be classified as a "temporary occupancy" as defined by Section 4(f) of the U.S. Department of Transportation Act of 1965. To be classified as such, five specific conditions must be satisfied. These conditions, and CDOT's efforts to meet them, are outlined below:

Condition (i)

Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.

The trail closure will only occur during times of immediately adjacent construction and there will be no change in ownership of the land.



Letter of Concurrence, Box Elder Creek Trail

Condition (ii)

Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the resource are minimal.

Package A and Package B calls for safety improvements, including the lengthening of the Interstate 25 Underpass of Box Elder Creek Trail. This will not affect the existing trail alignment.

Condition (iii)

There are no anticipated permanent adverse physical impacts, nor there interference with the activities or purpose of the resource, on either a temporary or permanent basis.

CDOT will provide detours, with signage, for the duration of the trail closure. The map and narrative description (Attachment B) illustrate the proposed detour route.

Condition (iv)

The land being used must be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the project.

With the exception of a slight visual alteration caused by the lengthening of the underpass, the trail will see no permanent adverse impacts.

Condition (v)

There must be documented agreement of the appropriate Federal, State, or local officials having jurisdiction over the resource regarding the above conditions.

The attached letter of concurrence serves as the agreement of local officials that the efforts described above would meet these conditions.

Should you, or others in your department, have concerns or questions regarding the above information please contact Wendy Wallach, Senior Project Manager, at 303-820-4807, or wendy wallach@jacobs.com.

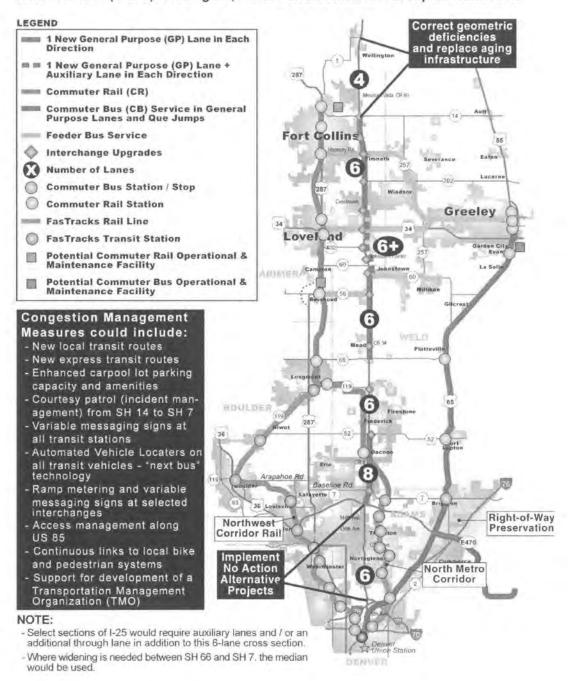
Sincerely,

Cc: Project file



Letter of Concurrence, Box Elder Creek Trail

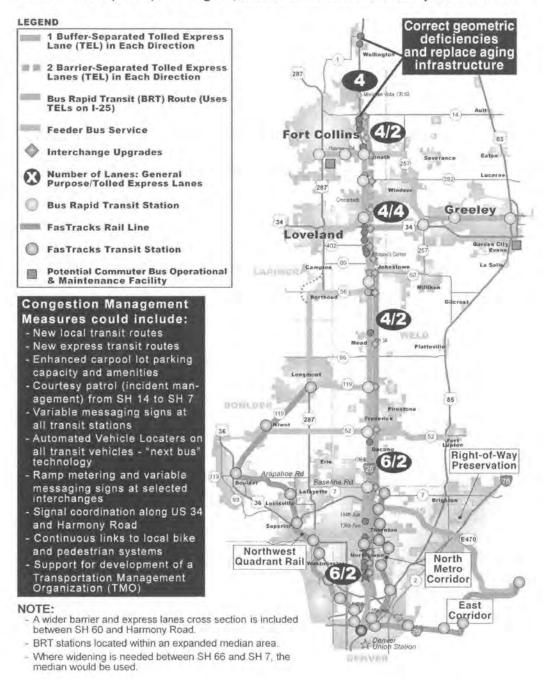
Attachment A (1 of 2): Package A, North I-25 Environmental Impact Statement





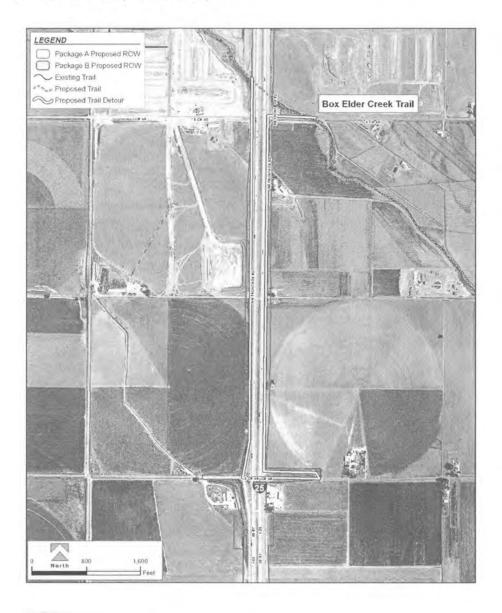
Letter of Concurrence, Box Elder Creek Trail

Attachment A (2 of 2): Package B, North I-25 Environmental Impact Statement





Attachment B: Detour Map and Description



This detour will require trail users to take GW Bush Avenue west, then proceed south on the eastern frontage road to CR 58, west on CR 58 to the western frontage road, and then proceed north to Box Elder Creek Trail..

Please advise if alternative detour routes exist that you would prefer.



January 31, 2008

Bill Bodkins Public Works Director Town of Wellington 3735 Cleveland Avenue Wellington, CO 80549

Wendy Wallach Senior Project Manager Jacobs Carter Burgess 707 17th Street, Suite 2300 Denver, CO 80202

RE: Letter of Concurrence North I-25 EIS and the Box Elder Creek Trail

Dear Ms. Wallach.

NORTH 1-25

Based on the provided information the Town of Wellington finds that the criteria of a temporary occupancy have been satisfied. Thus, the Town of Wellington concurs with the temporary occupancy designation for the Box Elder Creek Trail in regard to the North I-25 Environmental Impact Statement.

Printed Name: Bill Bodkins Date: 2/1/08
Signature: Full Foll.



information cooperation transportation.

February 19, 2008

Craig Foreman
Park Planning and Development
City of Fort Collins
413 South Bryan Street
Fort Collins, CO 80521

RE: North I-25 Environmental Impact Statement and the Spring Creek Trail

Dear Mr. Foreman,

The Federal Highway Administration and the Federal Transit Administration, in cooperation with the Colorado Department of Transportation (CDOT), have initiated an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along the 70-mile I-25 transportation corridor extending from the Fort Collins/Wellington area to Denver. The improvements being considered in this Draft EIS would address regional and inter-regional movement of people, goods, and services in the I-25 corridor. The purpose and need for the improvements is to address mobility, accessibility, safety, and aging infrastructure problems along I-25, as well as to provide for a greater variety of transportation choices and support economic growth.

Two multi-modal build packages, Package A and Package B, are being evaluated, as well as the No-Action Alternative in accordance with National Environmental Policy Act requirements. Types of highway improvement being considered as a part of the multi-modal packages include highway widening, tolled express lanes and interchange reconstruction. Transit improvements being considered in the multi-modal packages include commuter rail, commuter bus, and bus rapid transit (BRT) on three different alignments.

The proposed improvements in Package A (Attachment A) may affect bicycle and pedestrian facilities within your jurisdiction, including the Spring Creek Trail. These improvements include an additional railroad track, adjacent to the existing railway, necessitating a temporary trail closure and detour of pedestrian and bicycle traffic (Attachment B).

CDOT is asking that you concur that these improvements would not adversely affect the Spring Creek Trail, and therefore be classified as a "temporary occupancy" as defined by Section 4(f) of the U.S. Department of Transportation Act of 1965. To be classified as such, five specific conditions must be satisfied. These conditions, and CDOT's efforts to meet them, are outlined below:

Condition (i)

Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.

The trail closure will only occur during times of immediately adjacent construction and there will be no change in ownership of the land.



Letter of Concurrence, Spring Creek Trail

Condition (ii)

Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the resource are minimal.

Package A calls for the construction of an additional railroad track. To accommodate this construction the underpass will require lengthening, which will have no impact on the trail alignment.

Condition (iii)

There are no anticipated permanent adverse physical impacts, nor will there be interference with the activities or purpose of the resource, on either a temporary or permanent basis.

CDOT will provide detours, with signage, for the duration of the trail closures. The map and narrative description (Attachment B) illustrate the proposed detour routes.

Condition (iv)

The land being used must be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the project.

With the exception of a slight visual alteration caused by the lengthened underpass, the trail will see no permanent adverse impacts.

Condition (v)

There must be documented agreement of the appropriate Federal, State, or local officials having jurisdiction over the resource regarding the above conditions,

The attached letter of concurrence serves as the agreement of local officials that the efforts described above would meet these conditions.

Should you, or others in your department, have concerns or questions regarding the above information please contact Wendy Wallach, Senior Project Manager, at 303-820-4807, or wendy.wallach@jacobs.com.

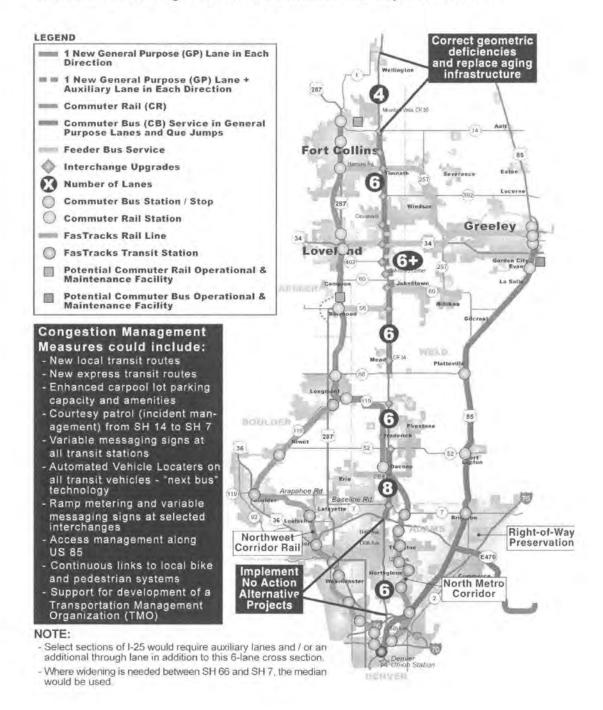
Sincerely,

Cc: Project file



Letter of Concurrence, Spring Creek Trail

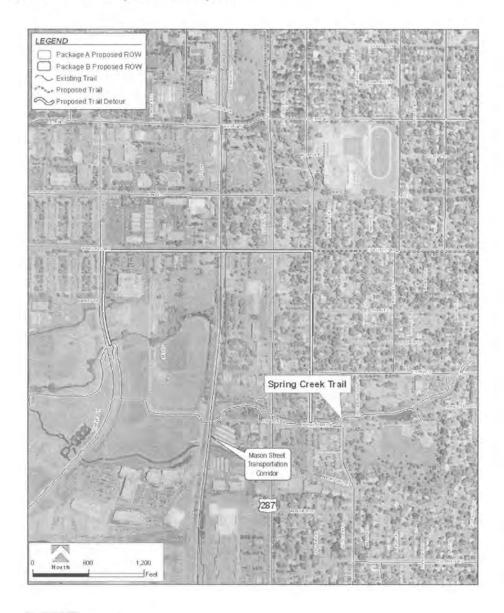
Attachment A: Package A, North I-25 Environmental Impact Statement





Letter of Concurrence, Spring Creek Trail

Attachment B: Detour Map and Description



The detour will require trail users to take Centre Avenue north to Lake Street, then east until Remington Street and back south to reconnect with Spring Creek Trail. This detour takes advantage of on-street cycling facilities with the exception of a single block between College Avenue and Remington Street.

Please advise if alternative detours routes exist that you would prefer.



information cooperation transportation.

February 19, 2008

Craig Foreman Park Planning and Development City of Fort Collins 413 South Bryan Street Fort Collins, CO 80521

Wendy Wallach Senior Project Manager Jacobs Carter Burgess 707 17th Street, Suite 2300 Denver, CO 80202

RE: Letter of Concurrence North I-25 EIS and the Spring Creek Trail

Dear Ms. Wallach,

Based on the provided information the City of Fort Collins finds that the criteria of a temporary occupancy have been satisfied. Thus, the City of Fort Collins concurs with the temporary occupancy designation for the Spring Creek Trail in regard to the North I-25 Environmental Impact Statement.

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information, cooperation, transportation,

February 19, 2008,

Craig Foreman
Park Planning and Development
City of Fort Collins
413 South Bryan Street
Fort Collins, CO 80521

RE: North I-25 Environmental Impact Statement and the Fossil Creek Drive Trail

Dear Mr. Foreman,

The Federal Highway Administration and the Federal Transit Administration, in cooperation with the Colorado Department of Transportation (CDOT), have initiated an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along the 70-mile I-25 transportation corridor extending from the Fort Collins/Wellington area to Denver. The improvements being considered in this Draft EIS would address regional and inter-regional movement of people, goods, and services in the I-25 corridor. The purpose and need for the improvements is to address mobility, accessibility, safety, and aging infrastructure problems along I-25, as well as to provide for a greater variety of transportation choices and support economic growth.

Two multi-modal build packages, Package A and Package B, are being evaluated, as well as the No-Action Alternative in accordance with National Environmental Policy Act requirements. Types of highway improvement being considered as a part of the multi-modal packages include highway widening, tolled express lanes and interchange reconstruction. Transit improvements being considered in the multi-modal packages include commuter rail, commuter bus, and bus rapid transit (BRT) on three different alignments.

The proposed improvements in Package A (Attachment A) may affect bicycle and pedestrian facilities within your jurisdiction, including the proposed Fossil Creek Drive Trail. These improvements include an additional railroad track, adjacent to the existing railway, necessitating a temporary trail closure and detour of pedestrian and bicycle traffic (Attachment B).

CDOT is asking that you concur that these improvements would not adversely affect the Fossil Creek Drive Trail, and therefore be classified as a "temporary occupancy" as defined by Section 4(f) of the U.S. Department of Transportation Act of 1965. To be classified as such, five specific conditions must be satisfied. These conditions, and CDOT's efforts to meet them, are outlined below:

Condition (i)

Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.

The trail closure will only occur during times of immediately adjacent construction and there will be no change in ownership of the land.



Letter of Concurrence, Fossil Creek Drive Trail

Condition (ii)

Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the resource are minimal.

Package A calls for the construction of an additional railroad track. To accommodate this construction the underpass will require lengthening, which will have no impact on the trail alignment.

Condition (iii)

There are no anticipated permanent adverse physical impacts, nor will there be interference with the activities or purpose of the resource, on either a temporary or permanent basis.

CDOT will provide detours, with signage, for the duration of the trail closures. The map and narrative description (Attachment B) illustrate the proposed detour routes.

Condition (iv)

The land being used must be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the project.

With the exception of a slight visual alteration caused by the lengthened underpass, the trail will see no permanent adverse impacts.

Condition (v)

There must be documented agreement of the appropriate Federal, State, or local officials having jurisdiction over the resource regarding the above conditions.

The attached letter of concurrence serves as the agreement of local officials that the efforts described above would meet these conditions.

Should you, or others in your department, have concerns or questions regarding the above information please contact Wendy Wallach, Senior Project Manager, at 303-820-4807, or wendy.wallach@jacobs.com.

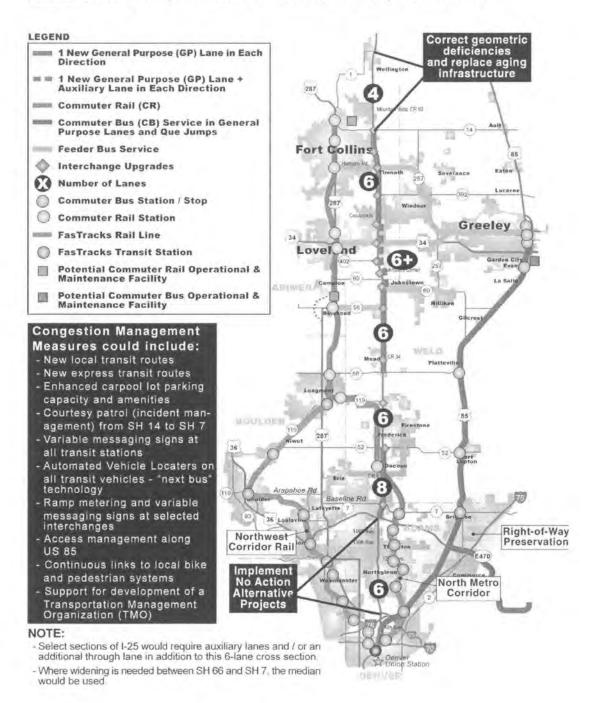
Sincerely,

Cc: Project file



Letter of Concurrence, Fossil Creek Drive Trail

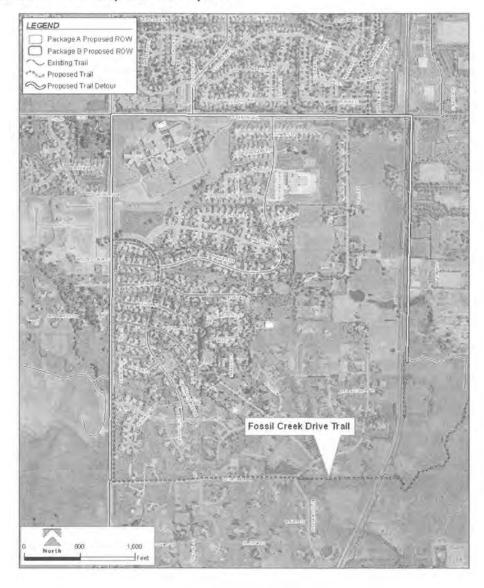
Attachment A: Package A, North I-25 Environmental Impact Statement





Letter of Concurrence, Fossil Creek Drive Trail

Attachment B: Detour Map and Description



This detour will require trail users to take Shields Street north to Harmony Road, then head east until Mason Street. At which point trail users will travel south on Mason Street until they reach Fossil Creek Trail.

Please advise if alternative detour routes exist that you would prefer.



information cooperation transportation.

February 19, 2008

Craig Foreman Park Planning and Development City of Fort Collins 413 South Bryan Street Fort Collins, CO 80521

Wendy Wallach Senior Project Manager Jacobs Carter Burgess 707 17th Street, Suite 2300 Denver, CO 80202

RE: Letter of Concurrence North I-25 EIS and the Spring Creek Trail

Dear Ms. Wallach,

Based on the provided information the City of Fort Collins finds that the criteria of a temporary occupancy have been satisfied. Thus, the City of Fort Collins concurs with the temporary occupancy designation for the Spring Creek Trail in regard to the North I-25 Environmental Impact Statement.

Printed Name: Craig L. Foreman Date: 2/21/08
Signature: Cray 180

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information, ecoperation trunsportation.

February 20, 2008

Rich Dahl
Parks Services Manager
Parks, Recreation and Libraries
City of Westminster
4800 W. 92nd Avenue
Westminster, CO 80031

RE: North I-25 Environmental Impact Statement and the Big Dry Creek Trail

Dear Mr. Dahl,

The Federal Highway Administration and the Federal Transit Administration, in cooperation with the Colorado Department of Transportation (CDOT), have initiated an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along the 70-mile I-25 transportation corridor extending from the Fort Collins/Wellington area to Denver. The improvements being considered in this Draft EIS would address regional and inter-regional movement of people, goods, and services in the I-25 corridor. The purpose and need for the improvements is to address mobility, accessibility, safety, and aging infrastructure problems along I-25, as well as to provide for a greater variety of transportation choices and support economic growth.

Two multi-modal build packages, Package A and Package B, are being evaluated, as well as the No-Action Alternative in accordance with National Environmental Policy Act requirements. Types of highway improvement being considered as a part of the multi-modal packages include highway widening, tolled express lanes and interchange reconstruction. Transit improvements being considered in the multi-modal packages include commuter rail, commuter bus, and bus rapid transit (BRT) on three different alignments.

The proposed improvements in Package B (Attachment A) may affect bicycle and pedestrian facilities within your jurisdiction, including the Big Dry Creek Trail These improvements include the lengthening of the existing underpass to accommodate additional traffic lanes on Interstate 25. Construction impacts may be mitigated in one of the following two ways:

- 1. A temporary trail closure and detour of pedestrian and bicycle traffic (Attachment B).
- 2. A three-sided trail enclosure, which would protect trail users from overhead construction.

The specifics regarding the proposed improvements, such as the construction footprint or the location of cut and fill slopes, will not be known until final design. These details will provide the required information regarding safety and viability of the alternatives, therefore it is during final design phase that the alternative will be selected.

CDOT is asking that you concur that these improvements would not adversely affect the Big Dry Creek Trail, and therefore be classified as a "temporary occupancy" as defined by Section 4(f) of the U.S. Department of Transportation Act of 1965. To be classified as such, five specific



Letter of Concurrence, Big Dry Creek Trail

conditions must be satisfied. These conditions, and CDOT's efforts to meet them, are outlined below:

Condition (i)

Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.

The trail closure and/or enclosure will only occur during times of immediately adjacent construction and there will be no change in ownership of the land.

Condition (ii)

Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the resource are minimal.

Package B calls for the construction of additional lanes on Interstate 25. To accommodate this construction the existing underpass at Big Dry Creek Trail requires lengthening. This will not affect the existing trail alignment.

Condition (iii)

There are no anticipated permanent adverse physical impacts, nor will there be interference with the activities or purpose of the resource, on either a temporary or permanent basis.

CDOT will either provide an enclosure, or in the case of a trail closure, detours with signage, for the duration of the trail closure. The map and narrative description (Attachment B) provide the proposed detour route.

Condition (iv)

The land being used must be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the project.

With the exception of a slight visual alteration caused by the lengthening of the underpass, the trail will see no permanent adverse impacts.

Condition (v)

There must be documented agreement of the appropriate Federal, State, or local officials having jurisdiction over the resource regarding the above conditions.

The attached letter of concurrence serves as the agreement of local officials that the efforts described above would meet these conditions.

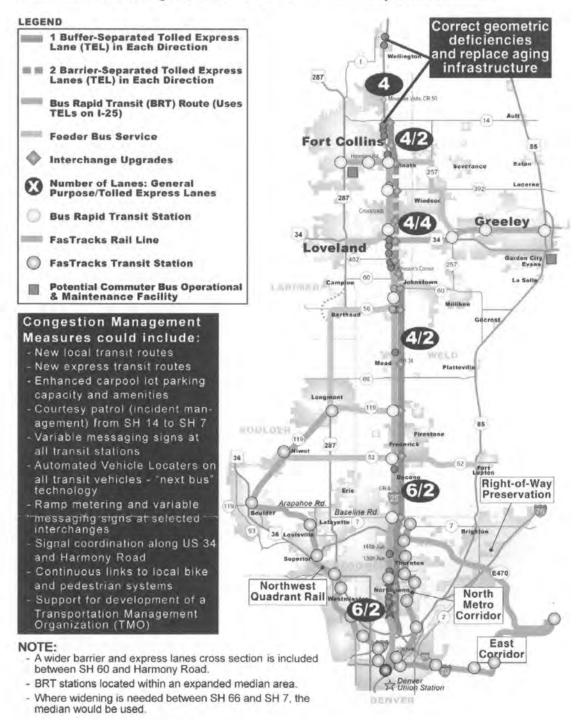
Should you, or others in your department, have concerns or questions regarding the above information please contact Wendy Wallach, Senior Project Manager, at 303-820-4807, or wendy.wallach@jacobs.com.

Sincerely,



Letter of Concurrence, Big Dry Creek Trail

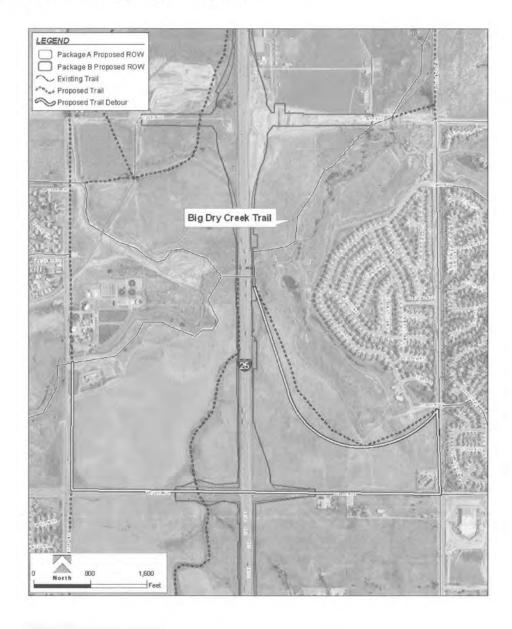
Attachment A: Package B, North I-25 Environmental Impact Statement





Letter of Concurrence, Big Dry Creek Trail

Attachment B: Detour Map and Description



The detour will require trail users to follow Thornton #2 Trail south until reaching Washington Street, then continue south to 128th Avenue. Trail users would then proceed west on 128th Avenue to Huron Street, then turn north until reconnecting to the existing Big Dry Creek Trail

Please advise if alternative detour routes exist that you would prefer.



information, cooperation, transportation,

February 20, 2008

Rich Dahl Parks Services Manager Parks, Recreation and Libraries City of Westminster 4800 W. 92nd Avenue Westminster, CO 80031

Wendy Wallach Senior Project Manager Jacobs Carter Burgess 707 17th Street, Suite 2300 Denver, CO 80202

RE: Letter of Concurrence North I-25 EIS and the Big Dry Creek Trail

Dear Ms. Wallach.

Based on the provided information the City of Westminster finds that the criteria of a temporary occupancy have been satisfied. Thus, the City of Westminster concurs with the temporary occupancy designation for the Big Dry Creek Trail in regard to the North I-25 Draft Environmental Impact Statement.

Printed Name: RICHARD DAHC Date: 3-29-08

Signature: Sulund Coll

Page 197

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Distribution of the Draft EIS

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DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



November 26, 2008

Jeremy Olinger Town of Berthoud Parks and Recreation Department 100 10th Street Berthoud, CO 80513

RE: North I-25 Draft Environmental Impact Statement

Dear Mr. Olinger:

Enclosed for your information is a copy of the North I-25 Draft Environmental Impact Statement (EIS), which is currently available for public review. The public review period concludes on December 30th, 2008. Written comments on the Draft EIS must be received by CDOT by December 30, 2008 to be considered. If you have comments, please send to Attn: Carol Parr at the address below, or by fax (970-669-0289), or email (carol.parr@dot.state.co.us).

Additional information is available on the project website at www.cdot.info/northi25eis/.

The following individuals may be contacted for additional information concerning this document:

Carol Parr Project Manager Colorado Department of Transportation Region 4 1420 2nd Street Greeley, Colorado 80632 (970) 350-2170 Monica Pavlik, P.E. Environmental Engineer Federal Highway Administration 12300 W. Dakota Avenue Suite 180 Lakewood, CO 80228 (720) 963-3012

Thank you for your assistance.

Sincerely,

Carol H. Parr

N I-25 Corridor EIS Project Manager

Enclosure

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



November 26, 2008

John Stokes City of Fort Collins Natural Resources Department P.O. Box 580 Fort Collins, CO 80522-0580

RE: North I-25 Draft Environmental Impact Statement

Dear Mr. Stokes:

Enclosed for your information is a copy of the North I-25 Draft Environmental Impact Statement (EIS), which is currently available for public review. The public review period concludes on December 30th, 2008. Written comments on the Draft EIS must be received by CDOT by December 30, 2008 to be considered. If you have comments, please send to Attn: Carol Parr at the address below, or by fax (970-669-0289), or email (carol.parr@dot.state.co.us).

Additional information is available on the project website at www.cdot.info/northi25eis/.

The following individuals may be contacted for additional information concerning this document:

Carol Parr Project Manager Colorado Department of Transportation Region 4 1420 2nd Street Greeley, Colorado 80632 (970) 350-2170 Monica Pavlik, P.E. Environmental Engineer Federal Highway Administration 12300 W. Dakota Avenue Suite 180 Lakewood, CO 80228 (720) 963-3012

Thank you for your assistance.

Sincerely,

Carol H. Parr

N I-25 Corridor EIS Project Manager

Enclosure

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



November 26, 2008

Don Bessler City of Longmont Parks, Open Space, and Public Facilities Department 7 South Sunset Street Longmont, CO 80501

RE: North I-25 Draft Environmental Impact Statement

Dear Mr. Bessler:

Enclosed for your information is a copy of the North I-25 Draft Environmental Impact Statement (EIS), which is currently available for public review. The public review period concludes on December 30th, 2008. Written comments on the Draft EIS must be received by CDOT by December 30, 2008 to be considered. If you have comments, please send to Attn: Carol Parr at the address below, or by fax (970-669-0289), or email (carol.parr@dot.state.co.us).

Additional information is available on the project website at www.cdot.info/northi25eis/.

The following individuals may be contacted for additional information concerning this document:

Carol Parr Project Manager Colorado Department of Transportation Region 4 1420 2nd Street Greeley, Colorado 80632 (970) 350-2170 Monica Pavlik, P.E. Environmental Engineer Federal Highway Administration 12300 W. Dakota Avenue Suite 180 Lakewood, CO 80228 (720) 963-3012

Thank you for your assistance.

Sincerely,

Carol H. Parr

N I-25 Corridor EIS Project Manager

Enclosure

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



November 26, 2008

Gary Havener City of Loveland Parks and Recreation Department 500 East Third Loveland, CO 80537

RE: North I-25 Draft Environmental Impact Statement

Dear Mr. Havener:

Enclosed for your information is a copy of the North I-25 Draft Environmental Impact Statement (EIS), which is currently available for public review. The public review period concludes on December 30th, 2008. Written comments on the Draft EIS must be received by CDOT by December 30, 2008 to be considered. If you have comments, please send to Attn: Carol Parr at the address below, or by fax (970-669-0289), or email (carol.parr@dot.state.co.us).

Additional information is available on the project website at www.cdot.info/northi25eis/.

The following individuals may be contacted for additional information concerning this document:

Carol Parr Project Manager Colorado Department of Transportation Region 4 1420 2nd Street Greeley, Colorado 80632 (970) 350-2170 Monica Pavlik, P.E. Environmental Engineer Federal Highway Administration 12300 W. Dakota Avenue Suite 180 Lakewood, CO 80228 (720) 963-3012

Thank you for your assistance.

Sincerely,

Carol H. Parr

N I-25 Corridor EIS Project Manager

Enclosure

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



November 26, 2008

Amanda Peterson City of Northglenn Parks and Recreation Department 11700 Community Center Drive Northglenn, CO 80233

RE: North I-25 Draft Environmental Impact Statement

Dear Mrs. Peterson:

Enclosed for your information is a copy of the North I-25 Draft Environmental Impact Statement (EIS), which is currently available for public review. The public review period concludes on December 30th, 2008. Written comments on the Draft EIS must be received by CDOT by December 30, 2008 to be considered. If you have comments, please send to Attn: Carol Parr at the address below, or by fax (970-669-0289), or email (carol.parr@dot.state.co.us).

Additional information is available on the project website at www.cdot.info/northi25eis/.

The following individuals may be contacted for additional information concerning this document:

Carol Parr
Project Manager
Colorado Department of Transportation
Region 4
1420 2nd Street
Greeley, Colorado 80632
(970) 350-2170

Monica Pavlik, P.E. Environmental Engineer Federal Highway Administration 12300 W. Dakota Avenue Suite 180 Lakewood, CO 80228 (720) 963-3012

Thank you for your assistance.

Sincerely,

Carol H. Parr

N I-25 Corridor EIS Project Manager

Enclosure

DEPARTMENT OF TRANSPORTATION

Region Four

1420 2nd Street Greeley, CO 80631 (970) 350-2170 Fax (970) 350-2177



November 26, 2008

Mike Soderberg City of Thornton Community Services 9500 Civic Center Drive Thornton, CO 80229

RE: North I-25 Draft Environmental Impact Statement

Dear Mr. Soderberg:

Enclosed for your information is a copy of the North I-25 Draft Environmental Impact Statement (EIS), which is currently available for public review. The public review period concludes on December 30th, 2008. Written comments on the Draft EIS must be received by CDOT by December 30, 2008 to be considered. If you have comments, please send to Attn: Carol Parr at the address below, or by fax (970-669-0289), or email (carol.parr@dot.state.co.us).

Additional information is available on the project website at www.cdot.info/northi25eis/.

The following individuals may be contacted for additional information concerning this document:

Carol Parr Project Manager Colorado Department of Transportation Region 4 1420 2nd Street Greeley, Colorado 80632 (970) 350-2170 Monica Pavlik, P.E. Environmental Engineer Federal Highway Administration 12300 W. Dakota Avenue Suite 180 Lakewood, CO 80228 (720) 963-3012

Thank you for your assistance.

Sincerely,

Carol H. Parr

N I-25 Corridor EIS Project Manager

Enclosure

Public Involvement After the Release of the Draft EIS	

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MEETING MINUTES

BOULDER CREEK ESTATES 4(f) ISSUES

MEETING DATE: July 27, 2009

LOCATION: City of Longmont

FHWA: Monica Pavlik
CDOT: Bob Autobee

ATTENDEES: City of Longmont: Nick Wolfrum, Dan Wolford (with Parks),

Don Bessler (with Parks), Phil Greenwald

Jacobs: Gina McAfee, Kevin McDermott, Jennifer Merer

PREPARER: Gina McAfee

JACOBS

COPIES: Attendees, Carol Parr, Tom Anzia, Thor Gjelsteen, Craig Gaskill,

Jacobs File #071609.400

MEETING SUMMARY

1. Gina McAfee described the project past history and process.

- 2. Boulder Creek Estates has not been formally adopted as a park by the City of Longmont, nor have any plans been formally adopted.
 - a. The plans for Boulder Creek Estates are in the very preliminary stages.
 - b. There are no detailed plans for CR 7 area.
- 3. The City of Longmont will require vehicular access off of CR 7 and wildlife and people movement at St. Vrain Creek.
- 4. The North I-25 DEIS plans show single track commuter rail south of SH 119. Commuter rail is proposed to be on structure over St. Vrain Creek and over the pond. Longmont recommended not doing a structure to cross the gravel pit pond, but instead put the commuter rail on fill. When the North I-25 project moves further Longmont would like to involve their water people to see how to move forward with the pond.
- 5. In the next five years the City of Longmont will be doing a plan for the Boulder Creek Estates Park.
- 6. Don said this will be a district park-for low impact fishing, hiking, and trails. They have not done any design work or formalized any planning. They would like vehicular access off CR 7.



MEETING MINUTES

Boulder Creek Estates 4(f) Issues 7/27/09 2 of 2

- 7. Rail should be designed as close to the two roads as possible in order to minimize impacts.
- 8. The existing SH 119 structures over the Greenway will not pass the 100 year flood. Region 4's planning was such to allow for a future bike path. We should look at these recent plans.
- 9. Monica described that, for joint planning, we would want to see a future transportation corridor designated. We might be able to transfer some of the property along CR 7 to the City for their future trailhead/access. We should also commit to accommodating wildlife movement under SH 119 and a bike path along the greenway.
- 10. We need to give Longmont a width of swath. We should give them design files after our FEIS design process is finalized. These should incorporate any plans for widening of SH 119.
- 11. The City Council might want to adopt a resolution in support of this joint planning, but the project team will still need a letter from the official with jurisdiction (the Parks Department). The project team will let Nick know what documentation we need.

J:_Transportation\071609.400\manage\mtgs\minutes\Boulder Creek Estates 4(f) Meeting_072709_fb.doc



Colorado Division

March 9, 2010

12300 W. Dakota Ave., Suite 180 Lakewood, Colorado 80228 720-963-3000 Fax 720-963-3001

Mr. Daniel Wolford, CPRP
City of Longmont Manager of Parks, Open Space and Forestry
Community Development Department
Parks and Open Space Division
7 South Sunset Street
Longmont, CO 80501

Dear Mr. Wolford:

The North I-25 project is including as a part of its proposed Preferred Alternative the construction of a commuter rail track that will proceed south of SH 119 and west of County Road 7. This will require right-of-way from a proposed future City of Longmont park called Boulder Creek Estates.

When we met in July 2009 to discuss this, you indicated that the proposed park has not yet been formally adopted as a park nor are there any formal plans for park development. Pursuant to 23 CFR 774.11(i), the development of this park and the development of the transportation corridor can proceed with joint planning.

Enclosed is an aerial photo that includes the proposed corridor for commuter rail in this vicinity. On this aerial photo a future transportation corridor is shown that varies from approximately 110 feet south of the current south edge of SH 119 to approximately 150 feet west of the current western edge of CR 7. Consistent with our discussion in July 2009, the City of Longmont is planning to place this future transportation corridor on future park plans in this area.

Please let us know if you have any questions about this and please sign below and return this letter to indicate your concurrence with this joint planning for this future park. Thanks again for your support for the North I-25 project.

Sincerely Yours,

Karla S. Petty, P.E.

Moruen C Favil

Enclosure: Map cc: Carol Parr, CDOT

I concur:

Signature

MANAGER OF BANKS of OPEN STACE

Date

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STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region Four 1420 2nd Street Greeley, CO 80631

(970) 350-2146 (Fax) 350-2198

January 20, 2011



Mr. Jeremy Olinger
Director
Town of Berthoud
Parks and Recreation Department
100 10th St.
Berthoud, CO 80513

Re: North I-25 Environmental Impact Statement Effects to Little Thompson Corridor Open Space

Dear Mr. Olinger:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), are in the process of preparing an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 61 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The improvements being considered in the Final EIS will address regional and inter-regional movement of people, goods, and services in the I-25 corridor.

A property administered by the Town of Berthoud has been determined to qualify for Section 4(f) protection as defined in 23 Code of Federal Regulations 774.17 and would experience a use by project alternatives under consideration. The Little Thompson River Corridor Open Space qualifies for protection under Section 4(f) because it is a publicly-owned recreation area.

By way of this letter, FHWA, FTA, and CDOT are requesting written concurrence from the Town of Berthoud, as the official with jurisdiction over The Little Thompson River Corridor Open Space, that the project will not adversely affect the activities, features, and attributes that qualify this property for protection under Section 4(f) (see below).

Background

In 2005, Congress amended Title 49 USC 303, also known as Section 4(f), when it enacted the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, enacted August 10, 2005) (SAFETEA-LU). Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes the Secretary of Transportation to approve a project that uses Section 4(f) lands without analysis of feasible and prudent avoidance alternatives if it would have *de minimis* impacts upon the Section 4(f) resource. The impacts of a transportation project on a park, recreation area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if:

- 1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
- 2. The official(s) with jurisdiction over the property are informed of FHWA's or FTA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
- 3. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

Section 4(f) Use

Three build alternatives are being analyzed in the Final EIS; Package A, Package B, and the Preferred Alternative. Although these alternatives may result in different uses of the property in question, for the purposes of receiving *de minimis* concurrence, the following discussion assumes selection of the alternative with the highest degree of use of the property.

Little Thompson River Corridor Open Space

Impacts

Uses at this location would result from the addition of the general-purpose lane and auxiliary lane on the west side of I-25, as well as the transition of the southbound ramp at the newly configured SH 56 interchange. A portion of the trail along Little Thompson River would be located under the new bridge; however, trail access would be maintained. Current access to the recreation area would be removed and replaced with a new access from the south, ending at a cul-de-sac at the recreation area. The new right-of-way acquisition required to accommodate the additional lane, the ramp, and the new access would require 2.04 acres of land from the open space property adjacent to the west side of the highway. None of the features or amenities would be used as a result, and the remainder of the recreation area would not be diminished in utility. The attributes that qualify the Little Thompson River Corridor Open Space for Section 4(f) protection are not adversely affected.

West side property access would be maintained, except for the northwest park road connection to the service road. This connection would be severed, but access would still be available to the south. East side property access would be modified so that recreationists would use the new service road. The result of these changes would be a minor indirect impact to access to the property.

Measures to Minimize Harm

Design modifications proposed under the Preferred Alternative would reduce the acreage of use to this property by a small amount but could not avoid it entirely. However, if an alternative other than the Preferred Alternative were selected, the impacts described may be realized. The trail following the Little Thompson River extends for several miles perpendicular to the highway at this location. There are also several wetlands located on either side of I-25. Shifting to the east to avoid impacts to wetlands and the trail on the west would also have impacted wetlands and trails; therefore, no additional measures to minimize harm could be identified.

Mitigation Measures

- CDOT will develop the new access before the existing access is closed. Alternate routes will be identified and adequate detour signing will be provided.
- CDOT will work with Berthoud to reseed disturbed with native grasses.
- CDOT will add native shrubs as appropriate.

Public Involvement

Agency coordination, including meetings, outreach, and agency scoping, began early in the EIS process and has been ongoing throughout. Public input on the possible findings of *de minimis* was requested during the public comment period for the Draft EIS and the public will have an opportunity to further comment on the proposed improvements and potential impacts as part of the Final EIS as well. Specific requests to provide input on the proposed *de minimis* findings was made at the EIS public hearings.

Request for Concurrence

CDOT requests the written concurrence from the Town of Berthoud that effects of the project as described above, and considering the minimization and mitigation measures that have been proposed, will not adversely affect the activities, features, and attributes of the Little Thompson River Corridor Open Space. This written concurrence will help satisfy the concurrence and consultation requirements of 23 CFR § 774.5(b)(2). Concurrence can be provided either by signing and dating the signature block at the end of this letter, or by separate letter from the Town of Berthoud to the CDOT at the address shown above. Because impacts to the properties in question as reported in the Final EIS are similar to or lesser than those reported in the Draft EIS we are requesting your concurrence prior to release of the Final EIS. FHWA and FTA are willing to make a *de minimis* determination at this point as the public has been provided an opportunity to comment.

Intent for De Minimis Finding

Pending your concurrence, CDOT believes that the impacts to the Little Thompson River Corridor Open Space will not adversely affect the activities, features, and attributes of the open space. Based on this finding, and taking into consideration the minimization and mitigation measures that have been proposed and public input received, CDOT recommends and anticipates FHWA's and FTA's concurrence that the proposed action will have *de minimis* impacts to the Little Thompson River Corridor Open Space, and that an analysis of feasible and prudent avoidance alternatives under Section 4(f) is not required.

Sincerely,

Carol Parr

CDOT Project Manager

CAPan

cc: Monica Pavlik, FHWA
Thor Gjelsteen, FHU
Bob Quinlan, Jacobs

File

Concurrence

As the official with jurisdiction over the Little Thompson River Corridor Open Space, I hereby concur with the recommendations of the project proponents that the use and impacts associated with this project, along with the identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

By:

Title: Tasa administrator

Date:



www.cityofthornton.net

February 17, 2011

Carol Parr, Project Manager Region Four Colorado Department of Transportation 1420 2nd Street Greeley, CO 80631

RE: North I-25 Environmental Impace Statement - Effects to Civic Center Park

Dear Ms. Parr:

The City is in receipt of your letter dated January 20, 2011 addressed to Mike Soderberg, Executive Director of Community Services. This letter requests concurrence by the City that the project impacts to the Civic Center Park (to add one buffer-separated lane in each direction intended to be used as a shared bus rapid transit ("BRT")/tolled express lane on I-25 between E-470 and US 36) were *de minimis* in nature.

The City believes that the North I-25 EIS did not fully investigate the transportation needs of I-25 from State Highway 7 south to US 36. The section of I-25 from US 36 to 104th Avenue is the most congested (volume per lane) segment in the entire State of Colorado yet this does not appear to have been addressed in the North I-25 EIS. The North I-25 EIS focused on providing a BRT/tolled express lane through this area—which provides relief for the communities north of State Highway 7, but little access to communities south of State Highway 7.

There is also an apparent lack of coordination between Region Four and Region Six as regards planned transportation improvements to the section of I-25 from State Highway 7 south to US 36. The Denver Regional Council of Governments (DRCOG) 2035 Fiscally Constrained Regional Transportation Plan (RTP) shows widening of I-25 north from US 36 to Thornton Parkway with the addition of two general purpose lanes but does not show the two BRT/tolled express lanes. The North I-25 EIS shows the two BRT/tolled express lanes but does not show the two general purpose lanes.

This oversight in coordinated planning for the section of I-25 from State Highway 7 south to US 36 was recognized last year. CDOT Region 6 is currently in the process of hiring a consultant to conduct a Planning and Environmental Linkage ("PEL") Study on this segment of I-25 to address this gap. It is our understanding that the PEL Study is anticipated to be completed by May 2012.

Ms. Carol Parr, Project Manager CDOT Region Four February 17, 2011 Page 2

Until the impacts of both the BRT/tolled express lanes and additional general purpose lanes are known, we cannot sign a letter indicating that the impacts of the North I-25 project is *de minimis*. The center piece of Civic Center Park is a lake and that lake is also a part of the City's water supply system. Therefore, we are very concerned about impacts to the park from an esthetic standpoint and a water quality standpoint.

If you have any further questions, please feel free to contact me or Gene Putman, Thornton's Transportation Manager.

Sincerely,

Joyce Hunt

Assistant City Manager

cc: Mike Soderberg, Executive Director of Community Services

Bud Elliot, Deputy City Manager, Infrastructure

Gene Putman, Tranportation Manager

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region Four 1420 2nd Street Greeley, CO 80631

(970) 350-2146 (Fax) 350-2198

March 18, 2011



Mr. Jack Ethredge Thornton City Manager 9500 Civic Center Drive Thornton, CO 80229

Re: North I-25 Environmental Impact Statement Effects to Niver Creek Open Space/Coronado Parkway Trail

Dear Mr. Ethredge:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), are in the process of preparing an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 61 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The improvements being considered in the Final EIS will address regional and inter-regional movement of people, goods, and services in the I-25 corridor.

Niver Creek Open Space and the Coronado Parkway Trail, both administered by the City of Thornton, qualify for protection under Section 4(f) as defined in 23 Code of Federal Regulations 774.17 because they are publicly-owned recreation resources. These resources would experience a use by project alternatives under consideration. The Coronado Parkway Trail is located within the Niver Creek Open Space however, because the trail also continues outside of the open space boundary and use of the trail would occur both inside and outside of this boundary, these resources are identified separately but discussed together for the purposes of the North I-25 EIS.

By way of this letter, FHWA, FTA, and CDOT are requesting written concurrence from the City of Thornton, as the official with jurisdiction over the Niver Creek Open Space/Coronado Parkway Trail that the project will not adversely affect the activities, features, and attributes that qualify this property for protection under Section 4(f) (see below).

Background

In 2005, Congress amended Title 49 USC 303, also known as Section 4(f), when it enacted the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, enacted August 10, 2005) (SAFETEA-LU). Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes the Secretary of Transportation to approve a project that uses Section 4(f) lands without analysis of feasible and prudent avoidance alternatives if it would have *de minimis* impacts upon the Section 4(f) resource. The impacts of a transportation project on a park, recreation area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if:

- 1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
- 2. The official(s) with jurisdiction over the property are informed of FHWA's or FTA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
- 3. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

Section 4(f) Use

Three build alternatives are being analyzed in the Final EIS; Package A, Package B, and the Preferred Alternative. Although these alternatives may result in different uses of the property in question, for the purposes of receiving *de minimis* concurrence, the following discussion assumes selection of the alternative with the highest degree of use of the resource.

Niver Creek Open Space/Coronado Parkway Trail

Impacts

Proposed improvements to I-25 between E-470 and US 36 include the addition of one buffer-separated lane in each direction, for a total of six-general purpose lanes and two tolled express lanes. Express bus service would share the tolled express lanes. A Section 4(f) use would result from the replacement of the 88th Ave. bridge and the widened highway profile to accommodate the addition of the buffer-separated tolled lane. The combined improvements would use the southeastern edge of the open space and trail as it leaves the open space property, passes beneath 88th Ave. and then through an underpass which carries it to the east side of I-25. Total area of use within the open space would be approximately 2 acres. Total length of the trail that would be impacted would be approximately 940 linear feet.

Although the Coronado Parkway Trail will be temporarily impacted during construction and rerouted onto an overpass none of the features or amenities would be impacted following the temporary closure of the trail. A minor detour may be required that would send users of the

Coronado Parkway Trail onto another trail located within the open space that would then allow the users to reach 88th Avenue. From here users could cross I-25 on 88th Avenue or enter the Thornton park-n-Ride.

The remainder of the open space would not be diminished in utility. The attributes that qualify Niver Creek Open Space/Coronado Parkway Trail for Section 4(f) protection would not be adversely affected.

Measures to Minimize Harm

A separate alternative being examined would avoid use of this property entirely by offering no improvements in this segment of I-25 and instead concentrating improvements on other transportation corridors located east or west of I-25. However, two alternatives being examined would result in impacts similar to those described above. The highway adjacent to Niver Creek Open Space/Coronado Parkway Trail is in a physically constrained location with homes and businesses adjacent to northbound lanes. The median has been reduced as much as possible with a concrete barrier and minimum width shoulders. Because the area is tightly constrained, no measures to minimize harm could be identified at this location.

Mitigation Measures

- CDOT will investigate the suitability of land acquisition for replacement of impacted lands used by the transportation improvements.
- A detour will be in provided and in place prior to closure of the existing trail (see map).
- Advanced notice and signage will be in place for closure and detour.
- Trail crossings will be returned to existing or improved condition after construction.
- CDOT will work with Adams County and City of Thornton to ensure advanced notice and signage for rerouting of trail.
- Noise mitigation recommendations will be consistent with the commitments made in the Final EIS noise barrier analysis.
- CDOT will reseed disturbed areas with native grasses.
- CDOT will add native shrubs as appropriate.
- Best Management Practices will be used to avoid or minimize construction-related nuisances in affected areas from noise, dust, light/glare, etc.

Public Involvement

Agency coordination, including meetings, outreach, and agency scoping, began early in the EIS process and has been ongoing throughout. Public input on the possible findings of *de minimis* was requested during the public comment period for the Draft EIS and the public will have an opportunity to further comment on the proposed improvements and potential impacts as part of the Final EIS as well. Specific requests to provide input on the proposed *de minimis* findings was made at the EIS public hearings.

Request for Concurrence

CDOT requests the written concurrence from the City of Thornton that effects of the project as described above, and considering the minimization and mitigation measures that have been proposed, will not adversely affect the activities, features, and attributes of Niver Creek Open Space/Coronado Parkway Trail. This written concurrence will help satisfy the concurrence and consultation requirements of 23 CFR § 774.5(b)(2). Concurrence can be provided either by signing and dating the signature block at the end of this letter, or by separate letter from the City of Thornton to the CDOT at the address shown above. Because impacts to the park in question as reported in the Final EIS are similar to or lesser than those reported in the Draft EIS we are requesting your concurrence prior to release of the Final EIS. FHWA and FTA are willing to make a *de minimis* determination at this point as the public has been provided an opportunity to comment.

Intent for De Minimis Finding

Pending your concurrence, CDOT believes that the impacts to Niver Creek Open Space/Coronado Parkway Trail will not adversely affect the activities, features, and attributes of the property. Based on this finding, and taking into consideration the minimization and mitigation measures that have been proposed and public input received, CDOT recommends and anticipates FHWA's and FTA's concurrence that the proposed action will have *de minimis* impacts to Niver Creek Open Space/Coronado Parkway Trail, and that an analysis of feasible and prudent avoidance alternatives under Section 4(f) is not required.

Sincerely,

Carol Parr

CDOT Project Manager

cc: Gene Putman

CHPan

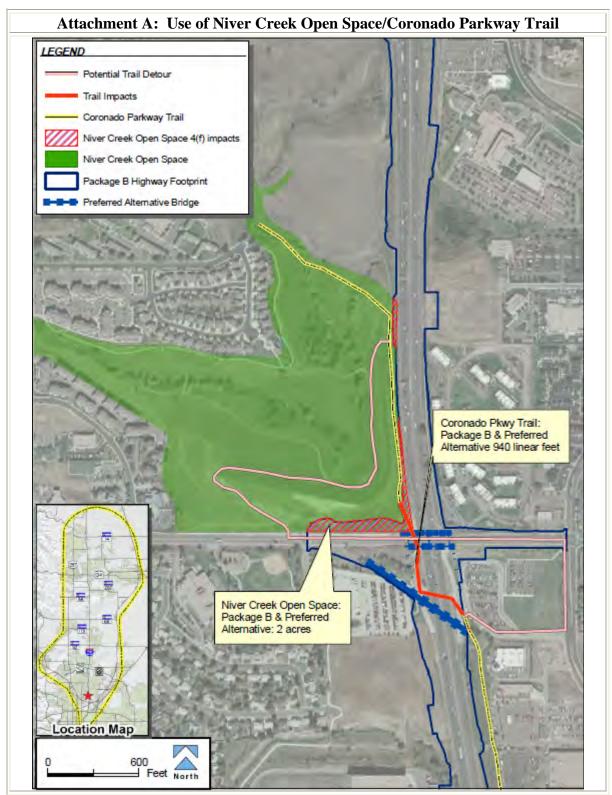
Monica Pavlik, FHWA Thor Gjelsteen, FHU

Bob Quinlan, Jacobs

File

Concurrence

As the official with jurisdiction over Niver Creek Open Space/Coronado Parkway Trail, I hereby
concur with the recommendations of the project proponents that the use and impacts associated
with this project, along with the identified avoidance, minimization, and mitigation measures,
will not adversely affect the activities, features, and attributes that qualify the property for
protection under Section 4(f).





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April 11, 2011

Mr. Gary Havener City of Loveland City of Loveland Parks and Recreation Commission 500 East Third Street Loveland, CO 80537

Re: North I-25 Environmental Impact Statement and the Big Thompson River Corridor Trail

Dear Mr. Havener:

The Federal Highway Administration and the Federal Transit Administration, in cooperation with the Colorado Department of Transportation (CDOT), have initiated an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along the 70-mile I-25 transportation corridor extending from the Fort Collins/Wellington area to Denver. The improvements being considered in this Final EIS would address regional and inter-regional movement of people, goods, and services in the I-25 corridor. The purpose and need for the improvements is to address mobility, accessibility, safety, and aging infrastructure problems along I-25, as well as to provide for a greater variety of transportation choices and support economic growth.

Three multi-modal build alternatives (Package A, Package B, and the Preferred Alternative) are being evaluated, as well as the No-Action Alternative, in accordance with National Environmental Policy Act requirements. Types of highway improvement being considered as a part of the multi-modal packages include highway widening, tolled express lanes, and interchange reconstruction. Transit improvements being considered in the multi-modal packages include commuter rail, commuter bus, and bus rapid transit (BRT) on three different alignments.

The proposed improvements in Package A (**Attachment A**) may affect bicycle and pedestrian facilities within your jurisdiction, including the Big Thompson River Corridor Trail. These improvements include construction of a second bridge at the Big Thompson River Corridor Trail to accommodate an additional track, necessitating a temporary closure and detour of pedestrian and bicycle traffic (**Attachment B**).

CDOT is asking that you concur that these improvements would not adversely affect the Big Thompson River Corridor Trail, and, therefore, can be classified as a "temporary occupancy" as defined by Section 4(f) of the U.S. Department of Transportation Act (23 CFR 774), which protects parks and recreational properties (including trails) and sets out certain requirements if



the trail is to be temporarily impacted. To be classified as such, five specific conditions must be satisfied. These conditions, and CDOT's efforts to meet them (in italics), are outlined below:

Condition (i)

Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.

The trail closure will only occur during times of immediately adjacent construction and there will be no change in ownership of the land. The estimated time for this trail closure will be less than the time needed for construction of the highway widening improvements planned in this area.

Condition (ii)

Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the resource are minimal.

Package A calls for construction of an additional track, requiring construction of a second bridge at the Big Thompson River Corridor Trail. This will not affect the existing trail alignment.

Condition (iii)

There are no anticipated permanent adverse physical impacts, nor will there be interference with the activities or purpose of the resource on either a temporary or permanent basis.

CDOT will provide detours, with signage, for the duration of the trail closure. The map and narrative description (**Attachment B**) illustrate the proposed detour route. This detour does not interfere with the activities or purpose of the resource.

Condition (iv)

The land being used must be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the project.

With the exception of a slight visual alteration caused by the addition of a second bridge, the trail will see no permanent adverse impacts. The trail will be fully restored.

Condition (v)

There must be documented agreement of the appropriate federal, state, or local officials having jurisdiction over the resource regarding the above conditions.



The attached letter of concurrence serves as the agreement of local officials that the efforts described above would meet these conditions.

If you concur that improvements associated with the Preferred Alternative would not adversely affect the Big Thompson River Corridor Trail, and, therefore, can be classified as a "temporary occupancy" as defined by Section 4(f), please sign and date the attached letter and return to me.

Should you, or others in your department, have concerns or questions regarding the above information, please contact Carol Parr, CDOT Project Manager, at (970) 350-2170, or Carol.Parr@DOT.STATE.CO.US.

Sincerely,

Carol Parr CDOT Project Manager

cc: Project File Robert Quinlan Thor Gjelsteen



April 11, 2011

Mr. Gary Havener
City of Loveland
City of Loveland Parks and Recreation Commission
500 East Third Street
Loveland, CO 80537

Ms. Carol Parr CDOT Project Manger CDOT Region 4 1420 2nd Street Greeley CO. 80631

Re: Letter of Concurrence, North I-25 EIS and the Big Thompson River Corridor Trail

Dear Ms. Parr:

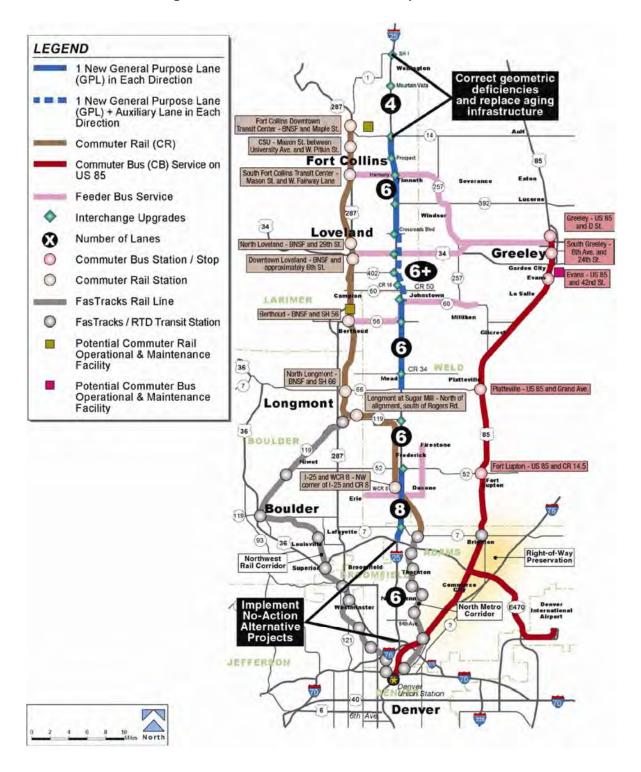
Based on the provided information, the City of Loveland finds that the criteria of a temporary occupancy have been satisfied. Thus, the City of Loveland concurs with the temporary occupancy designation for the Big Thompson River Corridor Trail in regard to the North I-25 Environmental Impact Statement.

Printed Name: Gary Havener Date: Apail 14, 2011

Signature:



Attachment A: Package A, North I-25 Environmental Impact Statement





Attachment B: Detour Map and Description



The detour will require trail users to follow 1st Street east, then south on Railroad Avenue to reconnect to the existing Big Thompson River Corridor Trail near Barnes Park.

Please advise if alternative detour routes exist that you would prefer.



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April 11, 2011

Mr. Marty Heffernan
Executive Director
Culture, Parks, Recreation and Environment Administration
PO Box 580
Fort Collins, Colorado 80522

Re: North I-25 Environmental Impact Statement and the Fossil Creek Drive Trail

Dear Mr. Heffernan:

The Federal Highway Administration and the Federal Transit Administration, in cooperation with the Colorado Department of Transportation (CDOT), have initiated an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along the 70-mile I-25 transportation corridor extending from the Fort Collins/Wellington area to Denver. The improvements being considered in this Final EIS would address regional and inter-regional movement of people, goods, and services in the I-25 corridor. The purpose and need for the improvements is to address mobility, accessibility, safety, and aging infrastructure problems along I-25, as well as to provide for a greater variety of transportation choices and support economic growth.

Three multi-modal build alternatives (Package A, Package B, and the Preferred Alternative) are being evaluated, as well as the No-Action Alternative, in accordance with National Environmental Policy Act requirements. Types of highway improvement being considered as a part of the multi-modal packages include highway widening, tolled express lanes, and interchange reconstruction. Transit improvements being considered in the multi-modal packages include commuter rail, commuter bus, and bus rapid transit (BRT) on three different alignments.

The proposed rail improvements in Package A (Attachment A) may affect bicycle and pedestrian facilities within your jurisdiction, including the proposed Fossil Creek Drive Trail across the existing Burlington Northern Santa Fe alignment at Fossil Creek. Improvements under Package A include the extension of the existing culvert at Fossil Creek to accommodate construction of a second track along the Burlington Northern Santa Fe right-of-way. Should project construction occur before the proposed trail is constructed, extension of the culvert would accommodate the proposed Fossil Creek Drive Trail, resulting in a benefit to the trail. Should construction of the proposed Fossil Creek Drive Trail be completed prior to project



CDOT will provide a three-sided trail enclosure to protect trail users or a detour for the duration of the trail closure. The map and narrative description (**Attachment B**) illustrate the proposed detour route. This detour does not interfere with the activities or purpose of the resource.

Condition (iv)

The land being used must be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the project.

With the exception of a slight visual alteration caused by the extension of the culvert, the trail will see no permanent adverse impacts. The trail will be fully restored.

Condition (v)

There must be documented agreement of the appropriate federal, state, or local officials having jurisdiction over the resource regarding the above conditions.

The attached letter of concurrence serves as the agreement of local officials that the efforts described above would meet these conditions.

If you concur that these improvements would not adversely affect the Fossil Creek Drive Trail, and, therefore, can be classified as a "temporary occupancy" as defined by Section 4(f), please sign and date the attached letter and return to me.

Should you, or others in your department, have concerns or questions regarding the above information, please contact Carol Parr, CDOT Project Manager, at (970) 350-2170, or Carol.Parr@DOT.STATE.CO.US.

Sincerely,

Carol Parr

CDOT Project Manager

cc: Project File Robert Quinlan Thor Gjelsteen



construction, a temporary closure may be required. Construction impacts may be mitigated in one of the following two ways:

- 1. A temporary trail closure and detour of pedestrian and bicycle traffic (see (Attachment B for a map and potential detour).
- A three-sided trail enclosure, which would protect trail users from overhead construction.

The specifics regarding the proposed improvements, such as the construction footprint or the location of cut and fill slopes, will not be known until final.

CDOT is asking that you concur that these improvements would not adversely affect the proposed Fossil Creek Drive Trail, and, therefore, can be classified as a "temporary occupancy" as defined by Section 4(f) of the U.S. Department of Transportation Act (23 CFR 774), which protects parks and recreational properties (including trails) and sets out certain requirements if the trail is to be temporarily impacted. To be classified as such, five specific conditions must be satisfied. These conditions, and CDOT's efforts to meet them (in italics), are outlined below:

Condition (i)

Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.

The trail closure will only occur during times of immediately adjacent construction and there will be no change in ownership of the land. The estimated time for this trail closure will be less than the time needed for construction of the highway widening improvements planned in this area.

Condition (ii)

Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the resource are minimal.

Package A calls for construction of a second track along the Burlington Northern Santa Fe right-of-way. To accommodate this construction, the existing culvert must be extended. This will not affect the existing trail alignment.

Condition (iii)

There are no anticipated permanent adverse physical impacts, nor will there be interference with the activities or purpose of the resource on either a temporary or permanent basis.



April 11, 2011

Mr. Marty Heffernan
Executive Director
Culture, Parks, Recreation and Environment Administration
PO Box 580
Fort Collins, Colorado 80522

Ms. Carol Parr CDOT Project Manger CDOT Region 4 1420 2nd Street Greeley CO. 80631

Re: Letter of Concurrence, North I-25 EIS and the Fossil Creek Drive Trail

Dear Ms. Parr:

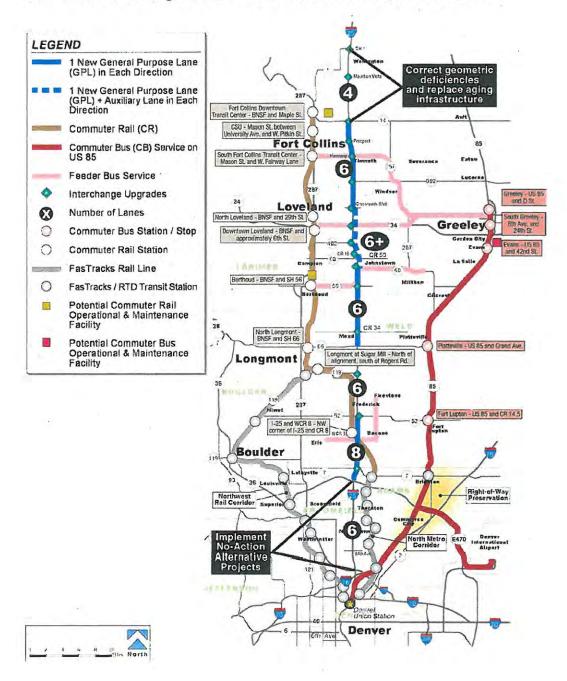
Based on the provided information, the City of Fort Collins finds that the criteria of a temporary occupancy have been satisfied. Thus, the City of Fort Collins concurs with the temporary occupancy designation for the Fossil Creek Drive Trail in regard to the North I-25 Environmental Impact Statement.

Printed Name: Marty HeffernAN Date: I we 14, 2011

Signature:

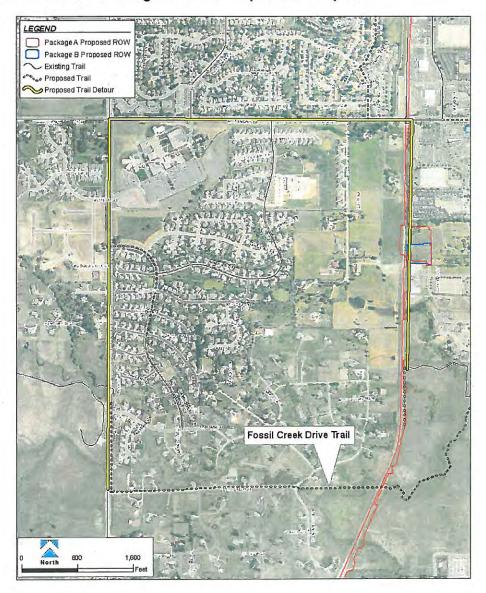


Attachment A: Package A, North I-25 Environmental Impact Statement





Attachment B: Package A: Detour Map and Description



The detour will require eastbound trail users wishing to cross the rail tracks to follow Shields St north to Harmony Rd east to the Mason Street Transportation Corridor Trail south and then reconnect to the Fossil Creek Drive Trail.

Please advise if alternative detour routes exist that you would prefer.



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April 11, 2011

Mr. Bill Bodkins
Public Works Director
Town of Wellington
P.O. Box 127
Wellington, Colorado 80549

Re: North I-25 Environmental Impact Statement and the Box Elder Creek Trail

Dear Mr. Bodkins:

As you may recall, you received a letter dated January 31, 2008 (see **Attachment A**) notifying you that the Federal Highway Administration and the Federal Transit Administration, in cooperation with the Colorado Department of Transportation (CDOT), have initiated an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along the 70-mile I-25 transportation corridor extending from the Fort Collins/Wellington area to Denver.

That letter outlined the improvements being considered, the purpose and need for the project, a description of the two multi-modal build alternatives being evaluated (Package A and Package B), and anticipated impacts to the Box Elder Creek Trail as a result of Package A and Package B. The letter requested your concurrence that the improvements associated with Package A and Package B would not adversely affect the Box Elder Creek Trail, and, therefore, can be classified as a "temporary occupancy" as defined by Section 4(f) of the U.S. Department of Transportation Act of 1965. You provided concurrence dated February 1, 2008.

This letter serves as an amendment to the January 31, 2008 letter. A Preferred Alternative has been identified for this project that contains elements of both Package A and Package B. The Preferred Alternative includes highway improvements consisting of highway widening, tolled express lanes, and interchange reconstruction. Transit improvements include commuter rail and commuter bus (see **Attachment B**).

Impacts to Box Elder Creek Trail as a result of the Preferred Alternative are the same as those for Package B, and are described below:



Improvements include the lengthening of the existing underpass as part of the effort to replace aging infrastructure along Interstate 25, necessitating a temporary trail closure and detour of pedestrian and bicycle traffic (**Attachment B**).

CDOT is asking that you concur that the improvements associated with the Preferred Alternative would not adversely affect the Box Elder Creek Trail, and, therefore, can be classified as a "temporary occupancy" as defined by Section 4(f) of the U.S. Department of Transportation Act (23 CFR 774), which protects parks and recreational properties (including trails) and sets out certain requirements if the trail is to be temporarily impacted. To be classified as such, five specific conditions must be satisfied. These conditions and CDOT's efforts to meet them (in italics), are outlined below:

Condition (i)

Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.

The trail closure will only occur during times of immediately adjacent construction and there will be no change in ownership of the land. The estimated time for this trail closure will be less than the time needed for construction of the highway widening improvements planned in this area.

Condition (ii)

Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the resource are minimal.

The Preferred Alternative calls for safety improvements, including the lengthening of the Interstate underpass of Box Elder Creek Trail. This will not affect the existing trail alignment.

Condition (iii)

There are no anticipated permanent adverse physical impacts, nor will there be interference with the activities or purpose of the resource on either a temporary or permanent basis.

CDOT will provide detours, with signage, for the duration of the trail closure. The map and narrative description in **Attachment C** provide the proposed detour route. This detour does not interfere with the activities or purpose of the resource.

Condition (iv)

The land being used must be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the project.



With the exception of a slight visual alteration caused by the lengthening of the underpass, the trail will see no permanent adverse impacts. The trail will be fully restored.

Condition (v)

There must be documented agreement of the appropriate federal, state, or local officials having jurisdiction over the resource regarding the above conditions.

The attached letter of concurrence serves as the agreement of local officials that the efforts described above would meet these conditions.

If you concur that improvements associated with the Preferred Alternative would not adversely affect the Box Elder Creek Trail, and, therefore, can be classified as a "temporary occupancy" as defined by Section 4(f), please sign and date the attached letter and return to me.

Should you, or others in your department, have concerns or questions regarding the above information, please contact Carol Parr, CDOT Project Manager, at (970) 350-2170, or Carol.Parr@DOT.STATE.CO.US.

Sincerely,

Carol Parr

CDOT Project Manager

cc: Project File Robert Quinlan Thor Gjelsteen



April 11, 2011

Mr. Bill Bodkins Public Works Director Town of Wellington 3735 Cleveland Avenue Wellington, Colorado 80549

Ms. Carol Parr **CDOT Project Manger CDOT Region 4** 1420 2nd Street Greeley CO. 80631

Re: Letter of Concurrence, North I-25 EIS and the Box Elder Creek Trail

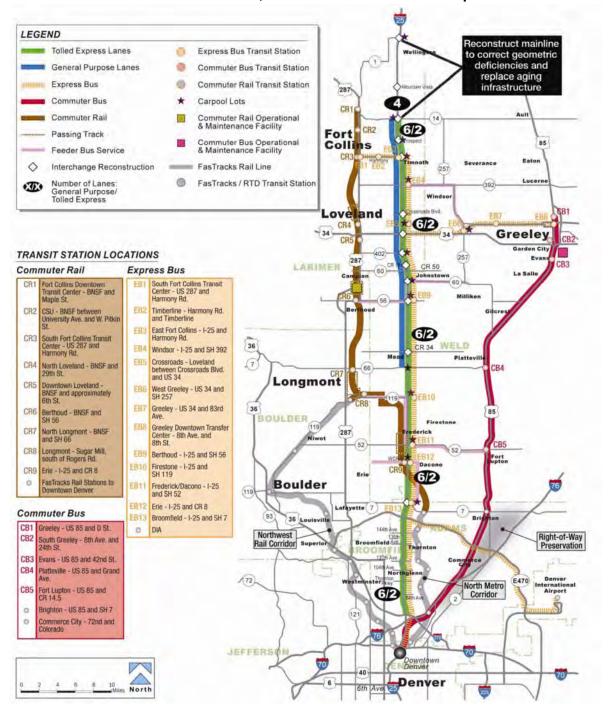
Dear Ms. Parr:

Based on the provided information, the Town of Wellington finds that the criteria of a temporary occupancy for the Preferred Alternative have been satisfied. Thus, the Town of Wellington concurs with the temporary occupancy designation for the Box Elder Creek Trail in regard to the North I-25 Environmental Impact Statement.

Printed Name: Bill Bockins Date: 4-13-11
Signature: Date: 4-13-11

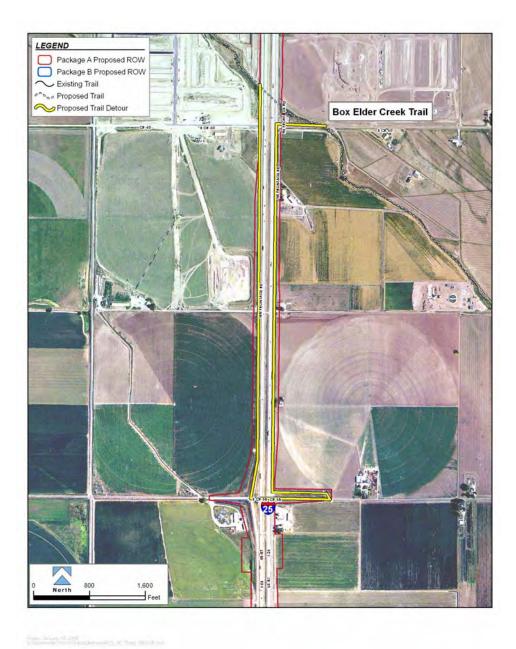


Attachment B: Preferred Alternative, North I-25 Environmental Impact Statement





Attachment C: Detour Map and Description



This detour will require trail users to take GW Bush Avenue west, then proceed south on the eastern frontage road to CR 58, west on CR 58 to the western frontage road, and then proceed north to Box Elder Creek Trail.

Please advise if alternative detour routes exist that you would prefer.



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April 15, 2011

Mr. Richard Dahl
Parks Services Manager
Parks, Recreation and Libraries
City of Westminster
4800 West 92nd Avenue
Westminster, Colorado 80013

Re: North I-25 Environmental Impact Statement: Big Dry Creek Trail & Farmers Highline Canal Trail

Dear Mr. Dahl:

The Federal Highway Administration (FHWA), in cooperation with the Colorado Department of Transportation (CDOT), are in the process of preparing an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 61 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The improvements being considered in the Final EIS will address regional and inter-regional movement of people, goods, and services in the I-25 corridor. A Preferred Alternative has been identified for this project that includes highway improvements consisting of highway widening, tolled express lanes, and interchange reconstruction. Transit improvements include commuter rail and commuter bus. See **Attachment A** for a figure displaying the Preferred Alternative.

Section 4(f) of the United States Department of Transportation (USDOT) Act of 1966, as amended, and codified in 49 United States Code (USC) § 303, declares that "(I)t is the policy of the United States Government that special effort should be made to preserve the natural beauty of the countryside and public park and recreation lands, wildlife and waterfowl refuges, and historic sites." On April 11, 2008, the USDOT put in effect a final rule for FHWA and FTA that established procedures under Section 4(f) for determining when use has a *de minimis* impact, updated the regulations to recognize exceptions to use, and moved the regulation to 24 CFR 774.

Two trails administered by the City of Westminster have been determined to qualify for Section 4(f) protection and would experience a use, or impact, by project alternatives under consideration. The Farmers Highline Canal Trail and the Big Dry Creek Trail both qualify for protection under Section 4(f) because they are publicly-owned recreation resources.



Letter of Concurrence, Big Dry Creek Trail, Farmers Highline Canal Trail

As you may recall, you received a letter dated February 20, 2008 regarding this project and impacts to the Big Dry Creek Trail. This letter serves as a follow-up to that one in order to satisfy two separate requirements:

- This is an amendment to the February 20, 2008 letter seeking concurrence for a "temporary occupancy" exception under Section 4(f) for the impacts to the Big Dry Creek Trail that would occur under the Preferred Alternative.
- 2. CDOT would also like to request your concurrence that the project will not adversely affect activities, features, and attributes that qualify Farmers Highline Canal for protection under Section 4(f) and therefore would qualify as a *de minimis* use under Section 4(f).

Big Dry Creek Temporary Occupancy Concurrence

The February 2008 letter requested your concurrence that the improvements associated with Package B would not adversely affect the Big Dry Creek Trail, and, therefore, could be classified as a "temporary occupancy" (see below). You provided concurrence dated February 29, 2008 (see **Attachment B**). A Preferred Alternative has been identified for this project that would impact the Big Dry Creek Trail in a similar manner as Package B as described below:

Improvements include the lengthening of the existing underpass to accommodate additional traffic lanes on I-25. Construction impacts may be mitigated in one of the following two ways:

- 1. A temporary trail closure and detour of pedestrian and bicycle traffic.
- 2. A three-sided trail enclosure, which would protect trail users from overhead construction.

CDOT is asking that you concur that the improvements associated with the Preferred Alternative would not adversely affect the Big Dry Creek Trail, and, therefore, can be classified as a "temporary occupancy". To be classified as such, five specific conditions must be satisfied. These conditions and CDOT's plan to meet them (in italics), are outlined below:

Condition (i) - Duration must be temporary, i.e., less than the time needed for construction of the project, and there should be no change in ownership of the land.

The trail closure and/or enclosure will only occur during times of immediately adjacent construction and there will be no change in ownership of the land. The estimated time for this trail closure will be less than the time needed for construction of the highway widening improvements planned in this area.

Condition (ii) - Scope of the work must be minor, i.e., both the nature and the magnitude of the changes to the resource are minimal.



Letter of Concurrence, Big Dry Creek Trail, Farmers Highline Canal Trail

The Preferred Alternative calls for the construction of additional lanes on I-25. To accommodate this construction, the existing underpass at Big Dry Creek Trail requires lengthening. This will not affect the existing trail alignment.

Condition (iii) - There are no anticipated permanent adverse physical impacts, nor will there be interference with the activities or purpose of the resource on either a temporary or permanent basis.

CDOT will either provide an enclosure, or in the case of a trail closure, detours with signage, for the duration of the trail closure. The map and narrative description in **Attachment C** provide the proposed detour route. This detour does not interfere with the activities or purpose of the resource

Condition (iv) - The land being used must be fully restored, i.e., the resource must be returned to a condition which is at least as good as that which existed prior to the project.

With the exception of a slight visual alteration caused by the lengthening of the underpasses, the trail will see no permanent adverse impacts. The trail will be fully restored.

Condition (v) - There must be documented agreement of the appropriate federal, state, or local officials having jurisdiction over the resource regarding the above conditions.

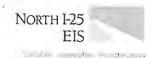
The attached letter of concurrence serves as the agreement of local officials that the efforts described above would meet these conditions.

CDOT requests the written concurrence from the City of Westminster that improvements associated with the Preferred Alternative would not adversely affect the Big Dry Creek Trail, and, therefore, can be classified as a "temporary occupancy" as defined above. Concurrence can be provided either by signing and dating the attached letter regarding the Big Dry Creek Trail, or by separate letter from the City of Westminster to the CDOT at the address shown above.

Farmers Highline Canal Trail De Minimis Concurrence

In addition, CDOT is requesting written concurrence from the City of Westminster that the project will not adversely affect the activities, features, and attributes that qualify the Farmers Highline Canal Trail for protection under Section 4(f) and can therefore be recommended as a *de minimis* use as defined below.

In 2005, Congress amended Section 4(f), adding a new subsection which authorizes the Secretary of Transportation to approve a project that uses Section 4(f) lands without analysis of



Letter of Concurrence, Big Dry Creek Trail, Farmers Highline Canal Trail

feasible and prudent avoidance alternatives if it would have *de minimis* impacts upon the Section 4(f) resource. The impacts of a transportation project on a park, recreation area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if:

- The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
- 2. The official(s) with jurisdiction over the property are informed of FHWA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
- 3. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

Impacts to the Farmers Highline Canal Trail would result from the addition of the general-purpose lane and auxiliary lanes on the west side of I-25. This widened highway profile would require an extension of the underpass that currently carries the trail beneath I-25. A small right-of-way acquisition (0.16 acre on west side and 0.47 acre on east side) would be required for the bridge that would accommodate the wider highway template over the Farmers Highline Canal and Trail. The extended underpass would be approximately 87 feet longer than the existing underpass. During construction the Farmers Highline Canal Trail would need to be closed temporarily. A detour has been identified that would require users to take Community Center Drive which crosses I-25 on an overpass with wide sidewalks suitable for bicycles (see Attachment C). Following construction the trail would be reopened. The attributes that qualify the Farmers Highline Canal Trail for Section 4(f) protection would not be adversely affected.

Mitigation Measures

- CDOT will identify the alternate route and adequately sign the detour prior to closing the underpass.
- CDOT will work with the City of Westminster on appropriate landscaping in disturbed areas surrounding the trail.
- Applicable regional and/or local design criteria will be included for the proposed structure.

Agency coordination, including meetings, outreach, and agency scoping, began early in the EIS process and has been ongoing throughout. Public input on the possible findings of *de minimis* was requested during the public comment period for the Draft EIS and the public will have an opportunity to further comment on the proposed improvements and potential impacts as part of



the Final EIS as well. Specific requests to provide input on the proposed *de minimis* findings was made at the EIS public hearings.

CDOT requests the written concurrence from the City of Westminster that effects of the project as described above, and considering the mitigation measures that have been proposed, will not adversely affect the activities, features, and attributes of the Farmers Highline Canal Trail. This written concurrence will help satisfy the concurrence and consultation requirements of 23 CFR § 774.5(b)(2). Concurrence can be provided either by signing and dating the attached letter, or by separate letter from the City of Westminster to the CDOT at the address on the concurrence letter. Because impacts to the properties in question as reported in the Final EIS are similar to or lesser than those reported in the Draft EIS we are requesting your concurrence prior to release of the Final EIS. FHWA is willing to make a *de minimis* determination at this point as the public has been provided an opportunity to comment.

Pending your concurrence, CDOT recommends and anticipates FHWA's concurrence that the proposed action will have *de minimis* impacts to the Farmers Highline Canal Trail, and that an analysis of feasible and prudent avoidance alternatives under Section 4(f) is not required.

Should you, or others in your department, have concerns or questions regarding the above information or impacts to either of the identified resources, please contact Carol Parr, CDOT Project Manager, at (970) 350-2170, or Carol.Parr@DOT.STATE.CO.US.

Sincerely.

Carol Parr

CDOT Project Manager

cc: Project File Robert Quinlan Thor Gjelsteen



Attachment A: Preferred Alternative, North I-25 Environmental Impact Statement





Attachment B: 2008 Letter of Concurrence

North I-25	
EIS	
	February 20, 20
	Rich Do
	Parks, Recreation and Librari
	City of Westminst 4800 W. 92nd Aveni
	Westminster, CO 800
Allowed SAfelback	
Wendy Wallach Senior Project Munager	
Jacobs Carter Burgess 707 17th Street, Suite 2300	
Denver, CO 80202	
RE: Letter of Concurrence North I-25 EIS	and the Big Dry Creek Trail
Dear Ms. Wallach,	
Based on the provided information the City occupancy have been satisfied. Thus, the occupancy designation for the Big Dry Cre Environmental Impact Statement.	y of Westminster finds that the criteria of a temporary City of Westminster concurs with the temporary ek Trail in regard to the North I-25 Draft
Ponted Name:	Date: _3 * 0.03
Signature:	4.00
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Attachment C: Big Dry Creek Trail Detour Map and Description



The detour will require trail users to follow Huron St north to 136th Ave which crosses I-25 on an overpass and meets the Big Dry Creek Trail near Washington St. Both Huron and 136th Ave have wide sidewalks suitable for bicycle and pedestrian traffic.

Please advise if alternative detour routes exist that you would prefer.



Attachment D: Farmers Highline Canal Trail Impacts and Detour



The detour will require trail users to follow Melody Dr. north to Community Center Dr. which crosses I-25 on an overpass. Users would then take Malley Dr to meet back up with the Farmers Highline Canal Trail. Community Center Dr. has wide sidewalks suitable for bicycle and pedestrian traffic.

Please advise if alternative detour routes exist that you would prefer.



April 15, 2011

Richard Dahl
Parks Services Manager
Parks, Recreation and Libraries
City of Westminster
4800 West 92nd Avenue
Westminster, Colorado 80031

Ms. Carol Parr CDOT Project Manger CDOT Region 4 1420 2nd Street Greeley CO. 80631

Re: Letter of Concurrence, North I-25 EIS: Farmers Highline Canal Trail

Dear Ms. Parr:

As the official with jurisdiction over the Farmers Highline Canal Trail, I hereby concur with the recommendations of CDOT that the use and impacts associated with this project, along with the identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

Printed Name: (ICHAED)

Date: 5-22-201

T-11

le Services My



April 15, 2011

Richard Dahl
Parks Services Manager
Parks, Recreation and Libraries
City of Westminster
4800 West 92nd Avenue
Westminster, Colorado 80031

Ms. Carol Parr CDOT Project Manger CDOT Region 4 1420 2nd Street Greeley CO. 80631

Re: Letter of Concurrence, North I-25 EIS: Big Dry Creek Trail

Dear Ms. Parr:

Based on the provided information, the City of Westminster finds that the criteria of a temporary occupancy for the Preferred Alternative have been satisfied. Thus, the City of Westminster concurs with the temporary occupancy designation for the Big Dry Creek Trail in regard to the North I-25 Environmental Impact Statement.

Printed Name: KICHARD DAHL

Date: 5 - 22 - 201

Signature:

itle: Park Serv

Page 255

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www.cityofthornton.net

April 28, 2011

Carol Parr, Project Manager Region Four Colorado Department of Transportation 1420 2nd Street Greeley, CO 80631

Re: North I-25 Environmental Impact Statement, Effects to Niver Creek Open Space/ Niver Creek Trail.

Dear Ms. Parr:

I received your letter requesting concurrence that the North I-25 Improvements identified in the Final Environmental Impact Study (EIS) will not adversely affect the Niver Creek Open Space/Niver Creek Trail. The Niver Creek Trail would be temporarily rerouted during construction of the highway improvements and replacement of the 88th Avenue bridge but would be restored after construction. Please note that your document refers to the trail in Thornton as the "Coronado Parkway Trail". The Coronado Parkway Trail is located in unincorporated Adams County east of Washington Street. Please make this correction in the EIS document.

The City has reviewed the information you provided and has determined that the impacts to the Niver Creek Open Space/Niver Creek Trail resulting from the transportation improvements shown in the preferred alternatives for the North I-25 EIS are minor.

The City concurs with the finding of De Minimis for the Niver Creek Open Space and Niver Creek Trail. If you have any questions, please contact Gene Putman, City of Thornton's Transportation Manager at 303-538-7333.

Jack Ethredge City Manager

Sincerely

cc: Joyce Hunt, Assistant City Manager Gene Putman, Transportation Manager

Mike Soderberg, Community Services Director

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STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region Four 1420 2nd Street Greeley, CO 80631

(970) 350-2146 (Fax) 350-2198

May 2, 2011



Dale Rademacher
Director of Public Works and Natural Resources
City of Longmont
1100 South Sherman Street
Longmont, CO 80501

Re: North I-25 Environmental Impact Statement Effects to Sandstone Ranch

Dear Mr. Rademacher:

The Federal Highway Administration (FHWA), in cooperation with the Colorado Department of Transportation (CDOT), are in the process of preparing an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 61 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The improvements being considered in the Final EIS will address regional and inter-regional movement of people, goods, and services in the I-25 corridor.

Two properties administered by the City of Longmont have been determined to qualify for Section 4(f) protection as defined in 23 Code of Federal Regulations 774.17 and would experience a use by project alternatives under consideration. Sandstone Ranch qualifies for protection under Section 4(f) because it is a publicly-owned park and the Railroad alignment trail between State Highway 66 and 21st Street qualifies for protection under Section 4(f) because it is a publicly-owned recreation resource.

By way of this letter, FHWA and CDOT are requesting written concurrence from the City of Longmont, as the official with jurisdiction over these properties, that the project will not adversely affect the activities, features, and attributes that qualify them for protection under Section 4(f) (see below).

Background

In 2005, Congress amended Title 49 USC 303, also known as Section 4(f), when it enacted the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, enacted August 10, 2005) (SAFETEA-LU). Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes the Secretary of Transportation to approve a project that uses Section 4(f) lands without analysis of feasible and prudent avoidance alternatives if it would have *de minimis* impacts upon the Section 4(f) resource. The impacts of a transportation project on a park, recreation area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if:

- 1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
- 2. The official(s) with jurisdiction over the property are informed of FHWA's or FTA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
- 3. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

Section 4(f) Use

Three build alternatives are being analyzed in the Final EIS; Package A, Package B, and the Preferred Alternative. Although these alternatives may result in different uses of the properties in question, for the purposes of receiving *de minimis* concurrence, the following discussion assumes selection of the alternative with the highest degree of use.

Sandstone Ranch

Impacts

Use at this location would result from the new commuter rail line proposed to run south of SH 119 to connect from Longmont to the proposed FasTracks North Metro Corridor end-of-line station in Thornton. The commuter rail line track would use 2.17 acres at the northernmost edge of the park, adjacent to SH 119. A small portion of the trail in the northwest corner of the park would be impacted but none of the other features or amenities would be used as a result, and the remainder of the park would not be diminished in utility. Following construction the impacted portions of the trail will be realigned to continue to provide access and connectivity within the park and a functioning recreation resource. The attributes that qualify Sandstone Ranch for Section 4(f) protection are not adversely affected.

Measures to Minimize Harm

A separate alternative being examined would avoid use of this property entirely by offering no commuter rail improvements and instead concentrating improvements on the I-25 corridor. However, two alternatives being examined would result in impacts similar to those described above. A retaining wall was included on the south side of the proposed tracks to mitigate use of the park. Otherwise, the railway footprint is reduced to the minimum width required to meet FRA and FTA design and safety standards.

Mitigation Measures

- CDOT will reseed disturbed areas with native grasses.
- CDOT will add native shrubs as appropriate.
- BMPs will be used to avoid or minimize construction-related nuisances in affected areas from noise, dust, light/glare, etc.
- Property will be acquired consistent with the Uniform Relocation and Assistance Program.

Railroad Alignment Trail (21st St. to SH 66)

The project would result in direct impacts to approximately 1,510 linear feet of the existing trail. A detour would be provided, before the current trail alignment is demolished. Consequently, no trail closure would be necessary, and there would be no disruption of service to trail users. Because the trail would be permanently altered and rerouted, this cannot be considered a temporary occupancy. However, because there would be no overall adverse affect on the activities, features, and attributes that qualify this resource for protection under Section 4(f), CDOT is recommending this for consideration as a *de minimis* use.

Following construction the impacted portions of the trail will be realigned to continue to provide access and connectivity within the park and a functioning recreation resource. The attributes that qualify this trail for Section 4(f) protection are not adversely affected.

Measures to Minimize Harm

As described previously, CDOT intends to mitigate any harm to the RR Alignment (21st to Hwy 66) Trail by providing a detour before demolishing the current alignment of the trail. Consequently, no trail closure is necessary, and there would be no disruption of service to trail users. While the trail would be permanently changed, the new trail would be constructed to fit aesthetically into the current environment, and it would not alter the current function or purpose of the trail. As the project proceeds through final engineering and design, the measures to minimize harm to the RR Alignment (21st to Hwy 66) Trail will be re-examined and refined with the local officials having jurisdiction over the affected resource. The following table includes other mitigation measures to which CDOT, FHWA, and FTA would adhere.

Mitigation Measures

- CDOT will provide a detour for the trail prior to demolishing the existing trail.
- The new trail will be constructed to fit aesthetically into the current environment, and it would not alter the current function or purpose of the trail.

 CDOT will continue to work with City of Longmont to ensure advanced notice and signage for rerouting of trail.

Public Involvement

Agency coordination, including meetings, outreach, and agency scoping, began early in the EIS process and has been ongoing throughout. Public input on the possible findings of *de minimis* was requested during the public comment period for the Draft EIS and the public will have an opportunity to further comment on the proposed improvements and potential impacts as part of the Final EIS as well. Specific requests to provide input on the proposed *de minimis* findings was made at the EIS public hearings.

Request for Concurrence

CDOT requests the written concurrence from the City of Longmont that effects of the project as described above, and considering the minimization and mitigation measures that have been proposed, will not adversely affect the activities, features, and attributes of Sandstone Ranch or the RR Alignment (21st to SH66) Trail. This written concurrence will help satisfy the concurrence and consultation requirements of 23 CFR § 774.5(b)(2). Concurrence can be provided either by signing and dating the signature block at the end of this letter, or by separate letter from the City of Longmont to the CDOT at the address shown above. Because impacts to the properties in question as reported in the Final EIS are similar to or lesser than those reported in the Draft EIS we are requesting your concurrence prior to release of the Final EIS. FHWA and FTA are willing to make a *de minimis* determination at this point as the public has been provided an opportunity to comment.

Intent for De Minimis Finding

Pending your concurrence, CDOT believes that the impacts to Sandstone Ranch and the RR Alignment (21st to SH66) Trail will not adversely affect the activities, features, and attributes of the properties. Based on this finding, and taking into consideration the minimization and mitigation measures that have been proposed and public input received, CDOT recommends and anticipates FHWA's and FTA's concurrence that the proposed action will have *de minimis* impacts to the properties, and that an analysis of feasible and prudent avoidance alternatives under Section 4(f) is not required.

Sincerely,

Carol Parr

CDOT Project Manager

cc: Monica Pavlik, FHWA
Thor Gjelsteen, FHU
Bob Quinlan, Jacobs

File

Concurrence

As the official with jurisdiction over Sandstone Ranch, I hereby concur with the recommendations of the project proponents that the use and impacts associated with this project, along with the identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f). This concurrence assumes a positive outcome for a public vote that will need to occur before ROW may be obtained from CDOT in the future. Regardless of the outcome of the vote, the North I-25 project will not adversely affect the activities, features or attributes that make the Sandstone Ranch eligible for Section 4(f) protection.

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Concurrence

As the official with jurisdiction over the RR Alignment (21st to SH66) Trail, I hereby concur with the recommendations of the project proponents that the use and impacts associated with this project, along with the identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f). This concurrence assumes a positive outcome for a public vote that will need to occur before ROW may be obtained from CDOT in the future. Regardless of the outcome of the vote, the North I-25 project will not adversely affect the activities, features or attributes that make the RR Alignment (21st to SH66) Trail eligible for Section 4(f) protection.

of Fublic Works of Kalural Resources

By:

Title:

Date:



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region Four 1420 2nd Street Greeley, CO 80631

(970) 350-2146 (Fax) 350-2198

May 13, 2011



Ms. Amanda Peterson
Director
City of Northglenn
Parks and Recreation Department
P.O. Box 330061
Northglenn, CO 80233

Re: North I-25 Environmental Impact Statement Effects to 120th Avenue Transit Station Underpass

Dear Ms. Peterson:

The Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT) are in the process of preparing an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 61 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The improvements being considered in the Final EIS will address regional and inter-regional movement of people, goods, and services in the I-25 corridor.

A resource administered by the City of Northglenn has been determined to qualify for Section 4(f) protection as defined in 23 Code of Federal Regulations 774.17 and would experience a use by project alternatives under consideration. The 120th Avenue Transit Station Underpass qualifies for protection under Section 4(f) because it is a publicly-owned recreation resource.

By way of this letter, FHWA and CDOT are requesting written concurrence from the City of Northglenn, as the official with jurisdiction over the 120th Avenue Transit Station Underpass, that the project will not adversely affect the activities, features, and attributes that qualify this resource for protection under Section 4(f) (see below).

Background

In 2005, Congress amended Title 49 USC 303, also known as Section 4(f), when it enacted the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, enacted August 10, 2005) (SAFETEA-LU). Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes the Secretary of Transportation to approve a project that uses Section 4(f) lands without analysis of feasible and prudent avoidance alternatives if it would have *de minimis* impacts upon the Section 4(f) resource. The impacts of a transportation project on a park, recreation area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if:

- 1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
- 2. The official(s) with jurisdiction over the property are informed of FHWA's or FTA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
- 3. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

Section 4(f) Use

Three build alternatives are being analyzed in the Final EIS; Package A, Package B, and the Preferred Alternative. Although these alternatives may result in different uses of the property in question, for the purposes of receiving *de minimis* concurrence, the following discussion assumes selection of the alternative with the highest degree of use of the property.

120th Avenue Transit Station Underpass

Impacts

Impacts to the 120th Avenue Transit Station Underpass involve replacing the existing box culvert beneath I-25 with a new box culvert to accommodate the highway widening. The new box culvert would be approximately 50 feet longer than the existing box culvert. A temporary closure of the trail would be required during the replacement of the box culvert, and the trail tie-in to the new longer culvert would require minor realignment of the trail. Otherwise, construction activities would not modify or affect the trail.

A potential detour would require trail users to take Huron Street north to 120th Avenue, then east across I-25. By taking Community Center Drive south, users would reach the Farmers Highline Canal, to which the 120th Avenue Transit Station Underpass connects.

The addition of 50 feet to this trail undercrossing by replacing it with a new box culvert would modify the visual experience of trail users; however, this slight change would not substantially

diminish the overall aesthetic quality of the trail. Trail users would continue to be afforded a facility similar in visual quality as exists presently. The function and purpose of the trail would be unchanged. Any other potential long-term disruption of the use and enjoyment of this resource associated with operation-related proximity impacts (i.e., noise, impaired aesthetic quality, restricted access, and/or ecological intrusion) would be avoided or minimized, and would, therefore, not substantially diminish the activities, features, or attributes that qualify the resource for protection under Section 4(f). The use would not result in a change of functionality for the trail crossing. Because there would be no overall adverse effect on the activities, features, and attributes that qualify this resource for protection under Section 4(f), CDOT is recommending this use to be processed as a *de minimis* use of the 120th Avenue Transit Station Underpass.

Measures to Minimize Harm

As the project proceeds through final engineering and design, the measures to minimize harm to the 120th Transit Station Underpass will be re-examined and refined with the local officials having jurisdiction over the affected resource. Temporary uses of the 120th Avenue Transit Station Underpass would be mitigated by improving lighting. The following table includes other mitigation measures to which CDOT, FHWA, and FTA would adhere.

Mitigation Measures

- A detour will be in provided and in place prior to closure of the existing trail.
- Advanced notice and signage will be in place for closure and detour.
- Trail crossings will be returned to existing or improved condition after construction.
- A public safety and security program will be developed and implemented for affected areas with local officials, including access management, signage, and public information.
- A traffic management plan will be developed and implemented with local officials for automobiles, bicycles, and pedestrians.
- BMPs will be used to avoid or minimize construction-related nuisances in affected areas from noise, dust, light/glare, etc.
- Disturbed areas will be reseeded with native grasses.
- Native shrubs will be added as appropriate.
- Coordinate with City of Northglenn regarding design features and size of opening.
- Applicable regional and/or local design criteria will be included for bridges and the box culvert structures in construction specifications.

Public Involvement

Agency coordination, including meetings, outreach, and agency scoping, began early in the EIS process and has been ongoing throughout. Public input on the possible findings of *de minimis* was requested during the public comment period for the Draft EIS and the public will have an opportunity to further comment on the proposed improvements and potential impacts as part of the Final EIS as well. Specific requests to provide input on the proposed *de minimis* findings was made at the EIS public hearings.

Request for Concurrence

CDOT requests the written concurrence from the City of Northglenn that effects of the project as described above, and considering the minimization and mitigation measures that have been proposed, will not adversely affect the activities, features, and attributes of the 120th Avenue Transit Station Underpass. This written concurrence will help satisfy the concurrence and consultation requirements of 23 CFR § 774.5(b)(2). Concurrence can be provided either by signing and dating the signature block at the end of this letter, or by separate letter from the City of Northglenn to the CDOT at the address shown above. Because impacts to the properties in question as reported in the Final EIS are similar to or lesser than those reported in the Draft EIS we are requesting your concurrence prior to release of the Final EIS. FHWA and FTA are willing to make a *de minimis* determination at this point as the public has been provided an opportunity to comment.

Intent for De Minimis Finding

Pending your concurrence, CDOT believes that the impacts to the 120th Avenue Transit Station Underpass will not adversely affect the activities, features, and attributes of the trail. Based on this finding, and taking into consideration the minimization and mitigation measures that have been proposed and public input received, CDOT recommends and anticipates FHWA's concurrence that the proposed action will have *de minimis* impacts to the 120th Avenue Transit Station Underpass, and that an analysis of feasible and prudent avoidance alternatives under Section 4(f) is not required.

Sincerely,

Carol Parr

CDOT Project Manager

cc: Monica Pavlik, FHWA Thor Gjelsteen, FHU Bob Quinlan, Jacobs

File

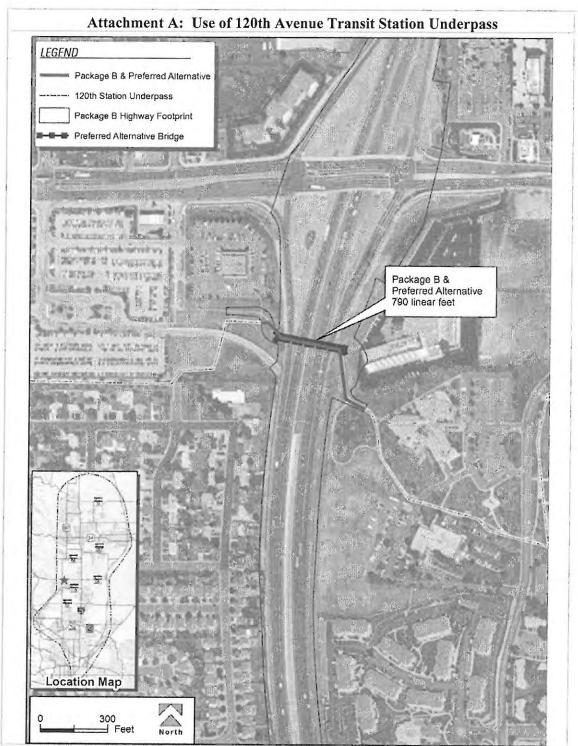
Concurrence

As the official with jurisdiction over the 120th Avenue Transit Station Underpass, I hereby concur with the recommendations of the project proponents that the use and impacts associated with this project, along with the identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f).

By: Whandapleterson

Title: Director of Parks, Recreation & Cultural Services

Date: _5|2|||



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region Four 1420 2nd Street Greeley, CO 80631

(970) 350-2146 (Fax) 350-2198

June 2, 2011



Mr. Marty Heffernan
Executive Director
Culture, Parks, Recreation, and Environment
City of Fort Collins
215 N. Mason St.
Fort Collins, CO 80521

Re: North I-25 Environmental Impact Statement
Effects to Arapaho Bend and Archery Range Natural Areas

Dear Mr. Heffernan:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT), are in the process of preparing an Environmental Impact Statement (EIS) to identify and evaluate multi-modal transportation improvements along approximately 61 miles of the I-25 corridor from the Fort Collins-Wellington area to Denver. The improvements being considered in the Final EIS will address regional and inter-regional movement of people, goods, and services in the I-25 corridor.

Two properties administered by the City of Fort Collins have been determined to qualify for Section 4(f) protection as defined in 23 Code of Federal Regulations 774.17 and would experience a use by project alternatives under consideration. Arapaho Bend and Archery Range Natural Areas qualify for protection under Section 4(f) because they are publicly-owned recreation areas.

By way of this letter, FHWA, FTA, and CDOT are requesting written concurrence from the City of Ft Collins, as the official with jurisdiction over Arapaho Bend and Archery Range Natural Areas, that the project will not adversely affect the activities, features, and attributes that qualify these areas for protection under Section 4(f) (see below).

Background

In 2005, Congress amended Title 49 USC 303, also known as Section 4(f), when it enacted the Safe, Accountable, Flexible, and Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, enacted August 10, 2005) (SAFETEA-LU). Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes the Secretary of Transportation to approve a project that uses Section 4(f) lands without analysis of feasible and prudent avoidance alternatives if it would have *de minimis* impacts upon the Section 4(f) resource. The impacts of a transportation project on a park, recreation area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if:

- 1. The transportation use of the Section 4(f) resource, together with any impact avoidance, minimization, and mitigation or enhancement measures incorporated into the project, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f);
- 2. The official(s) with jurisdiction over the property are informed of FHWA's or FTA's intent to make the *de minimis* impact finding based on their written concurrence that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f); and
- 3. The public has been afforded an opportunity to review and comment on the effects of the project on the protected activities, features, and attributes of the Section 4(f) resource.

Section 4(f) Use

Three build alternatives are being analyzed in the Final EIS; Package A, Package B, and the Preferred Alternative. Although these alternatives may result in different uses of the property in question, for the purposes of receiving *de minimis* concurrence, the following discussion assumes selection of the alternative with the highest degree of use of each property.

Arapaho Bend Natural Area

Impacts

Section 4(f) use of Arapaho Bend Natural Area would result from the expansion of an existing CDOT carpool lot located in the northwest quadrant of Harmony Road and I-25 and from expansion of the I-25 highway infrastructure adjacent to the natural area. The City of Fort Collins and CDOT had previously negotiated an easement of 4.03 acres anticipating future expansion of the carpool lot, which would remove this area from Section 4(f) use, however; the proposed parking lot expansion would exceed the easement. Other design improvements related to the project include addition of one barrier-separated tolled express lane in each direction, ramp reconfiguration to address existing substandard ramp conditions and reconstruction of the bridge over the Cache la Poudre River.

The proposed parking lot expansion, the addition of a new ramp, and improvements to the bridge over the Cache la Poudre River would result in a net use, over and above the area of the easement, of 5.11 acres. In addition, construction of the new bridge over the Cache la Poudre River would necessitate the closure of the area beneath the bridge. If the proposed Cache la

Poudre River trail is extended in this area prior to this phase of the North I-25 improvements, this trail would require a temporary closure during construction. None of the features or amenities would be used as a result of the project and the remainder of the natural area would not be diminished in utility. The attributes that qualify the Arapaho Bend Natural Area for Section 4(f) are not adversely affected. Additionally, access off Harmony Road would be improved from the existing one-lane entrance to a four-lane entrance with right-in and right-out movements only. See **Attachment A** for a figure showing areas of use.

Measures to Minimize Harm

The proposed ramp improvements are to the minimum standard requirements to minimize right-of-way width and, therefore, minimizing Section 4(f) use of this property. Approximately 2,000 feet of retaining walls would be included along the Harmony Road/I-25 interchange ramps north of Harmony Road to minimize use. The walls would extend up to the bridge over the Cache la Poudre River to minimize uses at the northern extent of the property. Further design modifications proposed under the Preferred Alternative would reduce the use of this property to less than the 5.11 acres as described above. However, if an alternative other than the Preferred Alternative were selected, the impacts described above may be realized.

Mitigation Measures

- CDOT will reclaim and revegetate in-kind the areas where the existing bridges are removed.
- Mitigation required by other federal laws such as Section 404 will be implemented.
- CDOT will continue to coordinate with the City of Ft. Collins to reduce and mitigate for impacts to habitat and proposed recreation features through the design of the new bridge over the Cache la Poudre River.
- Disturbed areas will be reseeded with native grasses.
- Native shrubs will be added as appropriate.
- BMPs will be employed for erosion control.
- Property acquisition will be completed under the Uniform Relocation Act.

Archery Range Natural Area

Impacts

In the area of the Archery Range Natural Area, I-25 is proposed to be widened to the east and the west to accommodate the new barrier-separated tolled express lanes and a new frontage road would be built to tie in to the entrance of the natural area. This would result in a use of 0.14 acre on the eastern edge of the natural area. None of the features or amenities would be impacted as a result and the remainder of the natural area would not be diminished in utility. The attributes that qualify the Archery Range Natural Area for Section 4(f) are not adversely affected. Access to the natural area would be improved. See **Attachment B** for a figure showing areas of use.

An additional indirect impact would occur through construction of a 300-foot-long wall, 11 feet to 15 feet in height, proposed to run along the edge of the park. This wall is being constructed to prevent more extensive use of the natural area; however, it has the potential to inhibit the view to the east resulting in indirect visual impacts.

Measures to Minimize Harm

Use of this property has been minimized by shifting the frontage road adjacent to I-25 and by including a barrier separation between the edge of the frontage road and the edge of I-25. Further design modifications proposed under the Preferred Alternative were able to remove all use of this property. However, if an alternative other than the Preferred Alternative were selected, the impacts described above may be realized.

Mitigation Measures

- BMPs will be used to avoid or minimize construction-related nuisances in affected areas from noise, dust, light/glare, etc.
- CDOT will continue to coordinate with the City of Ft. Collins to lessen the impact of the
 proposed retaining wall adjacent to the Natural Area using extended fill slopes or a
 combination of slopes and wall to reduce its height and length as much as feasibly possible.
- Disturbed areas will be reseeded with native grasses.
- Native shrubs will be added as appropriate.
- BMPs will be employed for erosion control.
- Property acquisition will be completed under the Uniform Relocation Act.

Public Involvement

Agency coordination, including meetings, outreach, and agency scoping, began early in the EIS process and has been ongoing throughout. Public input on the possible findings of *de minimis* was requested during the public comment period for the Draft EIS and the public will have an opportunity to further comment on the proposed improvements and potential impacts as part of the Final EIS as well. Specific requests to provide input on the proposed *de minimis* findings was made at the EIS public hearings.

Request for Concurrence

CDOT requests the written concurrence from the City of Fort Collins that effects of the project as described above, and considering the harm minimization and mitigation measures that have been proposed, will not adversely affect the activities, features, and attributes of Arapaho Bend or Archery Range Natural Areas. This written concurrence will help satisfy the concurrence and consultation requirements of 23 CFR § 774.5(b)(2). Concurrence can be provided either by signing and dating the signature block at the end of this letter, or by separate letter from the City of Fort Collins to the CDOT at the address shown above. Because impacts to the properties in question as reported in the Final EIS are similar to or lesser than those reported in the Draft EIS we are requesting your concurrence prior to release of the Final EIS. FHWA and FTA are willing to make a *de minimis* determination at this point as the public has been provided an opportunity to comment.

Intent for De Minimis Finding

Pending your concurrence, CDOT believes that the impacts to Arapaho Bend and Archery Range Natural Areas will not adversely affect the activities, features, and attributes of the parks. Based on this finding, and taking into consideration the minimization and mitigation measures that have been proposed and public input received, CDOT recommends and anticipates FHWA's and FTA's concurrence that the proposed action will have *de minimis* impacts to Arapaho Bend and

Archery Range Natural Areas, and that an analysis of feasible and prudent avoidance alternatives under Section 4(f) is not required.

Sincerely,

15

Carol Parr

CDOT Project Manager

CAHan

cc: Monica Pavlik, FHWA
Thor Gjelsteen, FHU
Bob Quinlan, Jacobs
File

Concurrence

As the official with jurisdiction over Arapaho Bend Natural Area, I hereby concur with the recommendations of the project proponents that the use and impacts associated with this project, along with the identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the properties for protection under Section 4(f).

By: May Heller

Title: Executive Director of Culture, Parks, Recreation, Environment for the City of Fort Collins

Date: Jwe 14, 2011

Please Note: Any change in ownership of interests in real property most be approved by the Fart Callins city Courcil.

MIST

Concurrence

As the official with jurisdiction over Archery Range Natural Area, I hereby concur with the recommendations of the project proponents that the use and impacts associated with this project, along with the identified avoidance, minimization, and mitigation measures, will not adversely affect the activities, features, and attributes that qualify the properties for protection under Section 4(f).

By: Ment Heller

Title: Executive Director of Culture, Parks, Recreation, Environment for the City of Date: June 14, 2011 Fort Collins.

Please Note: Any change in ourseiship of interests in real property must be appeared by the Fast Collins City Council.

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United States Department of the Interior

OFFICE OF THE SECRETARY Washington, DC 20240



FEB 2 6 2009

9043.1 PEP/NRM

ER 08/1118

Ms. Carol Parr Project Manager Colorado Department of Transportation 1420 2nd Street Greeley, Colorado 80632

Dear Ms. Parr:

Thank you for the opportunity to comment on the Draft Environmental Impact Statement and Section 4(f) Evaluation for I-25 Transportation Corridor Improvements (61 miles from Fort Collins/Wellington Area to Denver), Larimer, Weld, Boulder, Adams, Broomfield, and Jefferson Counties, Colorado. The Department of the Interior (Department) reviewed the document and submits the following comments.

SPECIFIC COMMENTS

Section 3.7.3.1 Water Quality Impacts Methodology, Table 3.7-3 Common Highway-Related Surface Water Quality Impacts, page 3.7-12; and page 3.7-13, lines 19-25

This section discusses anticipated impacts of the project on concentrations and loads of sediment, anti-icing compounds, metals, and nutrients. It states that the constituents were chosen based upon their relation to roadway runoff and/or their sensitivity in the regional study area. It would benefit the reader if other highway-related constituents likely to be of concern, such as petroleum products, were discussed in this section, even if model and data limitations only allow a qualitative description of those potential effects.

Section 3.12.3, Raptors

Effects on raptors were estimated based on number of nests within ¼ mile of the project area. The U.S. Fish and Wildlife Service (FWS) recommends that this should be expanded to ½ mile because many species are sensitive to disturbance within that range during the nesting season. Additionally, the Colorado Division of Wildlife's (CDOW) Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors,

February, 2008, recommends restricting human encroachment within a ½ mile radius of active nests during the breeding season for many raptors.

Section 3.12.3, Migratory Birds

Please be aware that the Colorado Department of Transportation (CDOT) has written specifications on avoiding impacts to migratory birds before and during construction. These measures will need to be implemented during the project.

Table 3.13-5

Please change the status of the Colorado butterfly plant from Endangered to Threatened.

Species federally-listed as threatened or endangered may occur in the project area; therefore, interagency consultation under Section 7 of the Endangered Species Act may be required. The FWS Ecological Service Field Office in Lakewood, Colorado, should be contacted to initiate interagency consultation. If you should have questions, please contact Alison Deans Michael at (303) 236-4758.

SECTION 4(f) COMMENTS

The Department appreciates your consideration of properties in the Section 4(f) Evaluation; however, because there is no Preferred Alternative selected, we cannot concur that there is no feasible or prudent alternative to the Preferred Alternative selected in the document, and that all measures have been taken to minimize harm to the resources. We recommend that once you have selected a Preferred Alternative, specific mitigation measures be solidified for each of the affected Section 4(f) properties and documented in the Section 4(f) Evaluation.

We appreciate the opportunity to review this document. If you have any questions concerning water resources, please contact Lloyd Woosley, Chief of the USGS Environmental Affairs Program, at (703) 350-8797 or at lwoosley@usgs.gov. If you have any questions concerning fish and wildlife, please contact Alison Deans Michael at (303) 236-4758. If you have questions regarding Section 4(f), please contact Roxanne Runkel, National Park Service, at (303) 969-2377.

Willie R. Taylor

Director, Office of Environmental Policy and Compliance



Administration

Colorado Federal Aid Division

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

October 29, 2008

Mr. Willie R. Taylor Director, Office of Environment Department of the Interior 1849 C Street, N.W., Room 2340 Washington, D.C. 20240

Dear Mr. Taylor:

Subject:

North I-25, Draft Environmental

Impact Statement and Draft Section 4(f) Evaluation.

Enclosed are 18 copies of the subject Draft Environmental Impact Statement (DEIS) and Draft Section 4(f) Evaluation for your review and comment. This is a joint lead project with Federal Highway Administration and Federal Transit Administration. The Notice of Availability will be published October 31, 2008. There will be a 60 day comment period.

Please provide any comments on the document to the Federal Highway Administration, Colorado Division (Attn: Monica Pavlik), at the address shown above, no later than December 30, 2008.

If you have any questions or are unable to provide comments on the enclosed document by December 30, 2008, please contact Ms. Monica Pavlik, of this office, at (720) 963-3012.

Sincerely,
Monica Charlete

Karla S. Petty, PE Division Administrator

Enclosure One Hard Copy DEIS/Draft Section 4(f), 17 on CD

Cc: Carol Parr, CDOT Region 4
Dave Beckhouse, FTA





Colorado Division

August 11, 2011

12300 W. Dakota Ave., Ste. 180 Lakewood, Colorado 80228 720-963-3000 720-963-3001

Mr. Willie R. Taylor Director, Office of Environmental Affairs Department of the Interior 1849 C Street, N.W., Room 2340 Washington, D.C. 20240

Subject: North I-25 Final Environmental Impact Statement (FEIS)

Dear Mr. Taylor:

Enclosed are 9 copies of the North I-25 Final Environmental Impact Statement and Section 4(f) Evaluation for your review. The Notice of Availability will be published August 19, 2011. There will be a 30 day public review period starting August 19, 2011 and ending September 19, 2011.

Electronic versions of this document are also available on the project website at http://www.coloradodot.info/projects/north-i-25-eis. This website will also provide information and locations where copies of the FEIS and supporting technical reports are available for public review.

Please provide any comments on the document to the Federal Highway Administration, Colorado Division (Attn: Monica Pavlik), at the address shown above, no later than September 19, 2011.

If you have any questions, please contact Ms. Monica Pavlik, of this office, at 720-963-3012.

Sincerely,

Moruca Charlet

John M. Cater

Division Administrator

Enclosures: One Hard Copy FEIS/Section 4(f), Eight on CD

U.S. Army Corps of I	Engineers Cor LEDPA	respondence R	egarding



Colorado Division

August 15, 2011

12300 W. Dakota Ave., Ste. 180 Lakewood, Colorado 80228 720-963-3000 720-963-3001

Mr. Tim Carey U.S. Army Corps of Engineers Denver Regulatory Office Omaha District 9307 S. Wadsworth Blvd. Littleton, CO 80128-6901

Subject: North I-25 National Environmental Policy Act (NEPA)/Section 404 of the Clean Water Act (404) Merger Concurrence that the Preferred Alternative Appears to be the Least Environmentally Damaging Practicable Alternative (LEDPA) (Concurrence Point Number 3)

Dear Mr. Carey:

Pursuant to the National Environmental Policy Act/Section 404 of the Clean Water Act (404) Merger process for transportation projects in Colorado, we are requesting formal concurrence from the Corps of Engineers that the Preferred Alternative as identified in the Final Environmental Impact Statement (FEIS) and 404(b)(1) analysis appears to be the Least Environmentally Damaging Practicable Alternative. Comments received from your office on the Draft EIS in December 2008 indicated that the Package A appeared to be the LEDPA. Since the Draft EIS was released, the Project Team has met many times with the stakeholders and have identified the Preferred Alternative, which is now fully evaluated in the FEIS in addition to the No Action, and Packages A and B. The Preferred Alternative is a combination of elements from Packages A and B that were evaluated in the Draft EIS. Additional work has been performed to avoid and minimize impacts to the aquatic resources.

On September 2, 2010 a meeting was held at the USACE to present and summarize the information supporting that the Preferred Alternative appeared to be the Least Environmentally Damaging Practicable Alternative. Attached are the meeting notes from that meeting. Since September of 2010, numerous meetings have been held and documents prepared. The justification for this conclusion was submitted to your staff in the document titled "Evaluation of 404(b)(1) Guidelines for the North I-25 EIS Project, August 1, 2011." Additional information was submitted in a December 8, 2010 document, was contained in the Preliminary Final EIS of January 2011 which your office reviewed, and was included in documents submitted in July and August of this year.

The analyses contained in the 404(b)(1) Evaluation and the FEIS demonstrate that the Preferred Alternative appears to be the Least Environmentally Damaging Practicable Alternative based primarily on the following:

▶ The Preferred Alternative acres of wetland impact are clearly less than the other two practicable alternatives (18.2 acres for the Preferred Alternative compared to 21.9 acres for Package A and 21.3 acres for Package B). The difference in impacts is more pronounced when the impact is expressed in

cubic yards. The Preferred Alternative would require 38,406 cubic yards of fill in a wetland or other water of the US, compared to 51,630 cubic yards for Package A and 54,382 cubic yards for Package B.

All of the alternatives have impacts to other resources. Impacts are similar is severity and magnitude especially when considering a project of this size. Impacts are shown below:

Analysis of Alternatives Using USACE Measures from the NEPA/404 Merger Agreement

Criteria	Package A	Package B	Package C
T&E Species Impacts (PMJM)	0.8 acre	0.8 acre	0.7 acre
Aquatic Ecosystem Impacts	Most impacts: 21.87 acres 51,630 cubic yards	Moderate impacts: 21.29 acres 54,382 cubic yards	Least Impacts: 18.18 acres
Impacts to Natural Enviro	onment		
Raptor nests	49	43 [*]	57
 Wildlife movement corridors 	13	7*	14
 Sensitive wildlife habitat 	2.0 acres	2.4 acres	1.9 acres [°]
 Aquatic habitat 	1.8 acres	2.3 acres	1.5 acres*
 Bald eagle foraging habitat 	204 acres*	231 acres	231 acres
 Prairie dog colonies 	60 acres*	97 acres	86 acres
Northern leopard frog	20 acres	21 acres	17 acres
Common garter snake	20 acres	21 acres	17 acres
 Sensitive fish species 	0.4 acre	0.4 acre*	0.4 acre

⁼ Build Alternative that performs the best or has the least environmental impacts.

CDOT and FHWA request concurrence that the Preferred Alternative appears to be the Least Environmentally Damaging Practicable Alternative in accordance with the 404(b)(1) guidelines and approved merger process.

If you have any comments or concerns about this request, please contact Monica Pavlik at 720-963-3012.

Sincerely,

Co John M. Cater

Enclosure: NEPA/Section 404 Merger Concurrence Meeting Minutes

cc w/o enclosure: Ms. Carol Parr, CDOT



DEPARTMENT OF THE ARMY CORPS OF ENGINEERS, OMAHA DISTRICT DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BLVD. LITTLETON, COLORADO 80128-6901

August 16, 2011

Mr. John M. Cater Division Administrator Colorado Division Federal Highway Administration 12300 West Dakota Avenue, Suite 180 Lakewood, CO 80228

Mr. Terry J. Rosapep Regional Administrator, Region 8 Federal Transit Administration 12300 West Dakota Avenue, Suite 310 Lakewood, CO 80228

Mr. Johnny Olson, P.E. Region 4 Transportation Director Colorado Department of Transportation 1420 2nd Street Greeley, CO 80632

RE: North I-25 Environmental Impact Statement; NEPA/Section 404 Merger Process Concurrence Point Number 3

Dear Messrs. Cater, Rosapep and Olson:

I'm writing this letter in response to Mr. Cater's correspondence of August 15, 2011, same subject as above. In Mr. Cater's letter, he requested that the U.S. Army Corps of Engineers (Corps) provide formal concurrence that the Preferred Alternative appears to be the Least Environmentally Damaging Practicable Alternative (LEDPA), based on procedures contained in the "National Environmental Policy Act/Clean Water Act Section 404 (NEPA/404) merger process and agreement for transportation projects in Colorado".

After a thorough review of the North I-25 Final Environmental Impact Statement and the Evaluation of 404(b)(1) Guidelines, which was provided on August 1, 2011, the Corps concurs that the Preferred Alternative, Package C, appears to be the LEPDA. Our formal determination of Package C being the LEDPA will occur if a Section 404 permit is issued.

Thank you for the opportunity to participate in this collaborative effort. If you have any questions, please call me at (303) 979-4120.

Sincerely,

Timothy T. Carey (Chief, Denver Regulatory

CF:

Ms. Carol Parr, CDOT Ms. Monica Pavlik, FHWA