

Record of Decision 4: Appendix L

Correspondence

April 2017



CORRESPONDENCE

SH 56 to SH 392

April 2017

Date	Recipient	Submitter	Subject
January 9, 2017	Steve Turner, State Historic Preservation Officer (SHPO)	Jim Eussen, CDOT R4	Determination of Eligibility and Effects and Notification of Section 4(f) <i>De Minimis</i> for North I-25 Improvements between SH 392 and SH 56, Record of Decision 4, Larimer and Weld Counties, Colorado, CDOT Project No. IM 0253-255 (SA# 21506)
February 9, 2017	Paul Lee, Colorado Department of Public Health and Environment (CDPHE)	Jane Hann, CDOT	Air Quality Conformity Determination, CDOT Project IM 0253-255, North I-25, SH 392 to SH 56 ROD4, Weld County *Concurred by Paul Lee on 2/14/2017
March 3, 2017	Terri Blackmore NFRMPO	John Cater, FHWA	Conformity Determination for NFRMPO 2040 RTP Amendment and Amended 2016-2019 TIP
March 7, 2017	James Eussen, CDOT Region 4 Environmental Unit	Steve Turner, SHPO	Determination of Eligibility and Effects and Notification of Section 4(f) <i>De Minimis</i> for North I-25 Improvements between SH 392 and SH 56, Record of Decision 4, Larimer and Weld Counties, Colorado, CDOT Project No. IM 0253-255 (SA# 21506) (CHS #71583)
March 23, 2017	Alison Michael, U.S. Fish and Wildlife Service (USFWS)	John Cater, FHWA	USFWS North I-25 Programmatic Biological Opinion Terms and Conditions Reporting Project: North I-25 Record of Decision 4 Project #: IM 0253-255 (21506)
April 7, 2017	John Cater, FHWA	Drue DeBerry, USFWS	Re: USFWS North I-25 Programmatic Biological Opinion Terms and Conditions Reporting Project: North I-25 Record of Decision 4 Project #: IM 0253-255 (21506)



COLORADO
 Department of Transportation
 Region 4

Planning/Environmental Unit
 10601 West 10th Street
 Greeley, CO 80634
 (970) 350.2167 (Fax) 350.2181

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HC/OAHP

January 9, 2016

Mr. Steve Turner, AIA
 State Historic Preservation Officer
 History Colorado
 1200 Broadway
 Denver, CO 80202

Dear Mr. Turner:

RE: Determination of Eligibility and Effects and Notification of Section 4(f) *De Minimis* for North I-25 Improvements between SH 392 and SH 56, Record of Decision 4, Larimer and Weld Counties, Colorado, CDOT Project No. IM 0253-255 (SA# 21506).

In cooperation with the Federal Highway Administration (FHWA), the Colorado Department of Transportation (CDOT) proposes to improve the I-25 corridor between State Highway (SH) 392 and SH 56 in Larimer and Weld Counties, Colorado.

In August of 2011, CDOT and FHWA completed a Final Environmental Impact Statement (FEIS) for the North I-25 project, a larger project that included the improvements between SH 392 and SH 56, which are the subject of this letter. Pursuant to their obligations under Section 106 of the National Historic Preservation Act (NHPA) of 1966 as amended (54 U.S.C. § 306108), CDOT and FHWA considered the project's potential to impact historic properties. Historic resources studies for the North I-25 FEIS were completed in 2006 and 2007, and identified a number of historic properties. Determinations of eligibility and findings of effect were provided to the State Historic Preservation Officer (SHPO) for concurrence under the FEIS. In 2010 and 2011, updates to eligibility and effects findings were provided and your office concurred. In December of 2011, CDOT, FHWA and SHPO signed a Section 106 Programmatic Agreement (Section 106 PA) for the entire North I-25 project. Since then, some segments of the project have been constructed. 423AP

CDOT is moving forward with the segment of the project located between SH 392 and SH 56. To complete their obligations under the National Environmental Policy Act, CDOT and FHWA are preparing a Record of Decision (referred to as ROD4) for this segment based upon the 2011 FEIS and information updated since the FEIS.

In compliance with the Section 106 PA, which calls for a re-evaluation of properties that were previously determined not eligible, presumed eligible due to inadequate documentation, or newly discovered properties in the Area of Potential Effects (APE), and because historic resources have reached 50 years of age since 2011, CDOT has completed additional surveys and evaluations for ROD4. This letter and attachments constitute our request for the SHPO's review and concurrence on the updated APE and determinations of eligibility and effects for ROD4.



Description of the Undertaking

The ROD4 Selected Alternative adds one buffer-separated express lane in each direction of I-25 from SH 392 to SH 56 while reconstructing the entire cross section and substandard interchanges to current standards. CDOT and FHWA intend to work toward implementation of the FEIS Preferred Alternative in its entirety through a phased approach as funds become available.

The ROD4 Selected Alternative bridges the gap between two improved sections of I-25 included in ROD1 and will create a continuous 26-mile stretch of improvement. This continuity will facilitate progress on the entire corridor as funding becomes available. Improvements identified in ROD4 will be combined with the improvements identified in the revised ROD1 (SH 14 to SH 402) to form a single design-build project. This combined design-build project will address some of the most congested sections of I-25 and will improve safety and operational flow.

Background

The APE for this project includes all legal parcels of land adjacent to the right-of-way along I-25 and major cross-roads between SH 56 and SH 392. The APE for ROD4 is similar to the APE used for the North I-25 EIS with minor changes due to the right-of-way needs of the ROD4 Selected Alternative. The ROD4 APE is slightly expanded from the FEIS APE to account for the construction limits of the ROD4 Selected alternative on the east side of I-25 between SH 392 and Crossroads Boulevard, in the area of the SH 402 interchange, on the east side of I-25 between SH 402 and LCR 16, in the area of the LCR 16 interchange, east of I-25 just south of LCR 16, and east of I-25 just north of SH 56. The ROD4 APE is shown in Attachment A.

The Section 106 PA requires CDOT to re-evaluate properties where an eligibility determination is more than ten years old, and to consider the possibility that some eligibility determinations may need to be changed. To that end, properties that have already been evaluated were reconsidered for eligibility. The re-evaluation conducted for ROD4 found that those properties have remained relatively unchanged since their original or most recent determination, and, therefore, no changes to previous eligibility determinations is needed (see Table 1).

For resources that have reached 50 years old since 2011 or were not evaluated for the FEIS, CDOT sought right-of-entry (ROE) from the landowner. Those properties where ROE could not be obtained were viewed from the public right-of-way to the extent possible. In some cases, vegetation, distance from the road, or other factors prevented the surveyor from gaining a complete view of the property. These properties, listed in Table 2, will be treated as eligible for the National Register of Historic Places (NRHP).

Those properties where ROE was obtained were surveyed and recorded using the guidelines set forth in the Colorado Cultural Resource Survey Manual published by the Office of Archaeology and Historic Preservation (OAHF). Sites containing built environment resources were documented using OAHF form 1403. Site forms are included in Attachment B.

A file search was conducted on August 22, 2016 through the OAHF COMPASS database to identify previously recorded historic features within the APE. In addition, assessor's data from Larimer and Weld counties was used to identify properties that will reach 50 years of age by 2017, or those constructed in or before 1967. Fieldwork was undertaken in fall of 2016 to review the previously recorded properties and to determine eligibility for the newly identified properties.



Eligibility determinations

The survey, file search, and original FEIS results identified a total of 45 resources within the APE. Of these, 39 have been previously evaluated for NRHP eligibility, with concurrence from your office. Of those, 19 have been determined eligible, and 20 have been determined not eligible. No change to their eligibility determinations are proposed. Previously evaluated resources are summarized in Table 1.

Table 1. Previously Evaluated Resources Within the APE

#	Site Number	Address/Location	Name	Survey Year	Construction Year	Site Type
Resources Previously Determined NRHP Eligible						
1	5LR.503	Near intersection of I-25 and US 34	Loveland-Greeley Canal	2007	1861	Ditch
2	5LR.503.2	Near intersection of I-25 and US 34	Loveland-Greeley Canal	2007	1861	Ditch
3	5LR.850	Near Intersection of I-25 E LCR 20	Great Western RR	2001	Unknown	Rail Line
4	5LR.850.1	Near Intersection of I-25 E LCR 20	Great Western RR	2001	Unknown	Rail Line
5	5LR.850.3	Near Intersection of I-25 E LCR 20	Great Western RR	2001	Unknown	Rail Line
6	5LR.8927.1	Near Intersection of I-25 E LCR 18	Hillsboro Ditch	2006	1874	Ditch
7	5LR.8928.1	Near intersection of I-25 and US 34	Farmers Ditch	2007	1878	Ditch
8	5LR.8928.2	Near intersection of I-25 and US 34	Farmers Ditch	2007	1878	Ditch
9	5LR.8930.1	Near intersection of I-25 and LCR 30	Louden Ditch	2007	1871	Ditch
10	5LR.11242	5531 E Highway 402	Mountain View Farm	2005	1923	Farm
11	5LR.11382	640 SE Frontage Road	Hatch Farm (Norcross Farm)	2007	1919	Farm
12	5LR.11209	5464 E Highway 34	Schmer Farm (Peters Farm)	2005	1905	Farm
13	5LR.11408	Near Intersection of I-25 and E LCR 20	Zimmerman Grain Elevator	2006	1917	Grain Elevator
14	5WL.841.11	Between SH 60 and SH 56	Great Western RR	2007	1901	Rail Line
15	5WL.841.15	Near intersection of I-25 and WCR 48	Great Western RR	2007	1901	Rail Line
16	5WL.864	Near intersection of I-25 and WCR 48	Buda Siding (Great Western RR)	2006	1902	Rail Line
17	5WL.3149.1	Near Intersection of I-25 and WCR 48	Handy/ Home Supply Ditch	2006	1881	Ditch
18	5WL.5203	3766 County Road 48	Bein Farm	2006	1899	Farm
19	5WL.5204	3807 County Road 48	Bashor Barn	2006	1915	Barn



Table 1. Previously Evaluated Resources Within the APE

#	Site Number	Address/Location	Name	Survey Year	Construction Year	Site Type
Previously Determined Not NRHP Eligible						
20	5LR.5244	6501 E County Road 16	Johnson's Corner Chapel	2007	Not Listed	Commercial
21	5LR.9384.1	Near Intersection of I-25 and E County Road 20	Airport-Boyd Transmission Line	1998	1949	Power Line
22	5LR.11375	6503 E Highway 60	Failla Farm	2007	1945	Farm
23	5LR.11376	3415 S County Road 5	Penning Farm	2007	1905	Farm
24	5LR.11379	2716 SE Frontage Road	Budget Host Motel	2007	1962	Commercial
25	5LR.11381	1016 SE Frontage Road	No Name Listed	2007	1919	Farm
26	5LR.11383	5668 E County Road 20	Nelson Residence	2007	1941	Farm
27	5LR.11384	856 NE Frontage Road	Arndt Residence	2006	1925	Farm
28	5LR.11386	8606 SE Frontage Road	No Name Listed	2006	1920	Farm
29	5LR.11387	8420 SE Frontage Road	Thayer Farm	2006	1946	Farm
30	5LR.11739	2842 SE Frontage Road	Johnson's Corner	2007	1965	Commercial
31	5LR12347	Great Western Railroad	Great Western Railroad Overpass	2014	1962	Bridge
32	5LR.12564	6330 E County Road 18	Gard Farm	2010	1900	Farm
33	5LR.12565	6233 E County Road 18	Fariman-Gunderson Residence	2010	1930	Farm
34	5LR.12566	6231 E County Road 18	Hoover Residence	2010	1925	Farm
35	5WL_5199	20166 E I-25 Frontage Road	Failla Farm	2007	Not Listed	Farm
36	5WL_5200	3761 E Highway 56	Hart Farm	2006	1964	Farm
37	5WL_5201	21990 E I-25 Frontage Road	Stewart-Creswell Farm	2006	1899	Farm
38	5WL_5202	22764 E I-25 Frontage Road	Penning Farm	2007	1961	Farm
39	5WL_5205	4050 County Road 50	Uart Farm	2007	Not Listed	Farm



Six resources in the APE have reached 50 years of age since the last evaluation in 2011. However, no ROE was granted by the property owners. Three of the resources lent themselves to evaluation from public rights-of-way, and it was determined that none of them meet NRHP eligibility criteria. The remaining three properties have been assumed to be eligible by CDOT and FHWA and treated as historic properties under 36 CFR 800 for purposes of this consultation. All six properties are listed in Table 2. The three newly recorded sites are described briefly, with additional details provided in Attachment B.

Table 2. Newly Identified Properties and Eligibility Determinations

Address/Location (Site Number)	Survey Year	Construction Year	Status	Site Type
3815 S County Road 5 (5LR.14083)	2016	1925	Not Eligible	Farm ✓
1106 SE Frontage Road (5LR.14084)	2016	1950	Not Eligible	Farm ✓
6163 E County Road 18 (5LR.14085)	2016	1920	Not Eligible	Farm ✓
7801 SW Frontage Road (No site number)	Not surveyed	1967	Assumed Eligible	Farm
7795 SW Frontage Road (No site number)	Not surveyed	1967	Assumed Eligible	Farm
6228 E County Road 18 (No site number)	Not surveyed	1964	Assumed Eligible	Farm

3815 South County Road 5 (5LR.14083)

This site includes a house and nine other buildings and structures. The house, built in 1925, exhibits some elements and massing of the bungalow type. According to the Larimer County Assessor, all outbuildings on the site were constructed in the 1970s, though some of the buildings appear to be much older. Today, the site sits next to large tracts of farmland, but it does not appear to be associated with any agricultural purposes, and is leased to tenants. The residential building did not represent a distinctive type, period, method of construction, work of a master, nor did it possess any artistic value and is therefore not recommended as eligible for the NRHP under Criterion C. The site is not known to be associated with any significant event or peoples and is therefore not recommended as eligible, under criteria A or B. It is unlikely to yield any information important to history or pre-history and is therefore not recommended as eligible under Criterion D.

1106 SE Frontage Road (5LR.14084)

This site contains two buildings and one structure, but only a garage (Building 1) has reached 50-years of age according to county assessor data-. This garage sits on an approximately 30-acre site. A large parking/turning area runs along the north side of the house, separating the house from the road that enters the property from the I-25 Frontage Road. Building 2 is a non-historic (1980) modular residence. Structure 1 is a small, non-historic (1990) storage shed, covered with plywood sheets. The site currently contains approximately 30 acres of farmland, but it does not appear that these buildings are now associated with that activity, and the property is owned by a company that appears to lease the house and garage to tenants. No sign of farm equipment or structures was seen at the site. Building 1 does not represent a distinctive type, period, method of construction, work of a master, nor does it possess any artistic value and is therefore not recommended as eligible for the NRHP under Criterion C. The site is not known to be associated with any significant event or peoples and is therefore recommended as not eligible, under criteria A or B. It is unlikely to yield any information important to history or pre-history, and is therefore not recommended as eligible under Criterion D.



6163 E County Road 18 (5LR.14085)

This site includes a main residence and several outbuildings. The main building (Building 1) is a simple residence that has been modified with new doors, siding, windows, and roofing. The cross-gabled roof is covered with asphalt shingles; the walls are covered with horizontal siding. The windows on the west, south, and east sides have all been replaced with modern vinyl frames. The house has little ornamentation and few defining characteristics. The site contains numerous storage sheds and outbuildings. The largest ones, Buildings 2, 3, and 4, are historic, wood-framed (1920s) outbuildings that serve as loafing sheds or storage sheds. Structures 1 to 6 are modern (1990) steel outbuildings. Little information has been found related to the construction or modification of this site. The residence has been modified and does not represent a distinctive type, period, method of construction, work of a master, nor did it possess any artistic value and is therefore not recommended as eligible for the NRHP under Criterion C. The site is not known to be associated with any significant event or peoples and is therefore not recommended as eligible, under criteria A or B. It is unlikely to yield any information important to history or pre-history, and is therefore recommended as not eligible under Criterion D. ✓

Determination of Effects

This re-evaluation identified 22 NRHP-eligible properties: 19 previously recorded, and 3 assumed eligible. The 22 NRHP-eligible properties were evaluated for project effects, which are summarized in Table 3. For the 19 previously recorded properties, the effect determinations for 18 properties remain the same as presented in the FEIS and subsequent SHPO consultation. The one exception is the Bashor Barn (5WL.5204). In the FEIS, the Bashor Barn would experience no direct effects, but the current design in ROD4 requires 0.17 acre of land to accommodate the County Road 48 toe of slope. This acquisition will occur to vacant field and will not affect the historic or character defining features of the property. Therefore, the effect determination for Bashor Barn has changed from No Historic Properties Affected to No Adverse Effect.

None of the three properties assumed to be eligible will be adversely affected by the project. Two of the properties would experience no direct effects from the project. A 0.06-acre partial acquisition would be required from the property at 7801 SW Frontage Road. The impact results from a small acquisition required on the west side of I-25, on the south side of CR 30, for improvements to County Road 30. None of the properties would experience indirect effects because all of them are located adjacent to the I-25 corridor, and widening and other improvements would result in little or no change to their current setting. For these reasons, the ROD4 project would result in No Historic Properties Affected for 7795 SW Frontage Road and 6228 E County Road 18, and would result in No Adverse Effect to 7801 SW Frontage Road.

Four historic properties would be adversely affected by the ROD4 project. One is the Loudon Ditch. The 2011 FEIS indicated the project would result in an Adverse Effect to the ditch. The ROD4 project has reduced the impact to the ditch from more than 700 linear feet to only 173 linear feet; however, the ROD4 project will still result in an Adverse Effect to the Loudon Ditch. The 2011 FEIS initially indicated No Adverse Effect to the other three properties (Schmer Farm, Bein Farm, and Mountain View Farm), upon review of the Final EIS, the SHPO was unable to concur with the findings of No Adverse Effect on three historic properties directly affected by the proposed alternatives. The SHPO documented this decision in a letter to CDOT dated October 3, 2011. The ROD4 project will result in an Adverse Effect to these three properties as well.



Table 3. Determination of Effects

#	Site Number	Address/ Location	Name	Impact Description	Effect Determination
Previously Evaluated Sites					
1	5LR.503	Near intersection of I-25 and US 34	Loveland-Greeley Canal	65-foot culvert extension and temporary construction impacts	No Adverse Effect
2	5LR.503.2	Near intersection of I-25 and US 34	Loveland-Greeley Canal	Same as 5LR.503	No Adverse Effect
3	5LR.850	Near Intersection of I-25 E LCR 20	Great Western RR	155 feet of railroad track would be directly impacted as a result of new bridge construction	No Adverse Effect
4	5LR.850.1	Near Intersection of I-25 E LCR 20	Great Western RR	Identical to 5LR.850	No Adverse Effect
5	5LR.850.3	Near Intersection of I-25 E LCR 20	Great Western RR	Identical to 5LR.850	No Adverse Effect
6	5LR.8927.1	Near Intersection of I-25 E LCR 18	Hillsboro Ditch	55-foot-longer box culvert of the same cross section as existing culvert	No Adverse Effect
7	5LR.8928.1	Near intersection of I-25 and US 34	Farmers Ditch	2,532 linear feet or 0.48 mile of open ditch requiring placement inside underground pipes and box culvert extensions	No Adverse Effect
8	5LR.8928.2	Near intersection of I-25 and US 34	Farmers Ditch	Identical to 5LR.8928.1	No Adverse Effect
9	5LR.8930.1	N/A	Louden Ditch	173 feet of open ditch placed inside a culvert	Adverse Effect
10	5LR.11209	5464 E Highway 34	Schmer Farm (Peters Farm)	3.80-acre partial acquisition from 120-acre parcel	Adverse Effect
11	5LR.11408	Near Intersection of I-25 and E LCR 20	Zimmerman Grain Elevator	0.03-acre partial acquisition, with no impact to eligible structures	No Adverse Effect
12	5LR.11382	640 SE Frontage Road	Hatch Farm (Norcross Farm)	1.2-acre partial acquisition of open field from 107-acre farm, with no impact to eligible barn	No Adverse Effect
13	5LR.11242	5531 E Highway 402	Mountain View Farm	Widening creates 1.5-acre take from 136-acre farm	Adverse Effect
14	5WL.841.11	Near intersection of I-25 and SH 392	Great Western RR	60 additional feet of overhead coverage, no direct impact to rail	No Adverse Effect
15	5WL.841.15	Near intersection of I-25 and WCR 48	Great Western RR	Roadway widening in ROW with no acquisition	No Historic Properties Affected
16	5WL.864	Near intersection of I-25 and WCR 48	Buda Siding (Great Western RR)	Roadway widening in ROW with no acquisition	No Historic Properties Affected
17	5WL.3149.1	Near Intersection of I-25 and WCR 48	Handy/ Home Supply Ditch	Modification of the grated culvert intake, 60-foot extension to	No Adverse Effect



Table 3. Determination of Effects

#	Site Number	Address/ Location	Name	Impact Description	Effect Determination
				existing culvert	
18	5WL.5203	3766 County Road 48	Bein Farm	11.1-acre partial acquisition of open field from 288-acre farm, with no impact to structures	Adverse Effect
19	5WL.5204	3807 County Road 48	Bashor Barn	Widening creates 0.17-acre take from 1.7-acre parcel	No Adverse Effect (change from No Historic Properties Affected reported in FEIS)
Newly Identified Properties					
20	N/A	7801 SW Frontage Road	N/A	0.06-acre take from this 30-acre parcel	No Adverse Effect
21	N/A	7795 SW Frontage Road	N/A	No impact; no acquisition and no change to setting	No Historic Properties Affected
22	N/A	6228 E County Road 18	N/A	No impact; no acquisition and no change to setting	No Historic Properties Affected



Mitigation

The ROD4 project would result in adverse effects to four historic properties. They are the Loudon Ditch (5LR.8930.1) Schmer Farm (5LR.11209), Mountain View farms (5LR.11242), and Bein Farm (5WL.5203). Stipulation 2 of the Section 106 PA addresses Standard Mitigation and reads:

- a. CDOT shall prepare Level II Recordation for all historic properties that have an adverse effect determination resulting from action of this undertaking.
- b. CDOT shall submit OAHF Cultural Resource Re-evaluation Forms (Form#1405) for any properties that will be changed or modified in order to document changes in the conditions of the properties for OAHF's site files.
- c. CDOT shall submit the mitigation produced for the project to SHPO and the consulting parties for review and comment.
- d. CDOT and FHWA will review and consider suggested mitigation measures from the Consulting Parties. CDOT and FHWA will leave open the period for the Consulting Parties to submit alternative mitigation strategies.

In addition, Stipulation 3 addresses creative mitigation and Stipulation 3(b) reads:

- b. CDOT-Region 4 is preparing a historic context of the development and lasting significance of irrigation in Northern Colorado. The Colorado SHPO originally requested the context as a component of the Northern Colorado Historic Ditch Inventory. The historic ditch context will be accessible through the North I-25 web page. The historic ditch context will inform the public to Northern Colorado's role and importance in the development of irrigated agriculture in the western United States. This mitigation will satisfy adverse effects to all irrigation conveyance features (ditches, laterals, and related components and structures) that become eligible after the Agreement is executed.

The Section 106 PA was executed between FHWA, SHPO and CDOT, and satisfies 36 CFR 800.6 for resolving adverse effects. Therefore, fulfilling the stipulations in the Section 106 PA will mitigate the adverse effects.

Section 4(f)

FHWA has determined that there have been no changes to the Section 4 (f) use of the previously identified properties for which Section 106 effects have not changed from those reported in the FEIS, and the previous least overall harm determination as described in Section 6.8 of the North I-25 Revised Section 4(f) Evaluation (CDOT, 2011) still applies. There has been no change in the FHWA determination that there is no feasible and prudent avoidance alternative, and that the Preferred Alternative includes all possible planning to minimize harm to the Section 4(f) properties resulting from such use.

For the updated effects evaluated under ROD4, FHWA has determined that the ROD4 project will result in No Adverse Effect to the following resources:

- Bashor Barn (5WL.5204) (Change from No Historic Properties Affected in the FEIS to No Adverse Effect under ROD4)
- 7801 SW Frontage Road (Unnumbered-resource assumed eligible and not evaluated due to lack of site access)



Mr. Steve Turner, AIA
January 9, 2017
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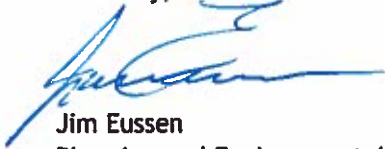
Based on the findings outlined above and concurrence from your office, FHWA intends on making a *de minimis* impact finding for these two properties.

We respectfully request your review and concurrence on our determinations of NRHP eligibility and effects outlined above, and acknowledgement that FHWA may make a *de minimis* impact finding.

Your response is necessary for FHWA's compliance with Section 106 of the National Historic Preservation Act (as amended) and with the Advisory Council on Historic Preservation's regulations. This information has been provided to the City of Greeley Historic Preservation Office and City of Fort Lupton Historic Preservation Board who are serving as consulting parties for this project. We will notify you of any responses received from these groups.

If you have any questions or require additional information, please contact Region 4 Historian, Jason Marmor, at (970) 350-2153 or Jason.marmor@state.co.us. Thank you.

Sincerely,



Jim Eussen
Planning and Environmental Unit Manager
CDOT Region 4 Environmental Unit

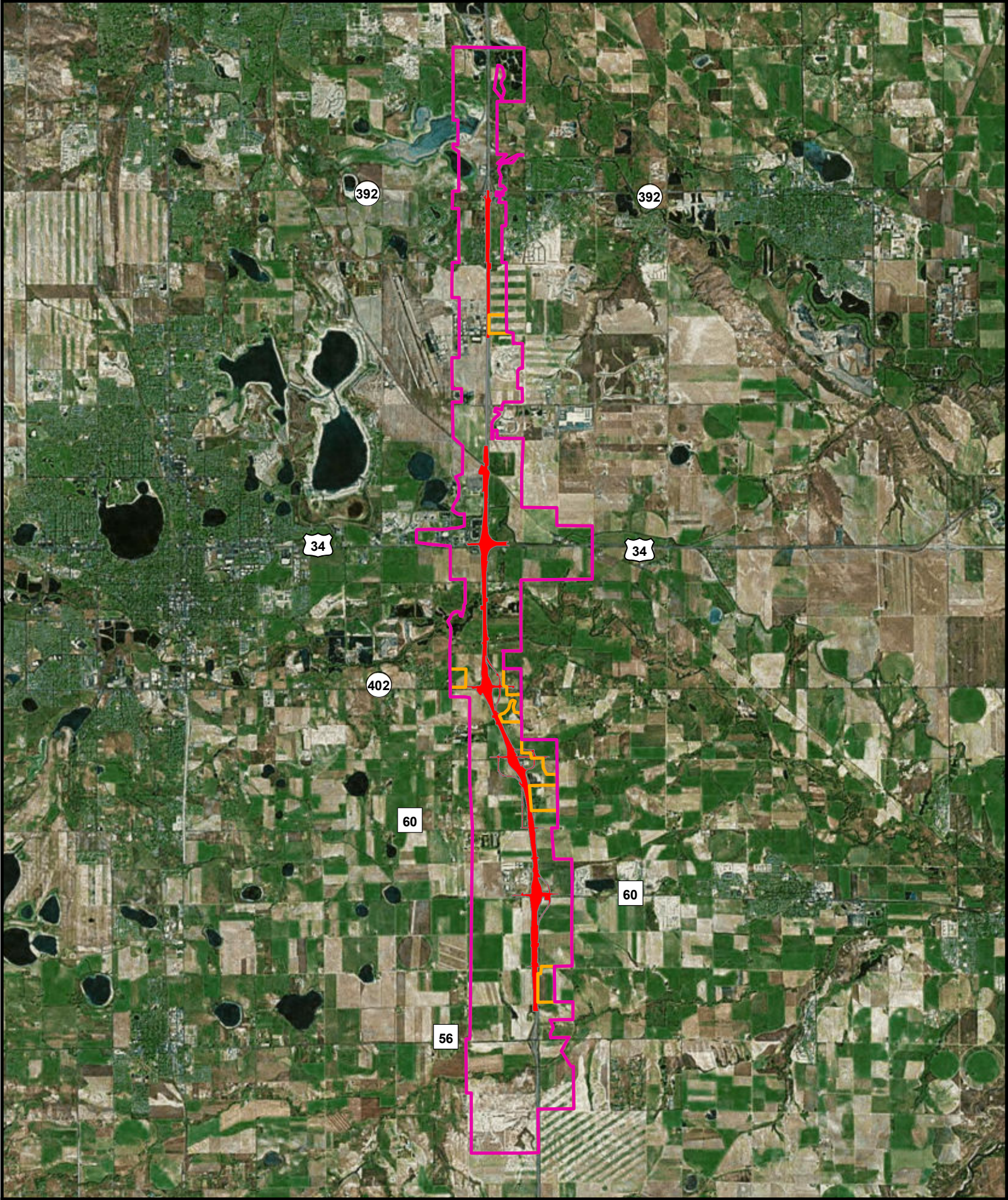
Attachments:

- A - APE Map
- B - Architectural Inventory Forms for 5LR.14083, 5LR.14084, 5LR.14085
- C - Historic Resources Technical Memorandum, January 2017

cc: City of Greeley Historic Preservation Office
City of Fort Lupton Historic Preservation Board
Scott Rees, Project Manager, CDOT
Carol Parr, Region 4 NEPA Program and Environmental Manager
Project Files

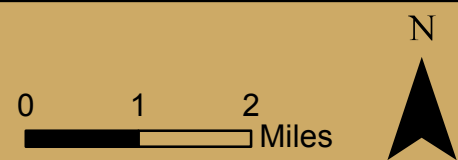


Attachment A - APE Map



- Legend**
- Area of Potential Effect (ROD4)
 - Area of Potential Effect (FEIS)
 - ROD4 Construction Limits

I-25 North ROD4 Area of Potential Effect



**Attachment B - Architectural Inventory Forms for
5LR.14083, 5LR.14084, 5LR.14085**

Resource Number: 5LR.14083
Temporary Resource Number:

OAHP1403
Rev. 9/98

COLORADO CULTURAL RESOURCE SURVEY

Architectural Inventory Form

Official eligibility determination
(OAHP use only)

- Date _____ Initials _____
- Determined Eligible- NR
 - Determined Not Eligible- NR
 - Determined Eligible- SR
 - Determined Not Eligible- SR
 - Need Data
 - Contributes to eligible NR District
 - Noncontributing to eligible NR District

I. IDENTIFICATION

1. Resource number: **5LR.14083**
2. Temporary resource number: **N/A**
3. County: **Larimer**
4. City: **Loveland**
5. Historic building name: **N/A**
6. Current building name: **N/A**
7. Building address: **3815 South County Road 5, Loveland, CO 80537**
8. Owner name and address: **M and J Dairy LLC, 3440 E State Highway 60, Loveland CO 80537**

II. GEOGRAPHIC INFORMATION

9. P.M. 6th Township 5N Range 68W
SE ¼ of SE ¼ of NE ¼ of SE ¼ of section 34
10. UTM reference
Zone 1 3; 5 0 1 3 4 1 mE 4 4 6 6 9 4 4 mN
11. USGS quad name: Johnstown
Year: 2016 Map scale: 7.5' X 15' _____ Attach photo copy of appropriate map section.
12. Lot(s): N/A Block: N/A
Addition: N/A Year of Addition: N/A
13. Boundary Description and Justification: **The site is bounded by the I-25 Frontage Road on the east; and by agricultural fields associated with adjacent properties on the north, west, and south. These boundaries conform to those set forth by the Larimer County Assessor.**

III. Architectural Description

14. Building plan (footprint, shape): **Rectangular**
15. Dimensions in feet: Length 50 x Width 25
16. Number of stories: **1**
17. Primary external wall material(s): **Horizontal Siding**
18. Roof configuration: **Front Gabled**
19. Primary external roof material: **Metal Roof**
20. Special features: **Porch/Deck**

21. General architectural description: **Building 1 is a simple rectangular residence, oriented to the west that has been heavily modified. The front gabled roof is covered with a modern, standing-seam metal roof; the walls are covered with horizontal, composite siding. Most windows are modern, vinyl frames, and a large, sliding, glass door has been installed on the north side of the house, opening onto a large deck. The house, built in 1925, exhibits some elements and massing of the bungalow type (exposed rafter ends, front gabled roof, overhanging eaves). The house appears to have a concrete foundation, with a portion of the basement standing above grade. A metal vent in a box-frame runs up the north wall of the house—the box is enclosed in the same siding as the rest of the house, but installed in a vertical fashion.**

It appears that the main entry is on the east side, though this entrance is obscured by trees and vegetation. A small roof projects out from the east façade, creating a shallow porch. Another entrance is placed on the west side of the house. A large hatch is set into the west gable of the house.

22. Architectural style/building type: **No Style**

23. Landscaping or special setting features: **The residence sits on a 4.3 acre site that contains a total of 10 (including the house) buildings and structures (detailed in Section 24) that were related to its former use as a farm. The area immediately adjacent to the house has no formal landscaping. A large parking/turning area runs along the north side of the house, separating the house from barn and other outbuildings.**

24. Associated buildings, features, or objects: **The site contains nine other buildings and structures in addition to the residence. According to the Larimer County Assessor, all outbuildings on the site were constructed in the 1970s, though some of the buildings appear to be much older. Building 2 is a wood-framed structure that appears to have served as a poultry house. Oriented to the south, the building has multiple large openings along its front façade, and appears to date to the early part of the 20th century. Building 3 is a wooden barn approximately 60 feet long by 40 feet wide. This building appears to have been expanded with the construction of a shed addition onto the east side of the barn, and, based on its siding, could date to the 1970s. Building 4 is a small wooden structure that appears to have served as a granary. Building 5 is a wood-framed structure that appears to have been an equipment shed/storage building that appears older than the assessor's date of construction. Structure 1 is a metal wind-mill with the name *Dempster* painted on its fins, located next to the barn. Structure 2 is an elevated wooden water tank located just west of the house, while Structure 3 is a wooden loafing shed that stands south of the house next to open fields. Structures 4-6 are round metal grain-bins (see site map for locations of all features). While the site is adjacent to large tracts of farmland, it appears that only the barn is used now for any purpose.**

IV. ARCHITECTURAL HISTORY

25. Date of Construction: Estimate: _____ Actual: **1925**

Source of information: **Larimer County Assessor, PIN 85344-09-701**

26. Architect: **Unknown**

Source of information: **N/A**

Resource Number: 5LR.14083

Temporary Resource Number:

27. Builder/Contractor: **Unknown**

Source of information: **N/A**

28. Original owner: **Unknown**

Source of information: **N/A**

29. Construction history (include description and dates of major additions, alterations, or demolitions): **Little information has been found related to the construction or modification of this site. The residence has been modified with new siding, windows, and doors.**

30. Original location Moved Date of move(s): **N/A**

V. HISTORICAL ASSOCIATIONS

31. Original use(s): **Domestic: Single Dwelling**

32. Intermediate use(s): **Domestic: Single Dwelling**

33. Current use(s): **Domestic: Single Dwelling**

34. Site type(s): **Formerly Agriculture, now residential**

35. Historical background: **Few historic records related to this site, which sits in an unincorporated part of Larimer County, have been located. The first record found for this parcel was the 1888 transfer of 160 acres of land, including this parcel to John Robert Pinckley (Patent #4603). A search of genealogical records in Larimer and adjacent counties found few records related to this man. The 1885 Census lists John Robert Pinkley, spelled slightly differently than the land patent record, as a 24 year old farmer, born in Tennessee. It appears that he lived with his brother Andrew and his family. No other records related to Pinkley have been located. A 1915 farm atlas lists the Hubbs family as the occupants/owners. This family appears in the city and county directories from 1909 until the 1930s. Today, the site sits next to large tracts of farmland, but it does not appear to be associated with any agricultural purposes and is leased to tenants.**

36. Sources of information: **Fort Collins History Connection; The Archive at the Fort Collins Museum of Discovery; Old Town Library, *Irrigated Farms of Northern Colorado***

VI. SIGNIFICANCE

37. Local landmark designation: Yes No Date of designation: **N/A**

Designating authority: **N/A**

38. Applicable National Register Criteria:

A. Associated with events that have made a significant contribution to the broad pattern of our history;

B. Associated with the lives of persons significant in our past;

C. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or that possess high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

D. Has yielded, or may be likely to yield, information important in history or prehistory.

Qualifies under Criteria Considerations A through G (see Manual)

Does not meet any of the above National Register criteria

39. Area(s) of significance: **N/A**

Resource Number: 5LR.14083
Temporary Resource Number:

40. Period of significance: **N/A**
41. Level of significance: National State Local
42. Statement of significance: **Building 1 does not represent a distinctive type, period, method of construction, work of a master, nor does it possess any artistic value, and is therefore not recommended as eligible for the NRHP under Criterion C. The site is not known to be associated with any significant event or peoples, and is therefore not recommended as eligible under Criteria A or B. It is unlikely to yield any information important to history or pre-history, and is therefore not recommended as eligible under Criterion D.**
43. Assessment of historic physical integrity related to significance: **Building 1 has been altered with new siding, windows, doors, and roofing. It has few defining features or characteristics.**

VII. NATIONAL REGISTER ELIGIBILITY ASSESSMENT

44. National Register eligibility field assessment:
Eligible Not Eligible Need Data
45. Is there National Register district potential? Yes No Discuss: **Building 1 sits on the edge of active farm land, but no longer appears to be associated with that activity. No other buildings or sites are nearby.**
- If there is National Register district potential, is this building: Contributing Noncontributing
46. If the building is in existing National Register district, is it: Contributing Noncontributing


VIII. RECORDING INFORMATION

47. Photograph numbers: **1107161454 to 1107161510a**
Negatives filed at: **Atkins (7604 Technology Way, Suite 400, Denver, CO, 80237)**
48. Report title:
49. Date(s): **November 7, 2016**
50. Recorder(s): **Brian Shaw**
51. Organization: **Atkins**
52. Address: **7604 Technology Way, Suite 400, Denver, CO, 80237**
53. Phone number(s): **(720) 475-7014**


NOTE: Please include a sketch map, a photocopy of the USGS quad map indicating resource location, and photographs.

History Colorado - Office of Archaeology & Historic Preservation
1200 Broadway, Denver, CO 80203 (303) 866-3395


SITE PHOTOGRAPHS

Client Name: CDOT		Project: North I-25	Project No.: 100051572
Photo No.: 1107161455	Date: 11/7/2016		
Site Number: 5LR.14083			
Description: Building 1 (house) looking east. Note modern windows and doors, and large hatch in gable.			


SITE PHOTOGRAPHS

Client Name: CDOT		Project: North I-25	Project No.: 100051572
Photo No.: 1107161457	Date: 11/7/2016		
Site Number: 5LR.14083			
Description: Building 1 looking southwest. Note deck, metal vent, concrete foundation, and modern windows and roof.			


SITE PHOTOGRAPHS

Client Name: CDOT		Project: North I-25	Project No.: 100051572
Photo No.: 1107161454	Date: 11/7/2016		
Site Number: 5LR.14083			
Description: Building 2 looking northwest. Note large opening on south side of building.			

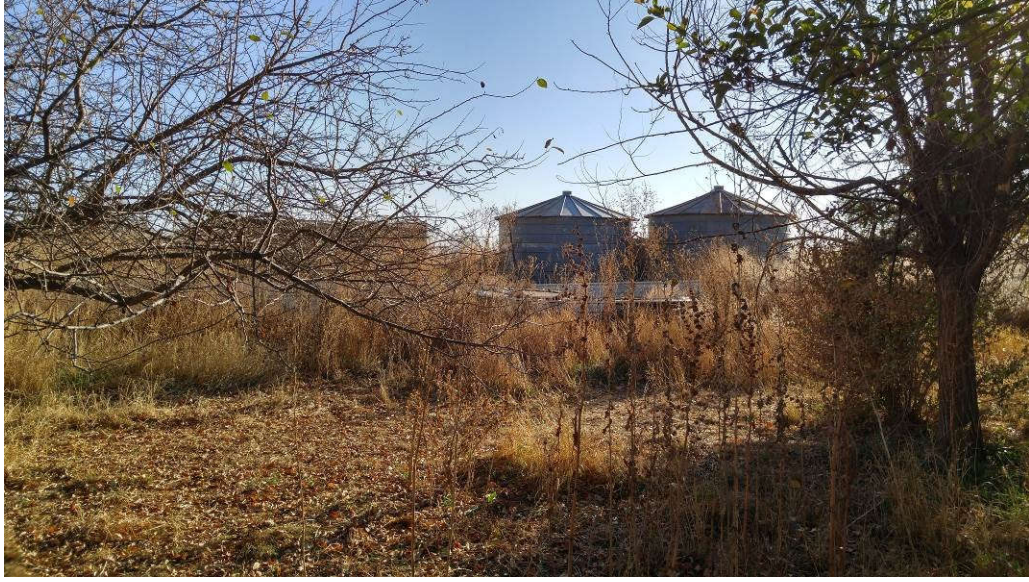
SITE PHOTOGRAPHS

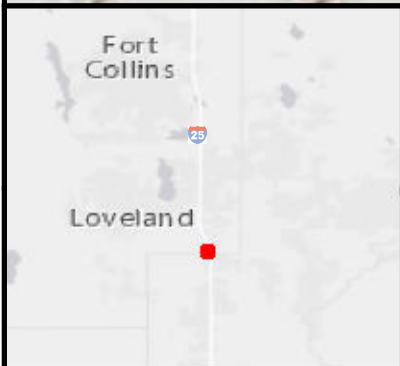
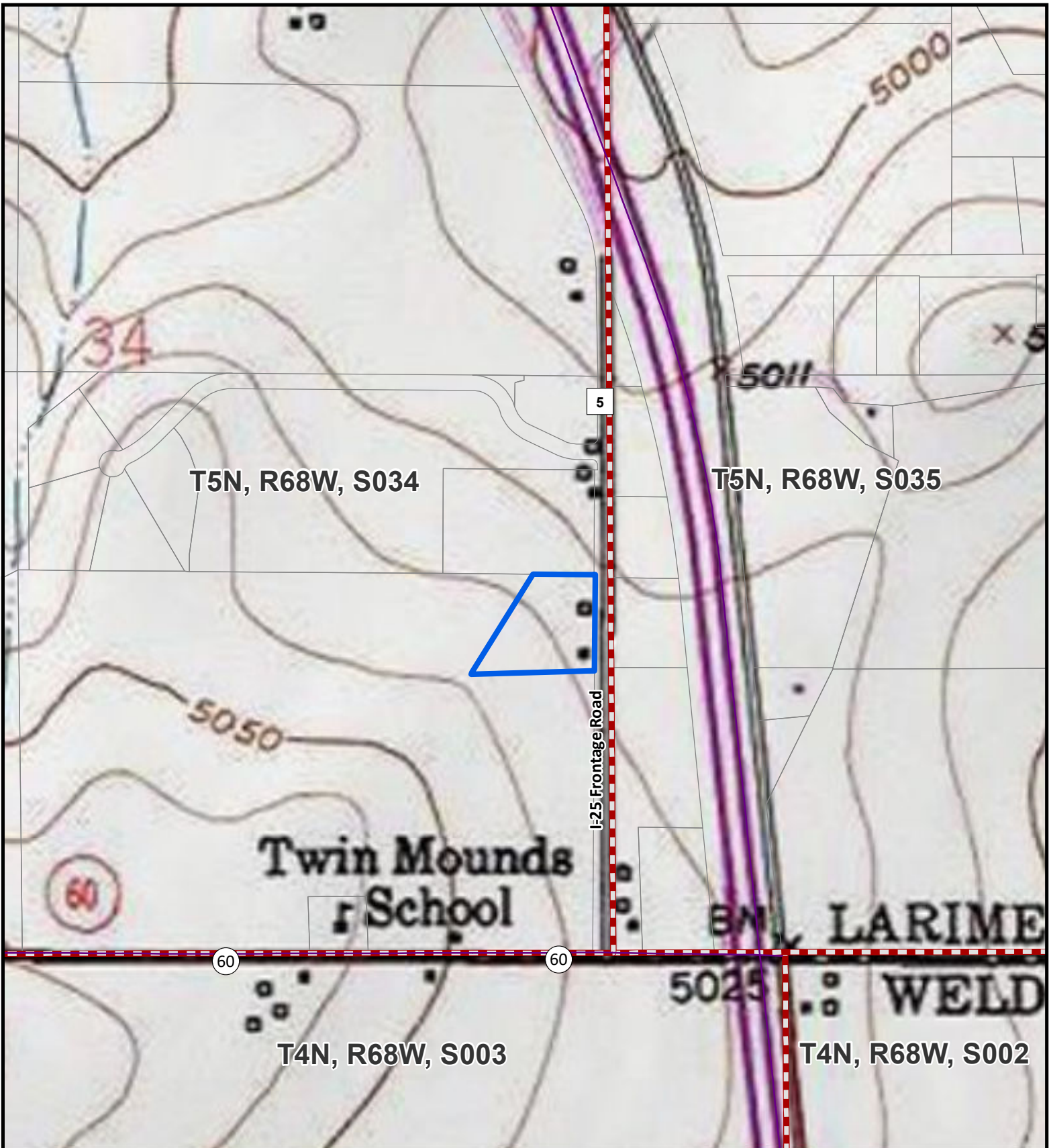
Client Name: CDOT		Project: North I-25	Project No.: 100051572
Photo No.: 1107161456a	Date: 11/7/2016		
Site Number: 5LR.14083			
Description: Buildings 3 and 4 looking northwest, along with base of Structure 1. Note addition on side of barn.			

SITE PHOTOGRAPHS

Client Name: CDOT		Project: North I-25	Project No.: 100051572
Photo No.: 1107161457	Date: 11/7/2016		
Site Number: 5LR.14083			
Description: Building 5 looking north. Note large parking bays and modern roof.			

SITE PHOTOGRAPHS

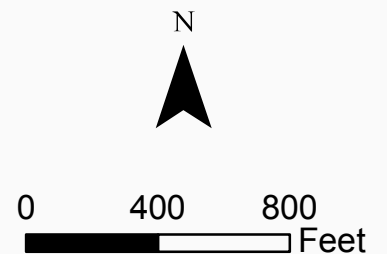
Client Name: CDOT		Project: North I-25	Project No.: 100051572
Photo No.: 1107161455	Date: 11/7/2016		
Site Number: 5LR.14083			
Description: Structures 3-5 looking south.			



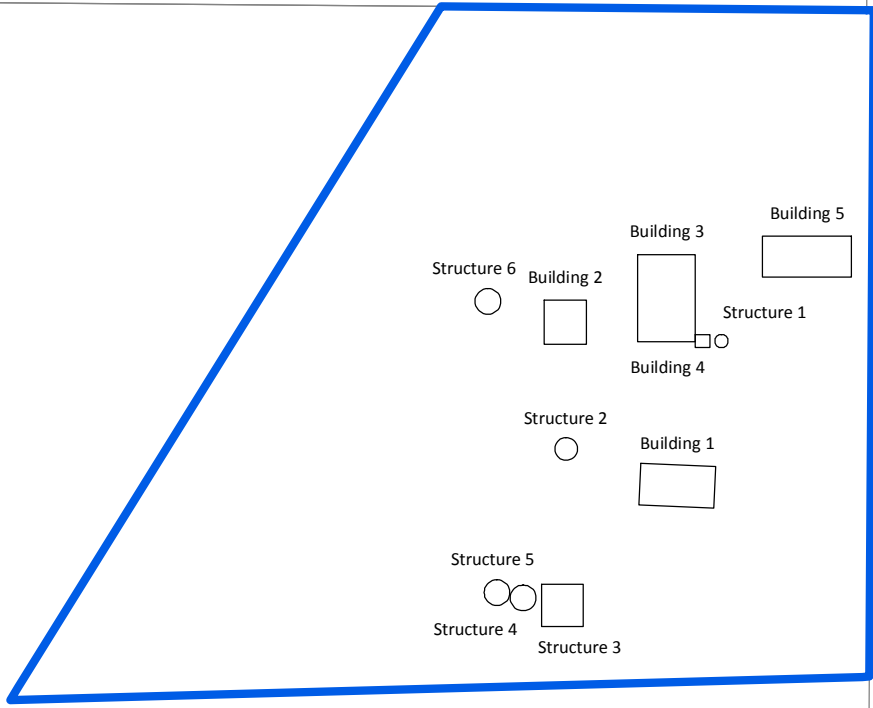
ATKINS

Location Map

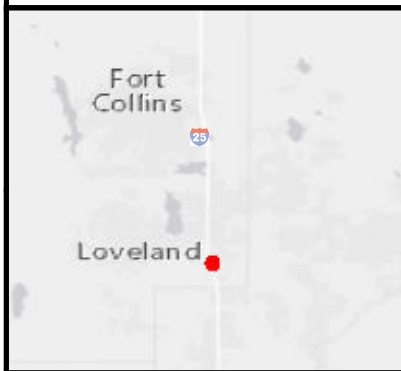
3815 S County Road 5
Loveland, CO 80537
8534409701



5



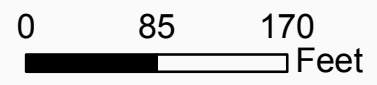
I-25 Frontage Road



ATKINS

Site Map

3815 S County Road 5
Loveland, CO 80537
8534409701



Resource Number: 5LR.14084
Temporary Resource Number:

OAHP1403
Rev. 9/98

COLORADO CULTURAL RESOURCE SURVEY

Architectural Inventory Form

Official eligibility determination
(OAHP use only)

Date _____ Initials _____
 Determined Eligible- NR
 Determined Not Eligible- NR
 Determined Eligible- SR
 Determined Not Eligible- SR
 Need Data
 Contributes to eligible NR District
 Noncontributing to eligible NR District

I. IDENTIFICATION

1. Resource number: **5LR.14084**
2. Temporary resource number: **N/A**
3. County: **Larimer**
4. City: **Johnstown**
5. Historic building name: **N/A**
6. Current building name: **N/A**
7. Building address: **1106 SE Frontage Road, Johnstown CO 80534**
8. Owner name and address: **402 LLC, 144 N Mason St, Unit 4, Fort Collins, CO 80524**

II. GEOGRAPHIC INFORMATION

9. P.M. 6th Township 5N Range 68W
SE ¼ of NW ¼ of SW ¼ of SE ¼ of section **22**
10. UTM reference
Zone 13; 500670 mE 4470104 mN
11. USGS quad name: Windsor
Year: 2016 Map scale: 7.5' X 15' _____ Attach photo copy of appropriate map section.
12. Lot(s): N/A Block: N/A
Addition: N/A Year of Addition: N/A
13. Boundary Description and Justification: **The site is bounded by the I-25 Frontage Road on the west; and by agricultural fields associated with adjacent properties on the north, east, and County Road 18 on the south. These boundaries conform to those set forth by the Larimer County Assessor.**

III. Architectural Description

14. Building plan (footprint, shape): **Rectangular**
15. Dimensions in feet: Length 65 x Width 18
16. Number of stories: **1**
17. Primary external wall material(s): **Horizontal Siding**
18. Roof configuration: **Front Gabled**
19. Primary external roof material: **Asphalt**
20. Special features: **N/A**
21. General architectural description: **Building 1 is a simple rectangular storage building, oriented to the south that has been expanded and modified. The building appears to have been built as a general storage**

building that has been modified into a garage. It does not feature openings that would indicate that it was used to shelter animals. The front (southern section) is approximately 50 feet long by 18 feet wide, while the rear (northern) section is approximately 15 feet long by 15 feet wide. It is not clear which section was constructed first. The front gabled roof is covered with a rolled asphalt material; the walls are covered with horizontal, wood siding. The rear section has window openings on the west, north, and east sides, along with a single pedestrian door, that is a modern, steel unit. The windows are covered with sheets of wood. The front section does not have any windows, only one modern, roll-up type door.

22. Architectural style/building type: **No Style**

23. Landscaping or special setting features: **This garage (Building 1) sits on an approximately 30 acre site that contains a total of two buildings and one structure (detailed in Section 24). The area immediately adjacent has no formal landscaping. Immediately to the north is a large parking/turning area that separates it from the access road that runs west and connects the property to I-25 Frontage Road.**

24. Associated buildings, features, or objects: **The site contains one other building and one structure in addition to the garage. Building 2 is a non-historic (1980) modular residence. Structure 1 is a small, non-historic (1990) storage shed, covered with plywood sheets.**

IV. ARCHITECTURAL HISTORY

25. Date of Construction: Estimate: _____ Actual: **1950**

Source of information: **Larimer County Assessor, PIN 85220-00-004**

26. Architect: **Unknown**

Source of information: **N/A**

27. Builder/Contractor: **Unknown**

Source of information: **N/A**

28. Original owner: **Unknown**

Source of information: **N/A**

29. Construction history (include description and dates of major additions, alterations, or demolitions): **Little information has been found related to the construction or modification of this site. The building has been modified with new doors.**

30. Original location ____ Moved ____ Date of move(s): **Unknown if this is the original location.**

V. HISTORICAL ASSOCIATIONS

31. Original use(s): **Agriculture: Storage**

32. Intermediate use(s): **Agriculture: Storage**

33. Current use(s): **Domestic: Garage**

34. Site type(s): **Formerly Agriculture, now residential**

35. Historical background: **Few historic records related to this site, which sites in an unincorporated part of Larimer County, have been located. The only farm atlas that was found was in poor shape, and the information for those sections was illegible. The first record found for this parcel was the 1882**

Resource Number: 5LR.14084
Temporary Resource Number:

transfer of 160 acres of land, including this parcel to Edwin A Watson (Patent #3351). A search of genealogical records in Larimer and adjacent counties found no other information on Watson. The site currently contains approximately 30 acres of farmland, but it does not appear that these buildings are now associated with that activity, and the property is owned by a company that appears to lease the house and garage to tenants. No sign of farm equipment or structures was seen at the site. This parcel may have been associated at one time with the farm that sits directly to the north. That site (5LR.11381) contains barns and several outbuildings, and the access road from the I-25 Frontage Road divides the two parcels.

36. Sources of information: **Fort Collins History Connection; The Archive at the Fort Collins Museum of Discovery; Old Town Library, Fort Collins.**

VI. SIGNIFICANCE

37. Local landmark designation: Yes ___ No X Date of designation: N/A

Designating authority: **N/A**

38. Applicable National Register Criteria:

___ A. Associated with events that have made a significant contribution to the broad pattern of our history;

___ B. Associated with the lives of persons significant in our past;

___ C. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or that possess high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

___ D. Has yielded, or may be likely to yield, information important in history or prehistory.

___ Qualifies under Criteria Considerations A through G (see Manual)

X Does not meet any of the above National Register criteria

39. Area(s) of significance: **N/A**

40. Period of significance: **N/A**

41. Level of significance: National ___ State ___ Local ___

42. Statement of significance: **Building 1 does not represent a distinctive type, period, method of construction, work of a master, nor does it possess any artistic value, and is therefore not recommended as eligible for the NRHP under Criterion C. The site is not known to be associated with any significant event or peoples, and is therefore recommended as not eligible under Criteria A or B. It is unlikely to yield any information important to history or pre-history, and is therefore not recommended as eligible under Criterion D.**

43. Assessment of historic physical integrity related to significance: **Building 1 has been altered and expanded with new doors. It is a simple, wooden storage building with no defining features or characteristics.**

Resource Number: 5LR.14084
Temporary Resource Number:

VII. NATIONAL REGISTER ELIGIBILITY ASSESSMENT

44. National Register eligibility field assessment:

Eligible ___ Not Eligible **X** Need Data ___

45. Is there National Register district potential? Yes ___ No **X** Discuss: **This building sits on the edge of an active farm, but no longer appears to be associated with that activity. The adjacent farm has been officially determined not eligible for the NRHP, and there no other buildings or sites nearby.**

If there is National Register district potential, is this building: Contributing ___ Noncontributing **X**

46. If the building is in existing National Register district, is it: Contributing ___ Noncontributing **X**

VIII. RECORDING INFORMATION

47. Photograph numbers: **1121161455 to 1121161456b**

Negatives filed at: **Atkins (7604 Technology Way, Suite 400, Denver, CO, 80237)**

48. Report title:

49. Date(s): **November 21, 2016**

50. Recorder(s): **Brian Shaw**

51. Organization: **Atkins**


52. Address: **7604 Technology Way, Suite 400, Denver, CO, 80237**

53. Phone number(s): **(720) 475-7014**


NOTE: Please include a sketch map, a photocopy of the USGS quad map indicating resource location, and photographs.

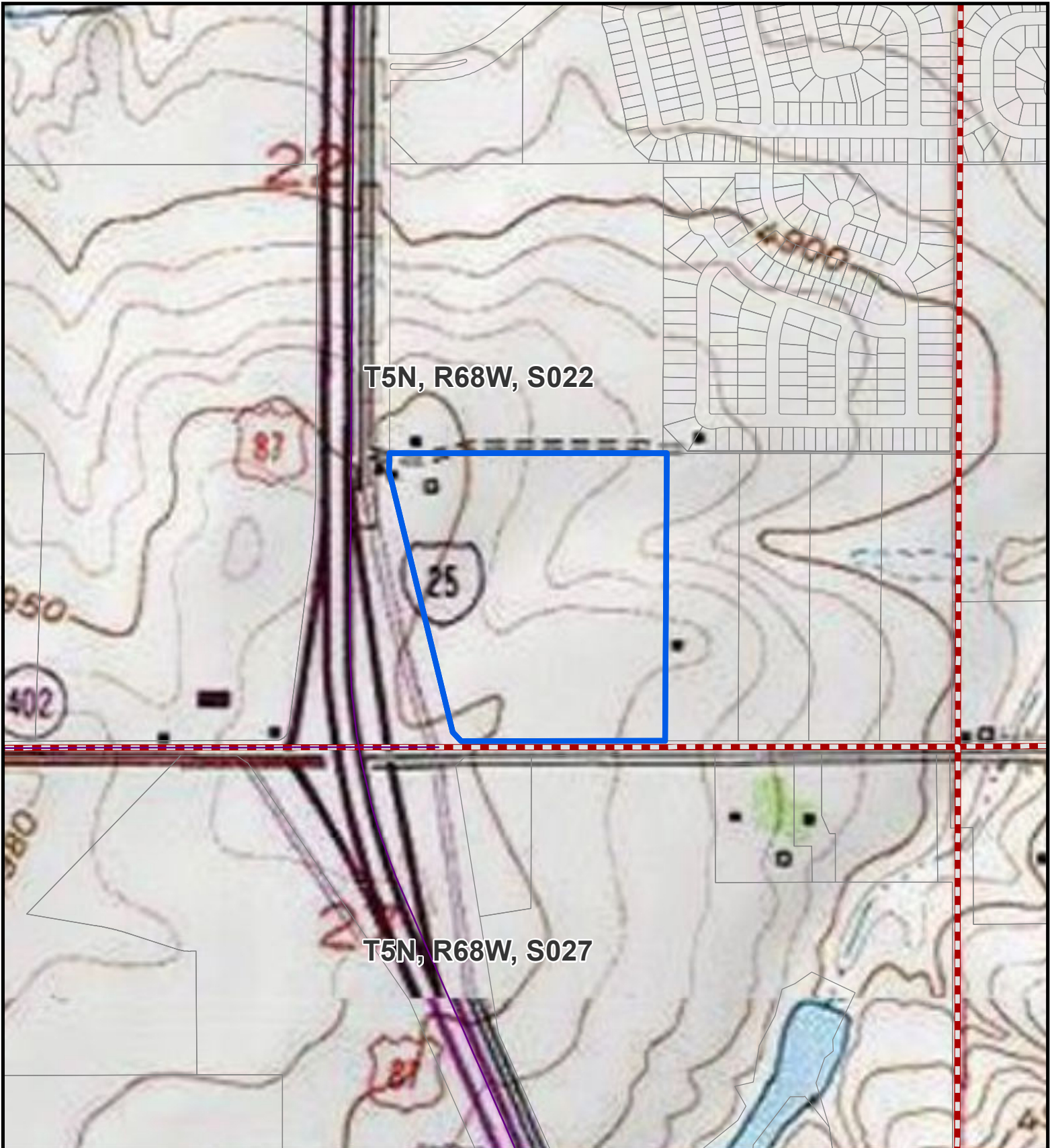
History Colorado - Office of Archaeology & Historic Preservation
1200 Broadway, Denver, CO 80203 (303) 866-3395

SITE PHOTOGRAPHS

Client Name: CDOT		Project: North I-25	Project No.: 100051572
Photo No.: 1121161456b	Date: 11/21/2016		
Site Number: 5LR.14084			
Description: Building 1 looking east. Note wood siding, rolled roofing material, and two sections of building.			

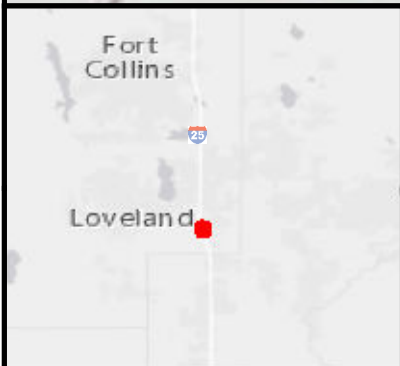
SITE PHOTOGRAPHS

Client Name: CDOT		Project: North I-25	Project No.: 100051572
Photo No.: 1121161455d	Date: 11/21/2016		
Site Number: 5LR.14084			
Description: Overview of property showing Building 1 (in center), non-historic residence (Building 2 on the left), and non-historic shed (Structure 1 on the right). Note modern roll-up door on Building 1.			



T5N, R68W, S022

T5N, R68W, S027

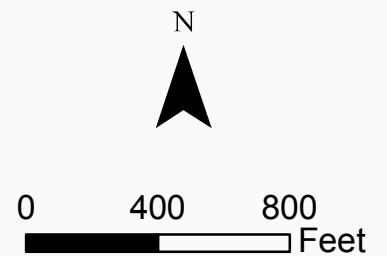


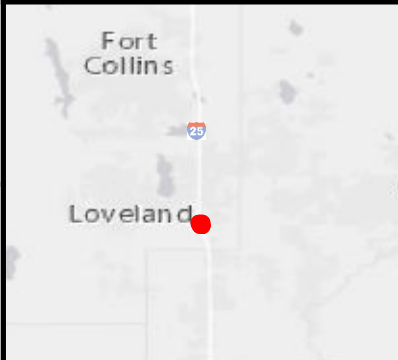
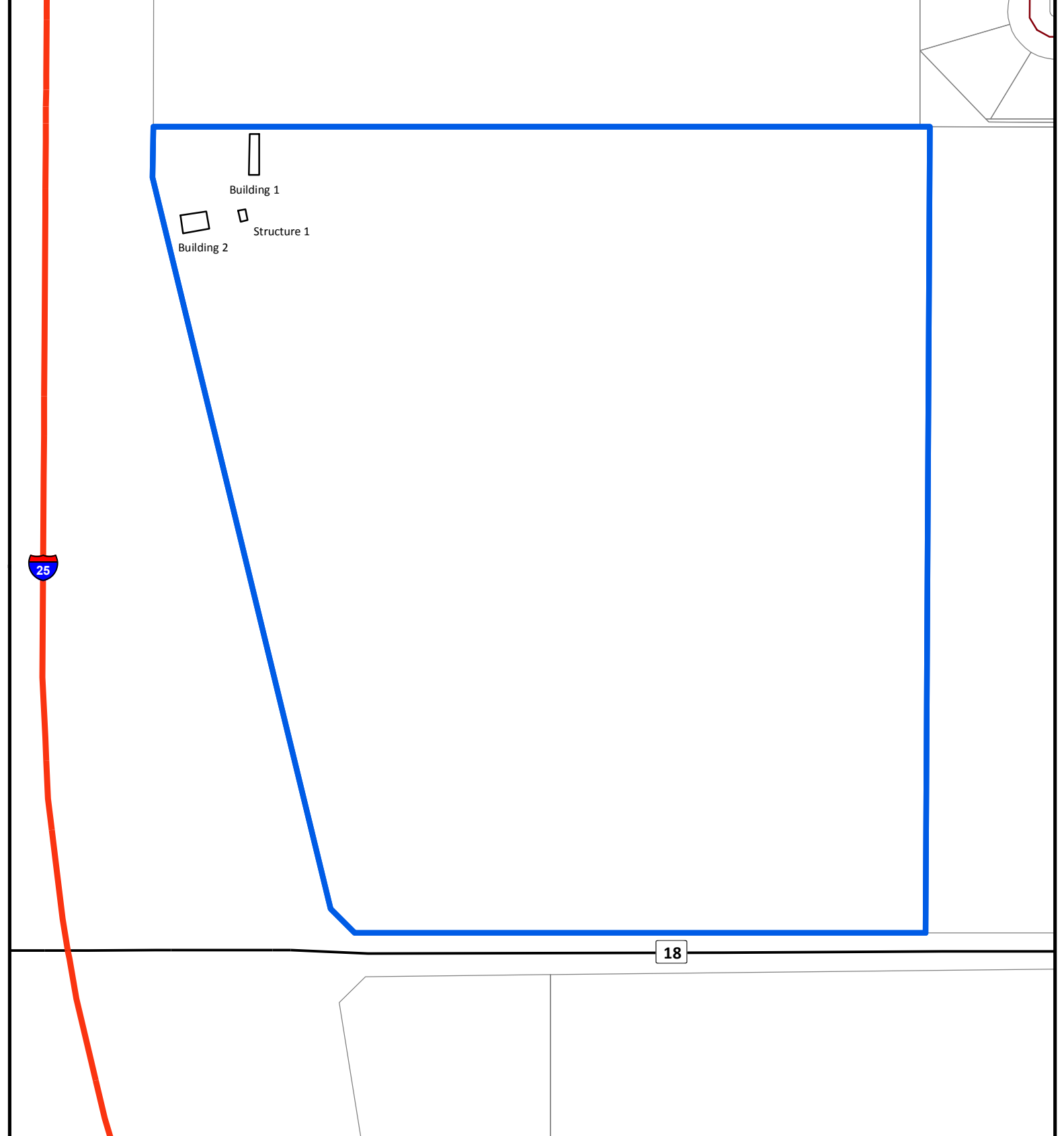
ATKINS

Location Map

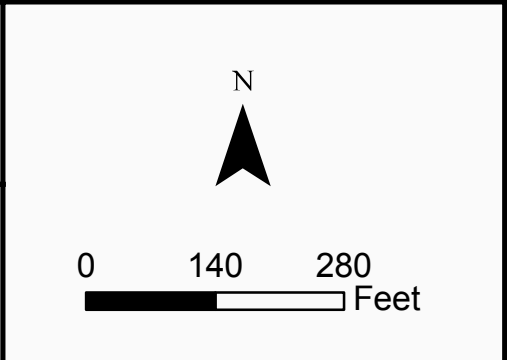
1106 SE Frontage Rd.
Johnstown, CO 80534

8522000004





ATKINS
Site Map
1106 SE Frontage Rd.
Johnstown, CO 80534
8522000004



Resource Number: 5LR.14085
Temporary Resource Number:

OAHP1403
Rev. 9/98

COLORADO CULTURAL RESOURCE SURVEY

Architectural Inventory Form

Official eligibility determination (OAHP use only)

Date _____ Initials _____
 Determined Eligible- NR
 Determined Not Eligible- NR
 Determined Eligible- SR
 Determined Not Eligible- SR
 Need Data
 Contributes to eligible NR District
 Noncontributing to eligible NR District

I. IDENTIFICATION

1. Resource number: **5LR.14085**
2. Temporary resource number: **N/A**
3. County: **Larimer**
4. City: **Johnstown**
5. Historic building name: **N/A**
6. Current building name: **N/A**
7. Building address: **6163 E County Road 18, Johnstown CO 80534**
8. Owner name and address: **Marsha Buckley, 6163 E County Rd 18, Johnstown CO 80534**

II. GEOGRAPHIC INFORMATION

9. P.M. 6th Township 5N Range 68W
NE ¼ of NW ¼ of SW ¼ of SE ¼ of section 22
10. UTM reference
Zone 13; 501013 mE 4469850 mN
11. USGS quad name: Windsor
Year: 2016 Map scale: 7.5' X 15' _____ Attach photo copy of appropriate map section.
12. Lot(s): N/A Block: N/A
Addition: N/A Year of Addition: N/A
13. Boundary Description and Justification: **The site is bounded County Road 18 on the south, by agricultural fields on the west and north, and by an adjacent farm on the east. These boundaries conform to those set forth by the Larimer County Assessor.**

III. Architectural Description

14. Building plan (footprint, shape): **Rectangular**
15. Dimensions in feet: Length 35 x Width 30
16. Number of stories: **1**
17. Primary external wall material(s): **Horizontal Siding**
18. Roof configuration: **Cross Gabled**
19. Primary external roof material: **Asphalt**
20. Special features: **N/A**

Resource Number: 5LR.14085
Temporary Resource Number:

21. General architectural description: **Access to this site was not granted by the landowner and observations were made from the public right-of-way and adjacent properties, which limited the ability to photograph the site. Building 1 is a simple residence, oriented to the south that has been modified with siding and windows. The cross-gabled roof is covered with asphalt shingles; the walls are covered with horizontal siding. The windows on the west, south, and east sides have all been replaced with modern vinyl frames. The main entry to the house is on the front (south) façade, and features a simple door opening with no porch or roof covering this entrance. A small concrete stoop is placed just below the door. A similar door is found on the rear (north) side of the house. The house has little ornamentation and few defining characteristics.**
22. Architectural style/building type: **No Style**
23. Landscaping or special setting features: **The residence (Building 1) sits on an approximately 10 acre site that contains a total of ten buildings (detailed in Section 24). The area immediately adjacent to the house has no formal landscaping. A large parking/turning area sits just to the south and east sides of the house, connecting to an access road that runs south and connects to County Road 18.**
24. Associated buildings, features, or objects: **The site contains numerous storage sheds and outbuildings. The largest ones include Buildings 2, 3, and 4 which are historic, wood-framed (1920s) outbuildings that serve as loafing sheds or storage sheds. Structures 1- to 6 are modern (1990) steel, outbuildings.**

IV. ARCHITECTURAL HISTORY

25. Date of Construction: Estimate: _____ Actual: 1920
Source of information: **Larimer County Assessor, PIN 85220-00-012**
26. Architect: **Unknown**
Source of information: **N/A**
27. Builder/Contractor: **Unknown**
Source of information: **N/A**
28. Original owner: **Unknown**
Source of information: **N/A**
29. Construction history (include description and dates of major additions, alterations, or demolitions): **Little information has been found related to the construction or modification of this site. The house has been modified with new doors, windows, siding, and roofing.**
30. Original location X Moved ____ Date of move(s):

V. HISTORICAL ASSOCIATIONS

31. Original use(s): **Domestic: Single Dwelling**
32. Intermediate use(s): **Domestic: Single Dwelling**
33. Current use(s): **Domestic: Single Dwelling**
34. Site type(s): **Formerly Agriculture, now residential**
35. Historical background: **Few historic records related to this site, which sits in an unincorporated part of Larimer County, have been located. The only farm atlas that was found was in poor shape, and the information for those sections was illegible. The first record found for this parcel was the 1882**

Resource Number:
Temporary Resource Number

transfer of 160 acres of land, including this parcel to Edwin A Watson (Patent #3351). This parcel also includes the adjacent site 5LR.14084. A search of genealogical records in Larimer and adjacent counties found no other information on Watson. The site currently contains approximately 10 acres of land. It appears that the current occupants have horses or other livestock, but it is not clear if they are farming the adjacent fields. No grain bins or large equipment sheds were seen on the property.

36. Sources of information: **Fort Collins History Connection; The Archive at the Fort Collins Museum of Discovery; Old Town Library, Fort Collins.**

VI. SIGNIFICANCE

37. Local landmark designation: Yes No Date of designation: N/A

Designating authority: **N/A**

38. Applicable National Register Criteria:

A. Associated with events that have made a significant contribution to the broad pattern of our history;

B. Associated with the lives of persons significant in our past;

C. Embodies the distinctive characteristics of a type, period, or method of construction, or represents the work of a master, or that possess high artistic values, or represents a significant and distinguishable entity whose components may lack individual distinction; or

D. Has yielded, or may be likely to yield, information important in history or prehistory.

Qualifies under Criteria Considerations A through G (see Manual)

Does not meet any of the above National Register criteria

39. Area(s) of significance: **N/A**

40. Period of significance: **N/A**

41. Level of significance: National State Local

42. Statement of significance: **The residence has been modified and does not represent a distinctive type, period, method of construction, work of a master, nor did it possess any artistic value and is therefore not recommended as eligible for the NRHP under Criterion C. The site is not known to be associated with any significant event or peoples and is therefore not recommended as eligible under Criteria A or B. It is unlikely to yield any information important to history or pre-history and is therefore recommended as not eligible under Criterion D.**

43. Assessment of historic physical integrity related to significance: **This building has been altered and expanded with new doors, windows, siding, and roofing. It has few defining features or characteristics.**

VII. NATIONAL REGISTER ELIGIBILITY ASSESSMENT

44. National Register eligibility field assessment:

Eligible Not Eligible Need Data

45. Is there National Register district potential? Yes No Discuss: **This site, including the residence (Building 1) sits on the edge of active farm fields, but it is not clear that it is associated with that activity. The adjacent farms contain a mix of modern and historic buildings and there is little physical integrity to the area.**

If there is National Register district potential, is this building: Contributing Noncontributing

Resource Number:

Temporary Resource Number:

46. If the building is in existing National Register district, is it: Contributing ____ Noncontributing **X** ____

VIII. RECORDING INFORMATION

47. Photograph numbers: **1107161510 to 1107161512**

Negatives filed at: **Atkins (7604 Technology Way, Suite 400, Denver, CO, 80237)**

48. Report title:

49. Date(s): **November 7, 2016**

50. Recorder(s): **Brian Shaw**

51. Organization: **Atkins**

52. Address: **7604 Technology Way, Suite 400, Denver, CO, 80237**

53. Phone number(s): **(720) 475-7014**

NOTE: Please include a sketch map, a photocopy of the USGS quad map indicating resource location, and photographs.

History Colorado - Office of Archaeology & Historic Preservation
1200 Broadway, Denver, CO 80203 (303) 866-3395

SITE PHOTOGRAPHS

Client Name:
CDOT

Project:
North I-25

Project No.:
100051572

Photo No.:
1107161510

Date:
11/7/2016

Site Number:
5LR.14085

Description: **Building 1 looking north. Note modern siding, windows, and roofing.**



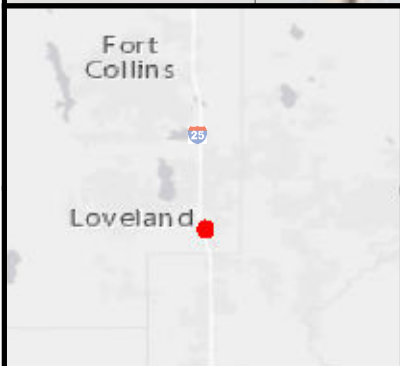
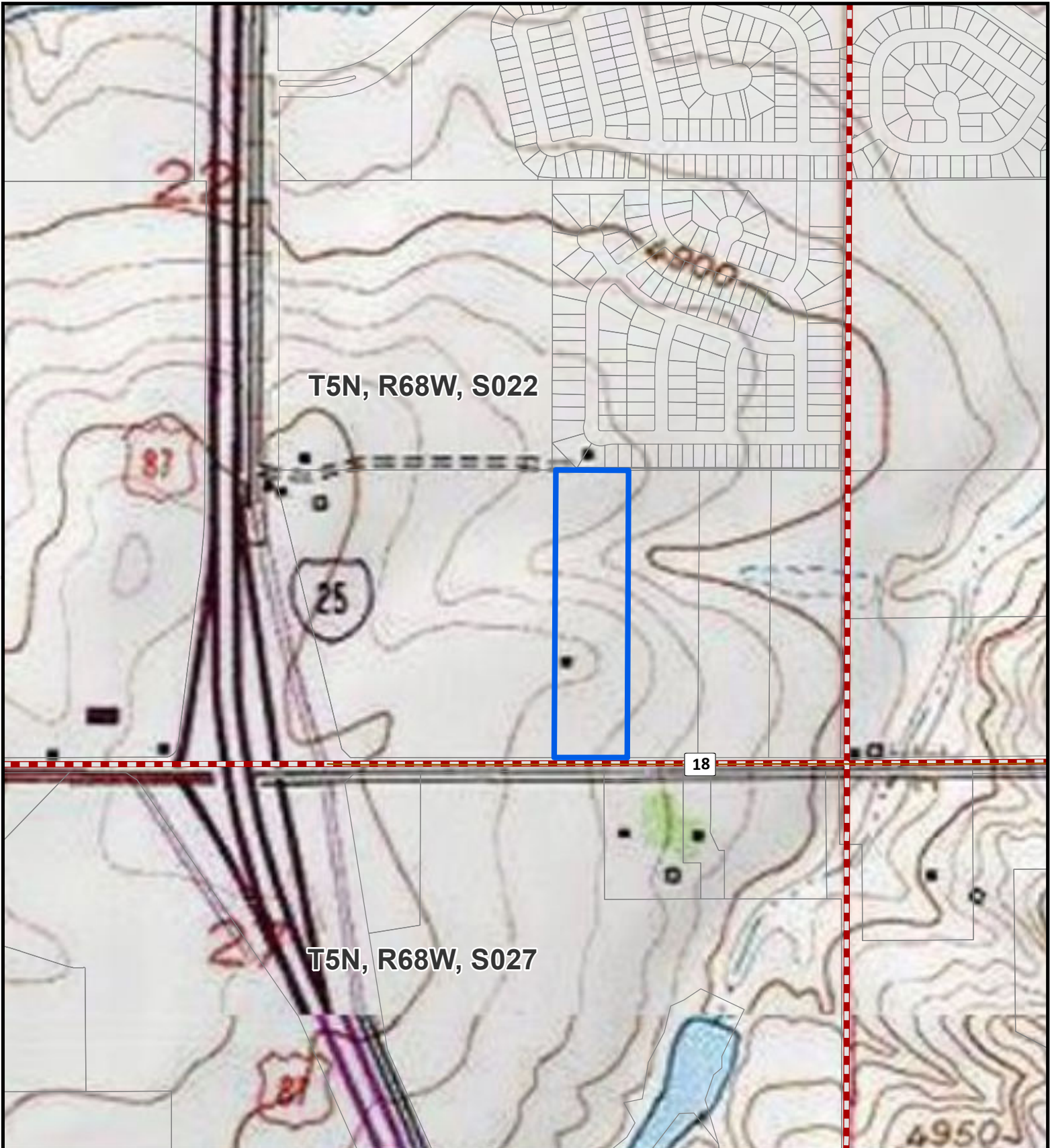
Photo No.:
1107161512

Date:
11/7/2016

Site Number:
5LR.14085

Description: **Overview of property showing one of the modern steel outbuildings.**

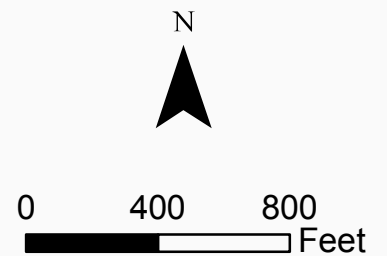


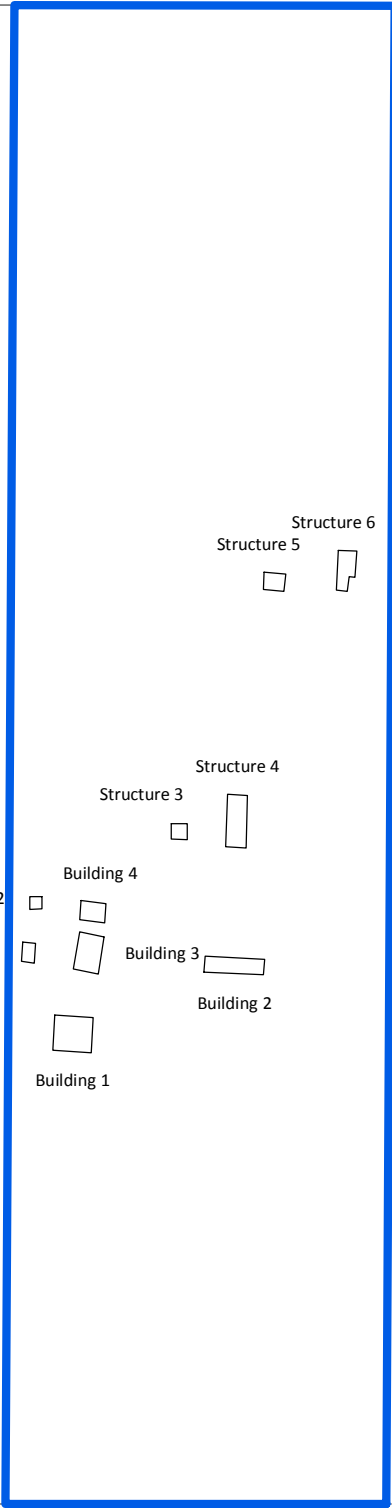


ATKINS

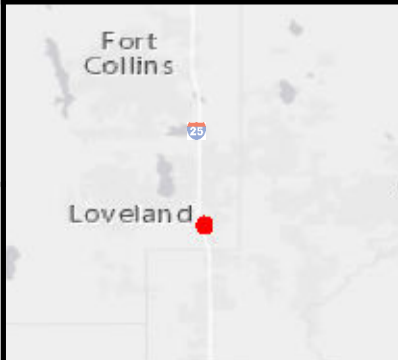
Location Map

6163 E County Road 18
Johnstown, CO 80534
8522000012





18



ATKINS

Site Map

6163 E County Road 18
Johnstown, CO 80534
8522000012



0 112.5 225 Feet

**Attachment C - Historic Resources Technical
Memorandum, January 2017**

Record of Decision 4: Appendix G

Historic Resources Technical Report

CDOT EPB and FHWA Review: January 2017



HISTORIC RESOURCES TECHNICAL MEMORANDUM

SH 56 to SH 392

January 2017

1.0 Introduction and background

In August of 2011, the Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) completed a Final Environmental Impact Statement (FEIS) for the North I-25 project. Through their obligations under Section 106 of the National Historic Preservation Act (NHPA), CDOT and FHWA considered the project's potential to impact historic properties. Historic resources studies for the North I-25 project were completed in 2006 and 2007, and identified a number of historic properties. Determinations of eligibility and findings of effect were provided to the Colorado State Historic Preservation Office (SHPO) for concurrence. Updates were provided and concurred upon in 2010 and 2011. In December of 2011, CDOT, FHWA, and SHPO signed a Section 106 Programmatic Agreement (Section 106 PA). Since then, some segments of the project have been constructed.

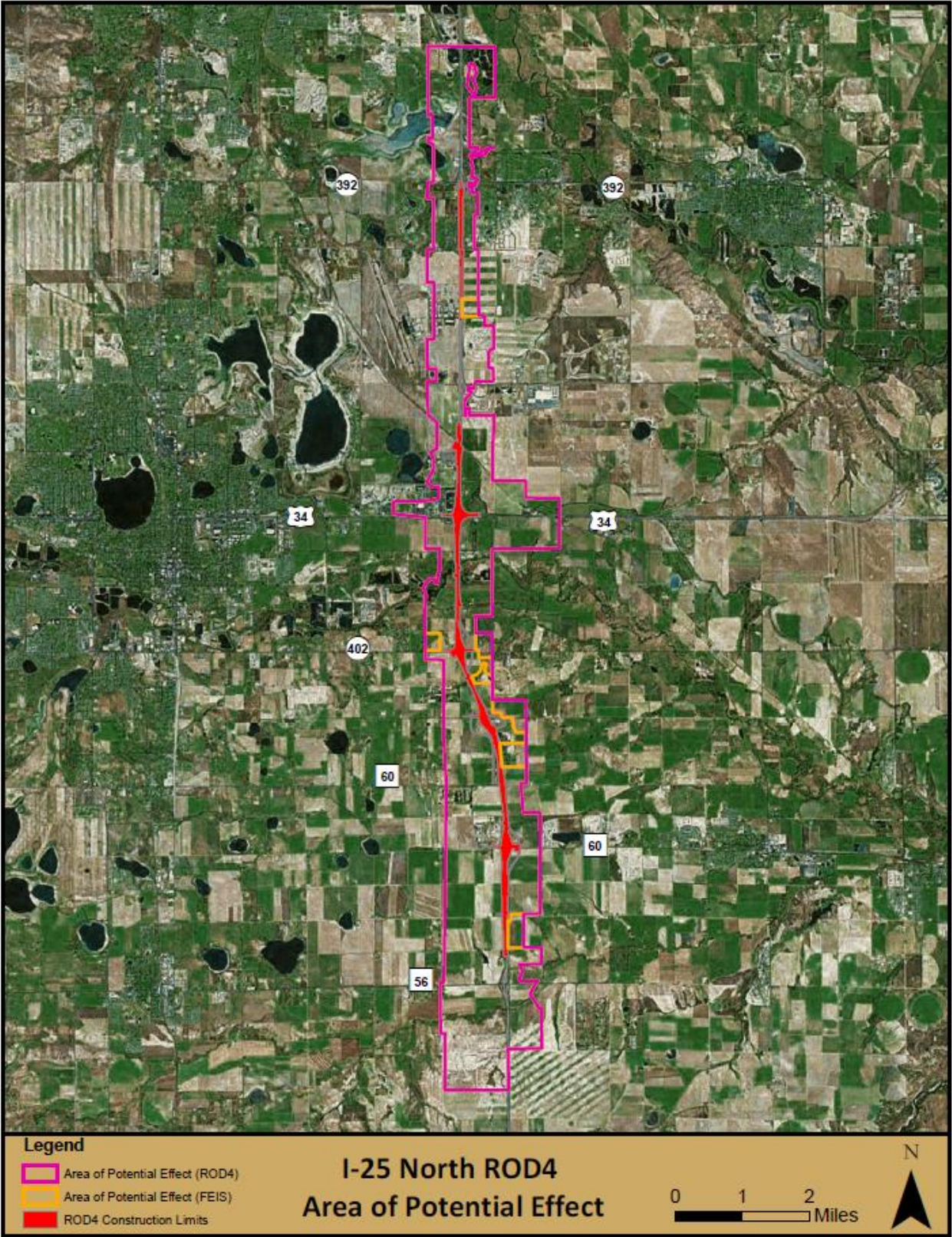
Now, CDOT is moving forward with a project between State Highway (SH) 56 on the south and SH 392 on the north, in both Larimer and Weld counties. To complete the National Environmental Policy Act (NEPA) requirements, CDOT and FHWA are completing a Record of Decision 4 (ROD4) based on the FEIS and information updated since the FEIS. In support of ROD4, this technical report evaluates six historic resources that were not included in the 2011 FEIS evaluations. Previous eligibility determinations also are considered, per the project's Section 106 PA. CDOT and FHWA's effect determinations reflect impacts from the current design, which is similar to the design evaluated in the FEIS.

All work was performed in accordance with the National Historic Preservation Act implementing regulations, codified at 36 CFR 800, and with Colorado Office of Archaeology and Historic Preservation (OAHP) guidance.

2.0 Area of Potential Effect and Methodology

The Area of Potential Effect (APE) for this project includes all legal parcels of land adjacent to the right-of-way along I-25 and major cross-roads between SH 56 and SH 392 (see Figure 1). The APE for ROD4 is similar to the APE used for the North I-25 EIS with minor changes due to the right of way needs of the ROD4 Selected Alternative. The ROD4 APE is slightly expanded from the FEIS APE to account for the construction limits of the ROD4 Selected alternative on the east side of I-25 between SH 392 and Crossroads Boulevard, in the area of the SH 402 interchange, on the east side of I-25 between SH 402 and LCR 16, in the area of the LCR 16 interchange, east of I-25 just south of LCR 16, and east of I-25 just north of SH 56. The APE for ROD 4 was agreed to by the Colorado State Historic Preservation Office (SHPO) on XX.

1 Figure 1. ROD4 APE and FEIS APE Comparison



1 Before any property could be surveyed, CDOT sought right of entry (ROE) from the landowner.
2 Those properties where ROE could not be obtained were viewed from the public right-of-way to the
3 best extent possible. In some cases, vegetation, distance from the road, or other factors prevented
4 the surveyor from gaining a complete view of the property. These properties, identified below, will
5 be treated as eligible for listing on the National Register of Historic Places (NRHP).

6 Those properties where ROE was obtained were surveyed and recorded using the guidelines set
7 forth in the Colorado Cultural Resource Survey Manual published by OAHP. Sites containing built
8 environment resources were documented using OAHP form 1403. Site forms are included in
9 Appendix A.

10 A file search was conducted on August 22, 2016, through the OAHP's COMPASS database to identify
11 previously recorded historic features within the APE. In addition, assessor's data from Larimer and
12 Weld counties was used to identify properties that will be at the 50-year mark by 2017, or those
13 constructed in or before 1967.

14 **3.0 Eligibility Determination**

15 The survey, file search, and original FEIS results identified various resources, including
16 architecture, irrigation features, and bridges within the APE. Some have been previously evaluated,
17 and others have not, as summarized below:

- 18 • Previously determined eligible—19 resources
- 19 • Previously determined not eligible—20 resources
- 20 • Newly identified and assumed eligible—3 properties
- 21 • Newly identified and evaluated—3 properties

22 Fieldwork was undertaken in the fall of 2016 to review the previously recorded properties, and to
23 determine eligibility for the newly identified properties.

24 **3.1 Resources Previously Determined Eligible**

25 The Section 106 PA reads: "Re-evaluations of eligibility for previously recorded historic properties
26 shall be done ten years after the initial recording."

27 Previously recorded properties that were determined eligible, along with their original survey
28 dates, are included in Table 1. For linear resources, each segment is listed and evaluated separately,
29 even though they are part of a larger resource. The survey dates for these resources range from
30 2001 to 2007. Construction on the ROD4 Selected Alternative is expected to begin in 2017, which is
31 ten years after the initial recordings. Therefore, all of the sites previously determined as eligible
32 were re-evaluated to determine if any major changes have occurred that could affect their National
33 Register eligibility.

Table 1. Historic Resources Previously Determined Eligible

#	Site Number	Address/ Location	Name	Survey Year	Construction Year	Status	Site Type
1	5LR.503	Near intersection of I-25 and U.S. Highway 34 (US 34)	Loveland-Greeley Canal	2007	1861	Eligible	Ditch
2	5LR.503.2	Near intersection of I-25 and US 34	Loveland-Greeley Canal	2007	1861	Eligible	Ditch
3	5LR.850	Near Intersection of I-25 and E Larimer County Road (LCR) 20	Great Western RR	2001	1903	Eligible	Rail Line
4	5LR.850.1	Near Intersection of I-25 and E LCR 20	Great Western RR	2001	1903	Eligible	Rail Line
5	5LR.850.3	Near Intersection of I-25 and E LCR 20	Great Western RR	2001	1903	Eligible	Rail Line
6	5LR.8927.1	Near Intersection of I-25 and E LCR 18	Hillsboro Ditch	2006	1874	Eligible	Ditch
7	5LR.8928.1	Near intersection of I-25 and US 34	Farmers Ditch	2007	1878	Eligible	Ditch
8	5LR.8928.2	Near intersection of I-25 and US 34	Farmers Ditch	2007	1878	Eligible	Ditch
9	5LR.8930.1	Near intersection of I-25 and LCR 30	Louden Ditch	2007	1871	Eligible	Ditch

Table 1. Historic Resources Previously Determined Eligible

#	Site Number	Address/ Location	Name	Survey Year	Construction Year	Status	Site Type
10	5LR.11209	5464 E Highway 34	Schmer Farm (Peters Farm)	2005	1905	Eligible	Farm
11	5LR.11242	5531 E Highway 402	Mountain View Farm	2005	1923	Eligible	Farm
12	5LR.11382	640 SE Frontage Road	Hatch Farm (Norcross Farm)	2007	1919	Eligible	Farm
13	5LR.11408	Near Intersection of I-25 and E LCR 20	Zimmerman Grain Elevator	2006	1917	Eligible	Grain Elevator
14	5WL.841.11	Between SH 60 and SH 56	Great Western RR	2007	1901	Eligible	Rail Line
15	5WL.841.15	Near intersection of I-25 and Weld County Road (WCR) 48	Great Western RR	2007	1901	Eligible	Rail Line
16	5WL.864	Near intersection of I-25 and WCR 48	Buda Siding (Great Western RR)	2006	1902	Eligible	Rail Line
17	5WL.3149.1	Near Intersection of I-25 and WCR 48	Handy/Home Supply Ditch	2006	1881	Eligible, segment non-contributing	Ditch
18	5WL.5203	3766 County Road 48	Bein Farm	2006	1899	Eligible	Farm
19	5WL.5204	3807 County Road 48	Bashor Barn	2006	1915	Eligible	Barn

1 None of the 19 eligible resources re-evaluated per the Section 106 PA were significantly altered
 2 from their original recording, and so re-visitation forms were not completed. All sites re-evaluated
 3 are still considered eligible.

4 Note that Handy/Home Supply Ditch was determined to be an eligible historic ditch. Site
 5 5WL.3149.1 is a segment of this larger historic ditch but has lost its integrity and fails to support
 6 the eligibility of the overall resource. This segment was evaluated again as well and identified as a
 7 non-contributing segment.

3.2 Other Previously Recorded Resources

The Section 106 PA also states: “The passage of time, changing perceptions of significance, changes in the design of the Preferred Alternative or incomplete prior evaluations may require the agencies to re-evaluate properties that were previously determined not eligible; presumed eligible due to inadequate documentation, or newly discovered properties in the APE.”

Previously recorded properties that were considered officially not eligible, along with their original survey dates, are included in Table 2. All of the sites previously determined as not eligible were reviewed to determine if any major changes had occurred that could affect site eligibility. All sites previously determined not eligible were evaluated, and are still considered not eligible for nomination to the NRHP. As such, they are not dealt with further in this evaluation. The appropriate finding of effect for these sites is No Historic Properties Affected.

Table 2. Previously Recorded Properties that were Not Eligible

#	Site Number	Address/Location	Name	Survey Year	Construction Year	Site Type
1	5LR.5244	6501 E County Road 16	Johnson's Corner Chapel	2007	Not Listed	Commercial
2	5LR.9384.1	Near Intersection of I-25 and E County Road 20	Airport-Boyd Transmission Line	1998	1949	Power Line
3	5LR.11375	6503 E Highway 60	Failla Farm	2007	1945	Farm
4	5LR.11376	3415 S County Road 5	Penning Farm	2007	1905	Farm
5	5LR.11379	2716 SE Frontage Road	Budget Host Motel	2007	1962	Commercial
6	5LR.11381	1016 SE Frontage Road	No Name Listed	2007	1919	Farm
7	5LR.11383	5668 E County Road 20	Nelson Residence	2007	1941	Farm
8	5LR.11384	856 NE Frontage Road	Arndt Residence	2006	1925	Farm
9	5LR.11386	8606 SE Frontage Road	No Name Listed	2006	1920	Farm
10	5LR.11387	8420 SE Frontage Road	Thayer Farm	2006	1946	Farm
11	5LR.11739	2842 SE Frontage Road	Johnson's Corner	2007	1965	Commercial
12	5LR12347	Great Western Railroad	Great Western Railroad Overpass	2014	1962	Bridge
13	5LR.12564	6330 E County Road 18	Gard Farm	2010	1900	Farm
14	5LR.12565	6233 E County Road 18	Fariman-Gunderson Residence	2010	1930	Farm

Table 2. Previously Recorded Properties that were Not Eligible

#	Site Number	Address/Location	Name	Survey Year	Construction Year	Site Type
15	5LR.12566	6231 E County Road 18	Hoover Residence	2010	1925	Farm
16	5WL5199	20166 E I-25 Frontage Road	Failla Farm	2007	Not Listed	Farm
17	5WL5200	3761 E Highway 56	Hart Farm	2006	1964	Farm
18	5WL5201	21990 E I-25 Frontage Road	Stewart-Creswell Farm	2006	1899	Farm
19	5WL5202	22764 E I-25 Frontage Road	Penning Farm	2007	1961	Farm
20	5WL5205	4050 County Road 50	Uart Farm	2007	Not Listed	Farm

1 In addition to the 20 resources listed in Table 2, a number of bridges without site numbers were
 2 evaluated during the FEIS. Within the ROD4 APE, the bridges are Structure C-17-F over the Big
 3 Thompson River and Structure C-17-CI, the Greely-Loveland Ditch Bridge. The sites were re-visited
 4 and nothing found that would change their previous recommendation of eligibility. They are not
 5 eligible.

6 **3.3 Newly Identified Properties**

7 Six newly identified properties within the APE need evaluation for eligibility. However, no ROEs
 8 were granted by the property owners, and only three of them lent themselves to evaluation from
 9 public rights of way. Those three properties were recorded in an intensive-level historic
 10 architectural survey (OAHP Form 1403) provided in Appendix A. None of the three meet eligibility
 11 criteria for listing on the NRHP (36 CFR 60.4), so they are not discussed further. The appropriate
 12 effect finding for each of these three properties is No Historic Properties Affected.

13 The remaining three properties have been assumed to be eligible by CDOT and FHWA and are being
 14 treated as historic properties under 36 CFR 800 for the sake of consultation. All six properties are
 15 listed in Table 3.

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Table 3. Newly Identified Properties and Eligibility Determinations

Site Number	Address	Survey Year	Construction Year	Status	Site Type
5LR.14083	3815 S County Road 5	2016	1925	Not Eligible	Farm
5LR.14084	1106 SE Frontage Road	2016	1950	Not Eligible	Farm
5LR.14085	6163 E County Road 18	2016	1920	Not Eligible	Farm
N/A	7801 SW Frontage Road	N/A	1967	Assumed Eligible	Farm
N/A	7795 SW Frontage Road	N/A	1967	Assumed Eligible	Farm
N/A	6228 E County Road 18	N/A	1964	Assumed Eligible	Farm

1

2 **3815 South County Road 5 (5LR.14083)**

3 This site includes a house and nine other buildings and structures. The house, built in 1925, exhibits
 4 some elements and massing of the bungalow type (exposed rafter ends, front gabled roof,
 5 overhanging eaves). The house appears to have a concrete foundation, with a portion of the
 6 basement standing above grade (see Figure 1). According to the Larimer County Assessor, all
 7 outbuildings on the site were constructed in the 1970s, although some of the buildings appear to be
 8 much older.

9 Few historic records related to this site, which sits in an unincorporated part of Larimer County,
 10 have been located. The first record found for this parcel was the 1888 transfer of 160 acres of land,
 11 including this parcel, to John Robert Pinckley (Patent #4603). A search of genealogical records in
 12 Larimer County and adjacent counties found few records related to this man. Today, the site sits
 13 next to large tracts of farmland,
 14 but it does not appear to be
 15 associated with any agricultural
 16 purposes and is leased to tenants.

17 The residential building did not
 18 represent a distinctive type,
 19 period, method of construction,
 20 work of a master, nor did it
 21 possess any artistic value;
 22 therefore, it is not recommended
 23 as eligible for the NRHP under
 24 Criterion C. The site is not known



Figure 2. Main residence at 3815 South County Road 5

25 to be associated with any significant event or peoples and, therefore, it is not recommended as
 26 eligible under Criteria A or B. It is unlikely to yield any information important to history or pre-
 27 history and, therefore, it is not recommended as eligible under Criterion D.

1 **1106 SE Frontage Road (5LR.14084)**

2 This site contains two buildings
3 and one structure, but only
4 Building 1 (a garage) has reached
5 50-years of age according to
6 county assessor data. (see Figure
7 2). Building 1 sits on an
8 approximately 30-acre site as
9 detailed in Section 24 of the site
10 form prepared for this property.
11 The area immediately adjacent to
12 the house has no formal
13 landscaping. A large
14 parking/turning area runs along
15 the north side of the house,
16 separating the house from the
17 road that enters the property from the I-25 Frontage Road. The site contains one other building in
18 addition to the garage. Building 2 is a non-historic (1980) modular residence. Structure 1 is a small,
19 non-historic (1990) storage shed, covered with plywood sheets.



Figure 3. The buildings and structure at 1106 SE Frontage Road

20 Few historic records related to this site, which sits in an unincorporated part of Larimer County,
21 have been located. The only farm atlas that was found was in poor shape, and the information for
22 those sections was illegible. The first record found for this parcel was the 1882 transfer of 160
23 acres of land, including this parcel, to Edwin A. Watson (Patent #3351). A search of genealogical
24 records in Larimer County and adjacent counties found no other information on Watson.

25 The site currently contains approximately 30 acres of farmland, but it does not appear that these
26 buildings are now associated with that activity, and the property is owned by a company that
27 appears to lease the house and garage to tenants. No sign of farm equipment or structures was seen
28 at the site.

29 Building 1 did not represent a distinctive type, period, method of construction, work of a master,
30 nor did it possess any artistic value. Therefore, it is not recommended as eligible for the NRHP
31 under Criterion C. The site is not known to be associated with any significant event or peoples and,
32 therefore, it is recommended as not eligible under Criteria A or B. It is unlikely to yield any
33 information important to history or pre-history, so it is not recommended as eligible under
34 Criterion D.

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6163 E County Road 18 (5LR.14085)

This site includes a main residence and numerous outbuildings. The main building is a simple residence, oriented to the south, which has been modified with siding and windows. The cross-gabled roof is covered with asphalt shingles; the walls are covered with horizontal siding. The windows on the west, south, and east sides have all been replaced with modern vinyl frames. The house has little ornamentation and few defining characteristics (see Figure 3). The site contains



Figure 4. Main building at 6163 East County Road 18

numerous storage sheds and outbuildings. The largest buildings, listed as Buildings 2, 3, and 4, are historic, wood-framed (1920s) outbuildings that serve as loafing sheds or storage sheds. Buildings 5, 6, and 7 are modern (1990) steel outbuildings.

Little information has been found related to the construction or modification of this site. The residence has been modified with new doors, windows, siding, and roofing. It does not represent a distinctive type, period, method of construction, work of a master, nor did it possess any artistic value, so it is not recommended as eligible for the NRHP under Criterion C. The site is not known to be associated with any significant event or peoples and is, therefore, not recommended as eligible under Criteria A or B. It is unlikely to yield any information important to history or pre-history, so it is recommended as not eligible under Criterion D.

3.4 Eligibility Summary

Figure 5 illustrates the locations of the historic properties recommended as eligible that have been identified as a result of this evaluation. Each is considered for effects in Section 4.0. Numbers for each property are shown in Table 4.

1 Figure 5. Location of Historic Properties



4.0 Effects Determinations

Twenty-two historic properties are considered for Section 106 effect in Table 4, below. This includes 19 properties that were previously determined eligible, and three assumed to be eligible, but lacking evaluation. For the 19 previously recorded properties, 18 effect determinations remain the same as presented in the FEIS and subsequent SHPO consultation, even though acreage or linear feet of impact may have changed slightly. The exception is the Bashor Barn (5WL5204). It had no direct effects in the FEIS, but current design requires 0.17 acre of acquisition to accommodate the toe of the CR 48 slope. Its effect determination has changed from No Historic Properties Affected to No Adverse Effect. The small strip take will occur on a vacant field, and will not affect the historic or character-defining features of the property.

Three sites assumed eligible also are included in Table 4. Two of them would have no direct effects from the project. There would be a 0.06 acre partial acquisition from the property at 7801 SW Frontage Road. The impact comes from a small take on the west side of I-25, on the south side of CR 30. The take is necessary for improvements to CR 30. None of the properties would experience indirect effects, as all of them are adjacent to the I-25 corridor and widening improvements make little or no change to the current setting.

For these reasons, the appropriate finding of effect for 7795 SW Frontage Road and 6228 E County Road 18 is No Historic Properties Affected, and for 7801 SW Frontage Road it is No Adverse Effect.

Table 4. Findings of Effect for Historic Properties

#	Site Number	Address/ Location	Name	Impact Description	Effect Determination
1	5LR.503	Near intersection of I-25 and US 34	Loveland-Greeley Canal	65-foot culvert extension and temporary construction impacts	No Adverse Effect
2	5LR.503.2	Near intersection of I-25 and US 34	Loveland-Greeley Canal	Same as 5LR.503	No Adverse Effect
3	5LR.850	Near Intersection of I-25 E LCR 20	Great Western RR	155 feet of railroad track would be directly impacted as a result of new bridge construction	No Adverse Effect
4	5LR.850.1	Near Intersection of I-25 E LCR 20	Great Western RR	Identical to 5LR850	No Adverse Effect
5	5LR.850.3	Near Intersection of I-25 E LCR 20	Great Western RR	Identical to 5LR850	No Adverse Effect
6	5LR.8927.1	Near Intersection of I-25 E LCR 18	Hillsboro Ditch	55-foot-longer box culvert of the same cross section as existing culvert	No Adverse Effect
7	5LR.8928.1	Near intersection of I-25 and US 34	Farmers Ditch	2,532 linear feet or 0.48 mile of open ditch requiring placement inside underground pipes and box culvert extensions	No Adverse Effect

Table 4. Findings of Effect for Historic Properties

#	Site Number	Address/ Location	Name	Impact Description	Effect Determination
8	5LR.8928.2	Near intersection of I-25 and US 34	Farmers Ditch	Identical to 5LR.8928.1	No Adverse Effect
9	5LR.8930.1	N/A	Louden Ditch	173 feet of open ditch placed inside a culvert	Adverse Effect
10	5LR.11209	5464 E Highway 34	Schmer Farm (Peters Farm)	3.80-acre partial acquisition from 120-acre parcel	Adverse Effect
11	5LR.11242	5531 E Highway 402	Mountain View Farm	Widening creates 1.5-acre take from 136-acre farm	Adverse Effect
12	5LR.11382	640 SE Frontage Road	Hatch Farm (Norcross Farm)	1.2-acre partial acquisition of open field from 107-acre farm, with no impact to eligible barn	No Adverse Effect
13	5LR.11408	Near Intersection of I-25 and E LCR 20	Zimmerman Grain Elevator	0.03-acre partial acquisition, with no impact to eligible structures	No Adverse Effect
14	5WL.841.11	Near intersection of I-25 and SH 392	Great Western RR	60 additional feet of overhead coverage, no direct impact to rail	No Adverse Effect
15	5WL.841.15	Near intersection of I-25 and WCR 48	Great Western RR	Roadway widening in ROW with no acquisition	No Historic Properties Affected
16	5WL.864	Near intersection of I-25 and WCR 48	Buda Siding (Great Western RR)	Roadway widening in ROW with no acquisition	No Historic Properties Affected
17	5WL.3149.1	Near Intersection of I-25 and WCR 48	Handy/ Home Supply Ditch	Modification of the grated culvert intake, 60-foot extension to existing culvert	No Adverse Effect
18	5WL.5203	3766 County Road 48	Bein Farm	11.1-acre partial acquisition of open field from 288-acre farm, with no impact to structures	Adverse Effect
19	5WL.5204	3807 County Road 48	Bashor Barn	Widening creates 0.17-acre take from 1.7-acre parcel	No Adverse Effect
20	N/A	7801 SW Frontage Road	N/A	0.06-acre take from this 30-acre parcel	No Adverse Effect
21	N/A	7795 SW Frontage Road	N/A	No impact; no acquisition and no change to setting	No Historic Properties Affected

Table 4. Findings of Effect for Historic Properties

#	Site Number	Address/ Location	Name	Impact Description	Effect Determination
22	N/A	6228 E County Road 18	N/A	No impact; no acquisition and no change to setting	No Historic Properties Affected

1 As shown in Table 4, four historic properties would be adversely affected by the ROD4 project. One
2 is the Louden Ditch. The 2011 FEIS indicated the project would result in an Adverse Effect to the
3 ditch. The ROD4 project has reduced the impact to the ditch from more than 700 linear feet to only
4 173 linear feet; however, the ROD4 project will still result in an Adverse Effect to the Louden Ditch.
5 The 2011 FEIS initially indicated No Adverse Effect to the other three properties (Schmer Farm,
6 Bein Farm, and Mountain View Farm), but that determination was changed to Adverse Effect after
7 SHPO consultation following the FEIS. The ROD4 project will result in an Adverse Effect to these
8 three properties as well.

9 **5.0 Mitigation**

10 Four historic properties will be adversely affected by the project, which includes the Louden Ditch
11 (5LR.8930.1), Schmer Farm (5LR.11209), Mountain View farms (5LR.11242), and Bein Farm
12 (5WL.5203). Stipulation 2 of the Section 106 PA addresses Standard Mitigation and reads:

13 “a. CDOT shall prepare Level II Recordation for all historic properties that have an adverse
14 effect determination resulting from action of this undertaking.

15 b. CDOT shall submit OAHP Cultural Resource Re-evaluation Forms (Form # 1405) for any
16 properties that will be changed or modified in order to document changes in the conditions of the
17 properties for OAHP’s site files.

18 c. CDOT shall submit the mitigation produced for the project to SHPO and the consulting
19 parties for review and comment.

20 d. CDOT and FHWA will review and consider suggested mitigation measures from the
21 Consulting Parties. CDOT and FHWA will leave open the period for the Consulting Parties to submit
22 alternative mitigation strategies.”

23 In addition, Stipulation 3 addresses creative mitigation and Stipulation 3(b) reads:

24 “b. CDOT Region 4 is preparing a historic context of the development and lasting
25 significance of irrigation in Northern Colorado. The Colorado SHPO originally requested the context
26 as a component of the Northern Colorado Historic Ditch Inventory. The historic ditch context will
27 be accessible through the North I-25 web page. The historic ditch context will inform the public
28 about Northern Colorado’s role and importance in the development of irrigated agriculture in the
29 western United States. This mitigation will satisfy adverse effects to all irrigation conveyance
30 features (ditches, laterals, and related components and structures) that become eligible after the
31 Agreement is executed.”

1 The Section 106 PA was executed between FHWA, SHPO, and CDOT, and satisfies 36 CFR 800.6 for
2 resolving adverse effects. Fulfilling the stipulations will mitigate the adverse effect to Loudon Ditch.

3 **6.0 Summary**

4 A total of 22 historic properties were identified within the ROD4 APE. Four properties will be
5 adversely affected by the ROD4 project. . Mitigation for adverse effects has already been
6 established through execution of the 2011 Section 106 PA.



COLORADO

Department of Transportation

Region 4

10601 West 10th Street
Greeley, CO 80634
P 970.350.2170

January 11, 2017

Ms. Alison Michael
U.S. Fish and Wildlife Service
Colorado Field Office
PO Box 25486, DFC (65412)
Denver, CO 80225

**SUBJECT: USFWS North I-25 Programmatic Biological Opinion Terms and Conditions Reporting
Project: North I-25 Record of Decision 4
Project #: IM 0253-255 (21506)**

Dear Ms. Michael:

CDOT Region 4 submits this letter addressing the Terms and Conditions outlined in the North I-25 Corridor Programmatic Biological Opinion (PBO) dated October 13, 2011.

The North I-25 Biological Opinion reads:

1. As individual projects are proposed under the programmatic consultation, FHWA will provide the Service with project-specific information that includes 1) a description of the proposed action, including specific proposed conservation measures, and the area to be affected, 2) the species that may be affected and their known proximity to the project area, 3) results of habitat assessments and species surveys, 4) an updated baseline of the specific project area, 5) a description of how the action may affect the species, 6) a determination of effects, 7) a cumulative total of incidental take that has occurred to date under the consultation, 8) a description of any additional actions or effects not considered in the programmatic consultation, and 9) a description of the conservation measures or mitigation activities already implemented and their effectiveness.

1a) Description of the Proposed Action

FHWA and CDOT identified a Preferred Alternative for the corridor in the Final Environmental Impact Statement. Due to funding issues the project will move forward in phases. ROD4 is based on the Preferred Alignment and covers SH 14 to SH 56 (Figure 1).

2a) Species that may be Affected and Proximity to the Project Area



The Service provided a list of species potentially occurring in the regional study area on July 14, 2005. These species and potential effects from this project are listed in Table 1.

Table 1. Effects Determination for Federally Threatened and Endangered Species

Common Name	Scientific Name	Federal Listing Status	Effects Determination
Least Tern	<i>Sternula antillarum</i>	Threatened	Likely To Adversely Affect (LTAA)*
Piping Plover	<i>Charadrius melodus</i>	Threatened	LTAA*
Western prairie fringed orchid	<i>Platanthera praeclara</i>	Threatened	LTAA*
Whooping Crane	<i>Grus Americana</i>	Endangered	LTAA*
Pallid sturgeon	<i>Scaphirhynchus melodus</i>	Endangered	LTAA*
Preble's meadow jumping mouse (PMJM)	<i>Zapus hudsonius preblei</i>	Threatened	LTAA
Colorado butterfly plant (CBP)	<i>Gaura neomexicana coloradensis</i>	Threatened	Not Likely to Adversely Affect (NLTA)
Ute ladies' -tresses orchid (ULTO)	<i>Spiranthes diluvialis</i>	Threatened	NLTA
Black-footed ferret	<i>Mustela nigripes</i>	Endangered	No Effect, Block Cleared

*Effects to Platte River species are addressed through the South Platte Programmatic Biological Assessment (SPPBA) dated February 22, 2012. Water used for this project will be reported to the USFWS at year's end after completion of the project per the South Platte Programmatic Biological Opinion (SPPBO).

An IPaC search identified six additional species with potential to occur in the project area that were not evaluated in the FEIS (shown in Table 2).

Table 2: Newly Identified Species

Species	Federal Status
Mexican spotted owi (<i>Strix occidentalis lucida</i>)	Threatened
Greenback cutthroat trout (<i>Oncorhynchus clarki stomias</i>)	Threatened
North Park phacelia (<i>Phacelia formosula</i>)	Endangered
Arapahoe snowfly (<i>Arsapnia arapahoe</i>)	Candidate
Canada lynx (<i>Lynx canadensis</i>)	Threatened
North American wolverine (<i>Gulo gulo luscus</i>)	Proposed Threatened

3a) Results of Habitat assessments and Species Surveys

On August 15, 2016, a general field reconnaissance was conducted at the Big Thompson River to review site conditions and identify any changed conditions for the PMJM, Ute ladies' -tresses orchid (ULTO), and Colorado butterfly plant (CBP) compared to the FEIS.

Based on the conditions of the site at the time of inspection and upon available known occurrence and trapping data for the surrounding areas, it was determined that this site presents marginally suitable habitat not likely to support a resident population of PMJM, but may provide connectivity to upstream and downstream habitat for PMJM.

In the FEIS Programmatic Biological Assessment (PBA), CDOT determined that the Big Thompson River was occupied habitat and that 0.25 acres would be impacted. This has not changed since the FEIS.



It was determined that habitat suitable for ULTO was not present and marginally suitable habitat exists for CBP. No individual plants were observed during site surveys. The site visit supports the finding in the PBA.

4a) Updated Baseline of the Specific Project Area

The project area has not changed since the FEIS except for additional land development. The impacts described in the original ROD are consistent with this latest change. The project will have impacts to wetlands and riparian habitat at the Big Thompson River. The project area is entirely within the Block Clearance Zone for black-footed ferret.

5a) Description of How the Action May Affect the Species

The total amount of permanent impacts to PMJM habitat at the Big Thompson River is 0.25 acres. There is a low likelihood of occurrence for ULTO and CBP due to the location. No impacts to the black-footed ferret. Effects to Platte River species located downstream from the project (i.e., Least Tern, Piping Plover, western prairie fringed orchid, Whooping Crane and pallid sturgeon) are addressed through the SPPBA dated February 22, 2012, that estimates total water usage until 2019. The water used for this project will be reported to the USFWS at the year's end after the completion of the project per the SPPBO.

Table 3: Potential Effects to Newly Identified Species

Species	Federal Status	Potential Effects
Mexican spotted owl (<i>Strix occidentalis lucida</i>)	Threatened	None; there are no mature or old-growth forests suitable for the species within the project area.
Greenback cutthroat trout (<i>Oncorhynchus clarki stomias</i>)	Threatened	None; there are no coldwater streams or rivers within the project area.
North Park phacelia (<i>Phacelia formosula</i>)	Endangered	None; the project does not meet elevational requirements (8,000–8,300 feet above mean sea level (AMSL)).
Arapahoe snowfly (<i>Arsapnia arapahoe</i>)	Candidate	None; there are no coldwater streams or rivers within the project area
Canada lynx (<i>Lynx canadensis</i>)	Threatened	None; the project area does not meet preferred elevations in Colorado (a minimum 8,000 feet AMSL), does not have the preferred vegetative cover with complex structural components for denning or transients, and does not have the preferred prey base (i.e., snowshoe hare) for the species.
North American wolverine (<i>Gulo gulo luscus</i>)	Proposed Threatened	None; while wolverines can cover great distances and be found in a variety of habitats, the project area does not have the preferred vegetative cover, such as dense riparian areas, for transients and does not have the consistent, deep snowpack for denning.



6a) Determination of Effects

Impacts of the ROD4 project will be consistent with the FEIS analysis, resulting in a **Likely to Adversely Affect** determination for Preble's meadow jumping mouse. The project will **Not Likely Adversely Affect** the Colorado butterfly plant, Ute ladies'-tresses orchid, or black-footed ferret, consistent with the analysis in the FEIS. In addition, the project will have **No Effect** to the Mexican spotted owl, greenback cutthroat trout, North Park phacelia, Arapahoe snowfly, Canada lynx, or North American wolverine, for reasons indicated in Table 3.

7a) Cumulative Total of Incidental Take

This is the fourth project to proceed to construction under the PBO. There has been no incidental take to date of federally listed threatened or endangered species.

8a) Description of Additional Actions or Effects

No additional actions or effects would occur as a result of this project.

9a) Description of Conservation Measures or Mitigation Activities Already Implemented

The following conservation measures and terms/conditions from the PBO for PMJM will be implemented for this project during the design phase of the project.

Conservation Measures

- Pre-construction habitat assessments and/or surveys for the CPB will be conducted during the survey season just prior to construction, or in accordance with the USFWS' survey protocol at the time of construction.
- Pre-construction habitat assessments and/or trapping surveys for PMJM will be conducted where appropriate.
- If culverts in occupied or suitable PMJM habitat are replaced or upgraded, the new culverts will incorporate ledges to facilitate small mammal passage.
- Lighting within or near PMJM habitat will incorporate current technology and standards (e.g., Dark Skies) at the time of design to reduce lighting impacts to PMJM.
- During construction, nighttime work within 0.25 mile of PMJM habitat will be minimized.
- Any inadvertent PMJM mortalities during construction will be reported as specified in current trapping guidelines. CDOT will report all relevant information within 24 hours and subsequently submit a completed Injury/Mortality Documentation Report to the Service, Ecological Services Colorado Field Office or the Service's Division of Law Enforcement in Lakewood, Colorado (telephone 720 981-2777)
- In the unlikely event that a PMJM (dead, injured, or otherwise) is located during construction, the Colorado Field Office of the Service will be contacted immediately to identify additional measures, as appropriate, to minimize impacts to PMJM

Terms and Conditions

2. *During site-specific consultation, CDOT and FHWA will develop revegetation success criteria in coordination with the Service and will monitor revegetated sites to ensure that those success criteria are achieved.*

Revegetation will occur in accordance with CDOT Standard for Roadway Construction (2011) Sections 208, 212, 213 and 216.



Ms. Alison Michael
January 11, 2017
Page 5

Sincerely,



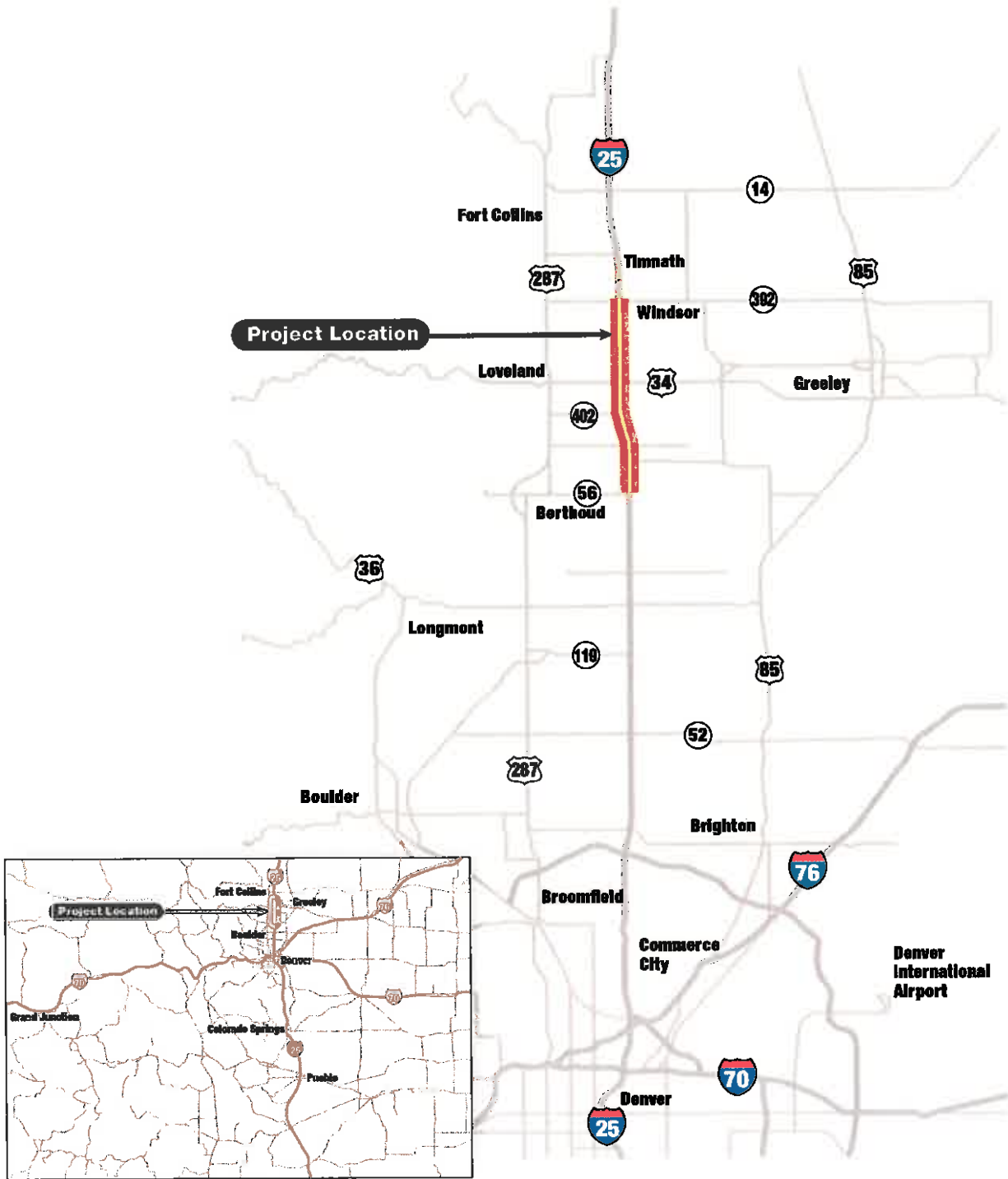
Carol H. Parr
R4 NEPA Program and Environmental Manager

Attachment

cc: File
Jeff Peterson, CDOT T&E/Wildlife Coordinator



Figure 1. Project Location Map





COLORADO
 Department of Transportation
 Region 4

10601 West 10th Street
 Greeley, CO 80634
 P 970.350.2170

2017-I-0346

U.S. FISH AND WILDLIFE SERVICE

NO CONCERNS
 CONCUR NOT LIKELY TO ADVERSELY AFFECT
 NO COMMENT

[Signature] 2/6/17
 DRUE L. DEBERRY DATE
 ACTING COLORADO FIELD SUPERVISOR

No change in impact anticipated since the programmatic BO 2011-F-0658.
 all conservation measures will still be implemented.

January 11, 2017

Ms. Alison Michael
 U.S. Fish and Wildlife Service
 Colorado Field Office
 PO Box 25486, DFC (65412)
 Denver, CO 80225

**SUBJECT: USFWS North I-25 Programmatic Biological Opinion Terms and Conditions Reporting
 Project: North I-25 Record of Decision 4
 Project #: IM 0253-255 (21506)**

Dear Ms. Michael:

CDOT Region 4 submits this letter addressing the Terms and Conditions outlined in the North I-25 Corridor Programmatic Biological Opinion (PBO) dated October 13, 2011.

The North I-25 Biological Opinion reads:

1. As individual projects are proposed under the programmatic consultation, FHWA will provide the Service with project-specific information that includes 1) a description of the proposed action, including specific proposed conservation measures, and the area to be affected, 2) the species that may be affected and their known proximity to the project area, 3) results of habitat assessments and species surveys, 4) an updated baseline of the specific project area, 5) a description of how the action may affect the species, 6) a determination of effects, 7) a cumulative total of incidental take that has occurred to date under the consultation, 8) a description of any additional actions or effects not considered in the programmatic consultation, and 9) a description of the conservation measures or mitigation activities already implemented and their effectiveness.

1a) Description of the Proposed Action

FHWA and CDOT identified a Preferred Alternative for the corridor in the Final Environmental Impact Statement. Due to funding issues the project will move forward in phases. ROD4 is based on the Preferred Alignment and covers SH 392 to SH 56 (Figure 1).

2a) Species that may be Affected and Proximity to the Project Area





COLORADO
Department of Transportation
Division of Transportation Development

Environmental Programs Branch
4201 E. Arkansas Ave., Shumate Bldg.
Denver, CO 80222-3400
(303) 757-9281

February 9, 2017

Mr. Paul Lee, Transportation Planner
Planning and Policy Program, Air Pollution Control Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80246

SUBJECT: Air Quality Conformity Determination, CDOT Project IM 0253-255, North I-25, SH 392 to SH 56 ROD4, Weld County

Dear Mr. Lee:

The Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) are preparing the Record of Decision 4 (ROD4) for the project referenced above. The fiscally constrained ROD4 Selected Alternative includes the reconstruction of I-25 for approximately 12 miles between SH 56 and SH 392 to provide an express lane in each direction.

The Preferred Alternative included in the *North I-25 Final Environmental Impact Statement/Section 4(f) Evaluation* (FEIS) and subsequent *Revised Section 4(f) Evaluation* is similar to the ROD4 Selected Alternative except that it includes construction of one additional general-purpose lane and one express lane on I-25. The ROD4 Selected Alternative includes additional widening of the Union Pacific Railroad underpass to allow for a structure wide enough to allow Kendall Parkway to pass under I-25 next to the railroad, which was not included as part of the FEIS Preferred Alternative.

Regional Conformity

The project area is subject to the conformity requirements of 8-hour Ozone Denver-North Front Range Nonattainment State Implementation plan. Because there was not enough money in the fiscally constrained and air quality conforming 2040 Regional Transportation Plan (RTP) for the North Front Range Metropolitan Planning Organization (NFRMPO), only the portion of the Preferred Alternative that is included in the 2040 RTP can be selected for implementation by FHWA in the ROD. The regional conformity analyses were performed by NFRMPO. The project is included in the NFRMPO 2016–2021 TIP and the 2040 RTP, as amended and adopted on February 2, 2017, both of which were found to conform to the ozone SIP.

Project Level Conformity

Ozone: The project is located within the NFRMPO and is in a designated moderate non-attainment area for ozone. Since ozone is a regional pollutant, there is no requirement to analyze potential impacts and no possibility of localized violations of ozone to occur at the project level.

None of the other five criteria pollutants are of concern to this project. Concentrations of lead, sulfur dioxide, and nitrogen dioxide are not significantly affected by transportation projects. In addition, the undertaking is located outside of non-attainment or maintenance areas for PM₁₀, PM_{2.5}, or carbon monoxide.

Mobile Source Air Toxics: Through interagency consultation, it was confirmed that the ROD4 Selected Alternative is considered a project with low potential for MSAT effects according to the FHWA guidance because it is designed to improve operations of the highway without adding substantial new capacity. Additionally, the design year traffic is projected to be less than 140,000 to 150,000 annual average daily traffic.

For the ROD4 Selected Alternative, the amount of MSAT emissions would be proportional to the vehicle miles traveled (VMT). The VMT estimated for the ROD4 Selected Alternative is slightly higher than that if the project was not built, because the additional capacity increases the efficiency of the roadway and attracts rerouted trips from elsewhere in the transportation network. This increase in VMT would lead to higher MSAT emissions for the alternative along the highway corridor, along with a corresponding decrease in MSAT emissions along the parallel routes. The emissions increase is offset somewhat by lower MSAT emission rates due to increased speeds.

Also, emissions will likely be lower than present levels in the design year as a result of EPA's national control programs that are projected to reduce annual MSAT emissions by over 90 percent between 2010 and 2050. Local conditions may differ from these national projections in terms of fleet mix and turnover, VMT growth rates, and local control measures. However, the magnitude of the EPA-projected reductions is so great (even after accounting for VMT growth) that MSAT emissions in the study area are likely to be lower in the future.


Summary

The I-25 ROD4 project conforms to the State Implementation Plan's purpose of "eliminating or reducing the severity and number of violations" of the NAAQS and "achieving expeditious attainment of the NAAQS." The project will not:

- cause or contribute to any new violation of any standard in any area;
- increase the frequency or severity of any existing violation of any standard in any area; or
- delay timely attainment of any standard or other milestones in any area.

If you concur with the results of the air quality analysis and the conclusions regarding conformity for this project, please sign below and return this letter to CDOT Air Quality and Noise Program Manager Rose Waldman by February 24, 2017. If you have questions or concerns regarding this correspondence or the attached report, please contact Ms. Waldman at (303) 757-9016 or rose.waldman@state.co.us.

Very truly yours,


Jane Hann, Manager
Environmental Programs Branch

Attachment: North I-25 SH 56 to SH 392 Air Quality Technical Memorandum

cc: Carol Parr, CDOT Region 4 Environmental

I Concur: _____


Paul Lee, Transportation Planner


Date

Record of Decision 4: Appendix B

Air Quality Technical Memorandum

February 2017



AIR QUALITY TECHNICAL MEMORANDUM

SH 56 to SH 392

February 2017

1.0 Introduction and background

This report updates the air quality analyses prepared as part of the 2011 FEIS for ROD4. The Record of Decision 4 (ROD4) documents the final agency decision for improvements to Interstate 25 (I-25) between State Highway (SH) 56 and SH 392.

The Selected Alternative discussed in ROD4 consists of reconstruction and widening of I-25 between SH 56 and SH 392 (approximately 12 miles) to include addition of one buffer-separated express lane in each direction. The improvements included in the Selected Alternative for ROD4 are consistent with 2011 FEIS Preferred Alternative except that no new general purpose lanes will be constructed as part of ROD4 (for more information on the ROD4 Selected Alternative, See Chapter 2 of the ROD4 document).

At the time the 2011 FEIS was issued, funding had not been secured for the entirety of the Preferred Alternative; therefore, the Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT) planned the phased implementation of the 2011 FEIS Preferred Alternative. Details of the phasing components are included in Chapter 8 of the 2011 FEIS and are not repeated here. The proposed project is included in the North Front Range Metropolitan Planning Organization (NFRMPO) fiscally constrained 2040 Regional Transportation Plan, and funding for the project is included in the NFRMPO FY 2016 to FY 2019 Transportation Improvement Program.

2.0 Changes in the Regulatory Setting

Changes in air quality laws, policies, and guidance since publication of the FEIS in 2011 include:

- On August 2, 2016, the U. S. Council on Environmental Quality (CEQ) issued *Final Guidance for Federal Departments and Agencies on Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National Environmental Policy Act Reviews*, which describes how agencies should address climate change in NEPA reviews.
- The Motor Vehicle Emissions Model (MOVES) 2014a model was released in November 2015. This was a major update to MOVES2010 and its minor revisions that corrected errors and added the ability to evaluate additional air toxics (MOVES2010a and MOVES2010b). MOVES2014 includes three new emission control programs associated with regulations promulgated since the release of MOVES2010b, and its minor revision, MOVES2014a, incorporates significant improvements in calculating on-road and non-road equipment emissions. Technical and policy guidance in the use of MOVES2014 for a variety of purposes and pollutants has also been updated.
- The NAAQS for Ozone was lowered from 75 ppb to 70 ppb in October 2015 (EPA's nonattainment designations will be made in late 2017).

- 1 • Carbon Monoxide Categorical Hot-Spot Finding (February 2014) allows project sponsors
2 the option to rely on the categorical hot-spot finding in place of doing a carbon monoxide
3 hot-spot analysis as part of a project-level conformity determination in carbon monoxide
4 maintenance areas.
- 5 • Transportation Conformity Guidance for Quantitative Hot-spot Analyses in PM_{2.5} and PM₁₀
6 Nonattainment and Maintenance Areas (EPA, November 2015) was released to be used by
7 state and local agencies to conduct quantitative PM (particulate matter) hot spot analyses
8 for new highway and transit projects.
- 9 • FHWA's Interim Guidance Update on Mobile Source Air Toxics Analysis in NEPA was
10 updated on October 18, 2016, from the original guidance published in September 2009. The
11 revised guidance reflects changes in methodology for conducting emissions analysis and
12 updates various research topics in mobile source air toxics analyses.
- 13 • Transportation Conformity Regulations as of April 2012 (PDF) (EPA, April 2012) includes
14 updated requirements for the preparation, adoption, and submittal of implementation
15 plans.

16 3.0 Air Quality Analysis for ROD4

17 3.1 Criteria Pollutants

18 A full discussion of the six criteria pollutants was included in the 2011 FEIS. The project is located
19 within the NFRMPO and is in a designated in a moderate non-attainment area for ozone (design
20 value of 0.086 up to but not including 0.100 ppm). None of the other five criteria pollutants are of a
21 concern to this project. Concentrations of lead, sulfur dioxide, and nitrogen dioxide are not
22 significantly affected by transportation projects. The project is located outside of any non-
23 attainment or maintenance areas for PM₁₀, PM_{2.5}, or carbon monoxide.

24 Ozone

25 The project is located in the moderate nonattainment area for the Denver-North Front Range Area
26 for the 2008 ozone standard. Since ozone is a regional pollutant, there is no requirement to analyze
27 potential impacts and no possibility of localized violations of ozone to occur at the project level. The
28 project is included in the NFRMPO 2016–2021 TIP and the 2040 RTP, as amended and adopted on
29 February 2, 2017, which were found to conform to the ozone SIP.

30 3.2 Mobile Source Air Toxics

31 FHWA has developed a three tiered approach to analyze the Mobile Source Air Toxics (MSAT) in
32 environmental documents (FHWA, 2016). Under this approach one of the three levels of analysis
33 listed below are to be used depending on the project circumstances and other considerations.

- 34 • No analysis required for projects with no potential for meaningful MSAT effects
- 35 • Qualitative analysis for projects with low potential MSAT effects
- 36 • Quantitative analysis to differentiate between alternatives for projects with higher potential
37 MSAT effects

1 The ROD4 Selected Alternative is considered a project with low potential for MSAT effects
2 according to the FHWA guidance because it is designed to improve operations of the highway
3 without adding substantial new capacity. Additionally the design year traffic is projected to be less
4 than 140,000 to 150,000 annual average daily traffic (AADT).

5 For the ROD4 Selected Alternative, the amount of MSAT emissions would be proportional to the
6 vehicle miles traveled (VMT). The VMT estimated for the ROD4 Selected Alternative is slightly
7 higher than that if the project was not built, because the additional capacity increases the efficiency
8 of the roadway and attracts rerouted trips from elsewhere in the transportation network. This
9 increase in VMT would lead to higher MSAT emissions for the alternative along the highway
10 corridor, along with a corresponding decrease in MSAT emissions along the parallel routes. The
11 emissions increase is offset somewhat by lower MSAT emission rates due to increased speeds;
12 according to EPA's MOVES2014 model, emissions of all of the priority MSAT decrease as speed
13 increases.

14 Also, emissions will likely be lower than present levels in the design year as a result of EPA's
15 national control programs that are projected to reduce annual MSAT emissions by over 90 percent
16 between 2010 and 2050. Local conditions may differ from these national projections in terms of
17 fleet mix and turnover, VMT growth rates, and local control measures. However, the magnitude of
18 the EPA-projected reductions is so great (even after accounting for VMT growth) that MSAT
19 emissions in the study area are likely to be lower in the future (FHWA, 2016).

20 Incomplete or unavailable information for project-specific MSAT health impacts analysis

21 In addition to the qualitative assessment, FHWA requires the NEPA document for this category of
22 project to include a discussion of information that is incomplete or unavailable for a project specific
23 assessment of MSAT impacts, in compliance with the Council on Environmental Quality (CEQ)
24 regulations (40 CFR 1502.22(b)). The 2011 FEIS included this information.

25 **3.3 Greenhouse Gases and Climate Change**

26 On August 2, 2016, the CEQ issued *Final Guidance for Federal Departments and Agencies on*
27 *Consideration of Greenhouse Gas Emissions and the Effects of Climate Change in National*
28 *Environmental Policy Act Reviews*, which describes how agencies should address climate change in
29 NEPA reviews. The guidance states that updated analysis is not required for projects that have
30 already published their FEIS. Therefore, no additional analysis is required for ROD4.

31 In addition, the CDOT NEPA Manual was updated in October, 2014. Appendix F of the manual
32 includes standard language for required for inclusion in all NEPA documents, and is provided
33 below.

34 Climate change is an important national and global concern. While the earth has gone through many
35 natural changes in climate in its history, there is general agreement that the earth's climate is
36 currently changing at an accelerated rate and will continue to do so for the foreseeable future.
37 Anthropogenic (human-caused) greenhouse gas (GHG) emissions contribute to this rapid change.
38 Carbon dioxide (CO₂) makes up the largest component of these GHG emissions. Other prominent
39 transportation GHGs include methane (CH₄) and nitrous oxide (N₂O).

1 Many GHGs occur naturally. Water vapor is the most abundant GHG and makes up approximately
2 two thirds of the natural greenhouse effect. However, the burning of fossil fuels and other human
3 activities are adding to the concentration of GHGs in the atmosphere. Many GHGs remain in the
4 atmosphere for time periods ranging from decades to centuries. GHGs trap heat in the earth's
5 atmosphere. Because atmospheric concentration of GHGs continues to climb, our planet will
6 continue to experience climate-related phenomena. For example, warmer global temperatures can
7 cause changes in precipitation and sea levels.

8 To date, no national standards have been established regarding GHGs, nor has the Environmental
9 Protection Agency (EPA) established criteria or thresholds for ambient GHG emissions pursuant to
10 its authority to establish motor vehicle emission standards for CO₂ under the Clean Air Act.
11 However, there is a considerable body of scientific literature addressing the sources of GHG
12 emissions and their adverse effects on climate, including reports from the Intergovernmental Panel
13 on Climate Change, the US National Academy of Sciences, and EPA and other Federal agencies. GHGs
14 are different from other air pollutants evaluated in Federal environmental reviews because their
15 impacts are not localized or regional due to their rapid dispersion into the global atmosphere,
16 which is characteristic of these gases. The affected environment for CO₂ and other GHG emissions is
17 the entire planet. In addition, from a quantitative perspective, global climate change is the
18 cumulative result of numerous and varied emissions sources (in terms of both absolute numbers
19 and types), each of which makes a relatively small addition to global atmospheric GHG
20 concentrations. In contrast to broad scale actions such as actions involving an entire industry sector
21 or very large geographic areas, it is difficult to isolate and understand the GHG emissions impacts
22 for a particular transportation project. Furthermore, presently there is no scientific methodology
23 for attributing specific climatological changes to a particular transportation project's emissions.

24 Under the National Environmental Policy Act (NEPA), detailed environmental analysis should be
25 focused on issues that are significant and meaningful to decision-making.¹ Federal Highway
26 Administration (FHWA) has concluded, based on the nature of GHG emissions and the exceedingly
27 small potential GHG impacts of the proposed action, as discussed below and shown in Table 1, that
28 the GHG emissions from the proposed action will not result in "reasonably foreseeable significant
29 adverse impacts on the human environment" (40 CFR 1502.22(b)). The GHG emissions from the
30 project build alternatives will be insignificant, and will not play a meaningful role in a
31 determination of the environmentally preferable alternative or the selection of the preferred
32 alternative. More detailed information on GHG emissions "is not essential to a reasoned choice
33 among reasonable alternatives" (40 CFR 1502.22(a)) or to making a decision in the best overall
34 public interest based on a balanced consideration of transportation, economic, social, and
35 environmental needs and impacts (23 CFR 771.105(b)). For these reasons, no alternatives-level
36 GHG analysis has been performed for this project.

37 The context in which the emissions from the proposed project will occur, together with the
38 expected GHG emissions contribution from the project, illustrate why the project's GHG emissions
39 will not be significant and will not be a substantial factor in the decision-making. The
40 transportation sector is the second largest source of total GHG emissions in the U.S., behind
41 electricity generation. The transportation sector was responsible for approximately 27 percent of

¹ See 40 CFR 1500.1(b), 1500.2(b), 1500.4(g), and 1501.7

1 all anthropogenic (human caused) GHG emissions in the U.S. in 2010.² The majority of
2 transportation GHG emissions are the result of fossil fuel combustion. CO₂ makes up the largest
3 component of these GHG emissions. U.S. CO₂ emissions from the consumption of energy accounted
4 for about 18 percent of worldwide energy consumption CO₂ emissions in 2010.³ U.S.
5 transportation CO₂ emissions accounted for about 6 percent of worldwide CO₂ emissions.⁴

6 While the contribution of GHGs from transportation in the U.S. as a whole is a large component of
7 U.S. GHG emissions, as the scale of analysis is reduced the GHG contributions become quite small.
8 Using CO₂ because of its predominant role in GHG emissions, Table 1 presents the relationship
9 between current and projected Colorado highway CO₂ emissions and total global CO₂ emissions, as
10 well as information on the scale of the project relative to statewide travel activity.

11 Based on emissions estimates from EPA's Motor Vehicle Emissions Simulator (MOVES) model⁵,
12 and global CO₂ estimates and projections from the Energy Information Administration, CO₂
13 emissions from motor vehicles in the entire state of Colorado contributed less than one tenth of one
14 percent of global emissions in 2010 (0.0348 percent). These emissions are projected to contribute
15 an even smaller fraction (0.0261%) in 2040⁶. Vehicle miles traveled (VMT) in the project study area
16 represents 0.159% percent of total Colorado travel activity; and the project itself would increase
17 statewide VMT by 16.544% percent. (Note that the project study area, as defined for the MSAT
18 analysis, includes travel on many other roadways in addition to the proposed project.) As a result,
19 based on the build alternative with the highest VMT⁷, FHWA estimates that the proposed project
20 could result in a potential increase in global CO₂ emissions in 2040 of 0.0002 percent (less than one
21 thousandth of one percent), and a corresponding increase in Colorado's share of global emissions in

² Calculated from data in U.S. Environmental Protection Agency, Inventory of Greenhouse Gas Emissions and Sinks, 1990-2010.

³ Calculated from data in U.S. Energy Information Administration International Energy Statistics, Total Carbon Dioxide Emissions from the Consumption of Energy, <http://www.eia.gov/cfapps/ipdbproject/IEDIndex3.cfm?tid=90&pid=44&aid=8>, accessed 2/25/13.

⁴ Calculated from data in EIA figure 104: <http://www.eia.gov/forecasts/archive/ieo10/emissions.html> and EPA table ES-3: <http://epa.gov/climatechange/emissions/downloads11/US-GHG-Inventory-2011-Executive-Summary.pdf>

⁵ <http://www.epa.gov/otaq/models/moves/index.htm>. EPA's MOVES model can be used to estimate vehicle exhaust emissions of carbon dioxide (CO₂) and other GHGs. CO₂ is frequently used as an indicator of overall transportation GHG emissions because the quantity of these emissions is much larger than that of all other transportation GHGs combined, and because CO₂ accounts for 90 to 95 percent of the overall climate impact from transportation sources. MOVES includes estimates of both emissions rates and VMT, and these were used to estimate the Colorado statewide highway emissions in **Table 1**.

⁶ Colorado emissions represent a smaller share of global emissions in 2040 because global emissions increase at a faster rate.

⁷ Selected to represent a "worst case" for purposes of this comparison; the Preferred Alternative may have a smaller contribution

1 2040 of 0.0009 percent. This very small change in global emissions is well within the range of
 2 uncertainty associated with future emissions estimates.⁸⁹

3 **Table 1 Statewide and Project Emissions Potential, Relative to Global Totals**

	Global CO2 Emissions, MMT¹⁰	Colorado Motor Vehicle CO2 Emissions, MMT¹¹	Colorado Motor Vehicle Emissions, % of Global Total	Project Study Area VMT, % of Statewide VMT	Percent Change in Statewide VMT due to Project
Current Conditions (2010)	29,670	10.3	0.0348%	1.599%	(None)
Future Projection (2040)	45,500	11.9	0.0261%	1.189%	0.253%

4 **Table Notes:** MMT = million metric tons. Global emissions estimates are from International Energy Outlook 2010, data for Figure 104, projected to 2040. Colorado emissions and statewide VMT estimates are from MOVES2010b.

4

5 **Mitigation for Global GHG Emissions**

6 To help address the global issue of climate change, USDOT is committed to reducing GHG emissions
 7 from vehicles traveling on our nation’s highways. USDOT and EPA are working together to reduce
 8 these emissions by substantially improving vehicle efficiency and shifting toward lower carbon
 9 intensive fuels. The agencies have jointly established new, more stringent fuel economy and first
 10 ever GHG emissions standards for model year 2012–2025 cars and light trucks, with an ultimate

⁸ For example, Figure 114 of the Energy Information Administration’s *International Energy Outlook 2010* shows that future emissions projections can vary by almost 20%, depending on which scenario for future economic growth proves to be most accurate.

⁹ When an agency is evaluating reasonably foreseeable significant adverse effects on the human environment in an environmental impact statement and there is incomplete or unavailable information, the agency is required make clear that such information is lacking (40 CFR 1502.22). The methodologies for forecasting GHG emissions from transportation projects continue to evolve and the data provided should be considered in light of the constraints affecting the currently available methodologies. As previously stated, tools such as EPA’s MOVES model can be used to estimate vehicle exhaust emissions of carbon dioxide (CO₂) and other GHGs. However, only rudimentary information is available regarding the GHG emissions impacts of highway construction and maintenance. Estimation of GHG emissions from vehicle exhaust is subject to the same types of uncertainty affecting other types of air quality analysis, including imprecise information about current and future estimates of vehicle miles traveled, vehicle travel speeds, and the effectiveness of vehicle emissions control technology. Finally, there presently is no scientific methodology that can identify causal connections between individual source emissions and specific climate impacts at a particular location.

¹⁰ These estimates are from the EIA’s *International Energy Outlook 2010*, and are considered the best-available projections of emissions from fossil fuel combustion. These totals do not include other sources of emissions, such as cement production, deforestation, or natural sources; however, reliable future projections for these emissions sources are not available.

¹¹ MOVES projections suggest that Colorado motor vehicle CO₂ emissions may increase by 14.9 percent between 2010 and 2040; more stringent fuel economy/GHG emissions standards will not be sufficient to offset projected growth in VMT.

1 fuel economy standard of 54.5 miles per gallon for cars and light trucks by model year 2025.
2 Further, on September 15, 2011, the agencies jointly published the first ever fuel economy and GHG
3 emissions standards for heavy-duty trucks and buses.¹² Increasing use of technological innovations
4 that can improve fuel economy, such as gasoline- and diesel-electric hybrid vehicles, will improve
5 air quality and reduce CO₂ emissions future years.

6 Consistent with its view that broad-scale efforts hold the greatest promise for meaningfully
7 addressing the global climate change problem, FHWA is engaged in developing strategies to reduce
8 transportation's contribution to CDOT's NEPA manual was revised in October 2014. Appendix F of
9 the revised manual includes language for inclusion in NEPA documents, and is provided here.

10 GHGs—particularly CO₂ emissions—and to assess the risks to transportation systems and services
11 from climate change. In an effort to assist States and MPOs in performing GHG analyses, FHWA has
12 developed a *Handbook for Estimating Transportation GHG Emissions for Integration into the*
13 *Planning Process*. The Handbook presents methodologies reflecting good practices for the
14 evaluation of GHG emissions at the transportation program level, and will demonstrate how such
15 evaluation may be integrated into the transportation planning process. FHWA has also developed a
16 tool for use at the statewide level to model a large number of GHG reduction scenarios and
17 alternatives for use in transportation planning, climate action plans, scenario planning exercises,
18 and in meeting state GHG reduction targets and goals. To assist states and MPOs in assessing
19 climate change vulnerabilities to their transportation networks, FHWA has developed a draft
20 vulnerability and risk assessment conceptual model and has piloted it in several locations.

21 At the state level, there are also several programs underway in Colorado to address transportation
22 GHGs. The Governor's Climate Action Plan, adopted in November 2007, includes measures to adopt
23 vehicle CO₂ emissions standards and to reduce vehicle travel through transit, flex time,
24 telecommuting, ridesharing, and broadband communications. CDOT issued a Policy Directive on Air
25 Quality in May 2009. This Policy Directive was developed with input from a number of agencies,
26 including the State of Colorado's Department of Public Health and Environment, EPA, FHWA, the
27 Federal Transit Administration, the Denver Regional Transportation District and the Denver
28 Regional Air Quality Council. This Policy Directive and implementation document, the CDOT Air
29 Quality Action Plan address unregulated MSATs and GHGs produced from Colorado's state
30 highways, interstates, and construction activities.

31 As a part of CDOT's commitment to addressing MSATs and GHGs, some of CDOT's program wide
32 activities include:

- 33 • Researching pavement durability opportunities with the goal of reducing the frequency of
34 resurfacing and/or reconstruction projects.
- 35 • Developing air quality educational materials, specific to transportation issues, for citizens,
36 elected officials, and schools, including development of vehicle idling reduction programs
37 for schools and communities.

¹² For more information on fuel economy proposals and standards, see the National Highway Traffic Safety Administration's Corporate Average Fuel Economy website: <http://www.nhtsa.gov/fuel-economy/>.

- 1 • Offering outreach to communities to integrate land use and transportation decisions to
2 reduce growth in VMT, such as smart growth techniques, buffer zones, transit-oriented
3 development, walkable communities, access management plans, etc.
- 4 • Committing to research additional concrete additives that would reduce the demand for
5 cement.
- 6 • Expanding Transportation Demand Management efforts statewide to better utilize the
7 existing transportation mobility network.
- 8 • Continuing to diversify the CDOT fleet by retrofitting diesel vehicles, specifying the types of
9 vehicles and equipment contractors may use, purchasing low-emission vehicles, such as
10 hybrids, and purchasing cleaner burning fuels through bidding incentives where feasible.
- 11 • Exploring congestion and/or right-lane only restrictions for motor carriers.
- 12 • Funding truck parking electrification.
- 13 • Researching additional ways to improve freight movement and efficiency statewide.
- 14 • Committing to use ultra-low sulfur diesel for non-road equipment statewide.
- 15 • Developing a low-VOC emitting tree landscaping specification.

16 Even though project-level mitigation measures will not have a substantial impact on global GHG
17 emissions because of the exceedingly small amount of GHG emissions involved, the above-identified
18 activities are part of a program-wide effort by FHWA and CDOT to adopt practical means to avoid
19 and minimize environmental impacts in accordance with 40 CFR 1505.2(c).

20 Summary

21 This document does not incorporate an analysis of the GHG emissions or climate change effects of
22 each of the alternatives because the potential change in GHG emissions is very small in the context
23 of the affected environment.

24 Because of the insignificance of the GHG impacts, those impacts will not be meaningful to a decision
25 on the environmentally preferable alternative or to a choice among alternatives. As outlined above,
26 FHWA is working to develop strategies to reduce transportation's contribution to GHGs—
27 particularly CO₂ emissions—and to assess the risks to transportation systems and services from
28 climate change. FHWA will continue to pursue these efforts as productive steps to address this
29 important issue. Finally, the construction best practices described above represent practicable
30 project-level measures that, while not substantially reducing global GHG emissions, may help
31 reduce GHG emissions on an incremental basis and could contribute in the long term to meaningful
32 cumulative reduction when considered across the Federal-aid highway program.

33 3.4 Construction

34 The 2011 FEIS included information on the potential effects of construction, including on air
35 quality. During construction, dust and other emissions will cause temporary and localized pollution
36 generated by construction vehicles and earth disturbances. Construction activities associated with
37 the ROD4 Selected Alternative will be temporary, with none lasting longer than the construction

1 period. To mitigate the effects of fugitive dust from construction activities on air quality, the FEIS
2 included measures to reduce fugitive dust, and no new measures are required. They include:

- 3 • An operational water truck will be on site at all times. Water will be applied to control dust
4 as needed to prevent dust impacts off site
 - 5 • Use wetting/chemical inhibitors for dust control
 - 6 • Stabilize and cover stockpile areas
 - 7 • Remove soil and other materials from paved streets
 - 8 • Operate equipment mainly during off-peak hours
 - 9 • Limit equipment idling time
- 10

11 **4.0 Transportation Conformity**

12 The project is located in the moderate nonattainment area for the Denver-North Front Range Area
13 for the 2008 ozone standard. Since ozone is a regional pollutant, there is no requirement to analyze
14 potential impacts and no possibility of localized violations of ozone to occur at the project level. The
15 project is included in the NFRMPO 2016–2021 TIP and the 2040 RTP, as amended and adopted on
16 February 2, 2017, which were found to conform to the ozone SIP.

17 Therefore, this project has been determined to not cause an exceedance of any NAAQS. The
18 proposed project will not contribute to any new local violations, increase the frequency or severity
19 of any existing violation, or delay timely attainment of the NAAQS or any required interim
20 emissions reductions or other milestones. This project complies with the transportation conformity
21 regulations in 40 CFR 93 and with the conformity provisions of Section 176(c) of the Clean Air Act
22 (CAA)



U.S. Department
of Transportation
**Federal Highway
Administration**

Colorado Division

March 3, 2017

12300 W. Dakota Ave., Ste. 180
Lakewood, Colorado 80228
720-963-3000

Terri Blackmore
Executive Director, NFRMPO
419 Canyon Avenue, Suite 300
Fort Collins, CO 80521

Subject: Conformity Determination for the NFRMPO 2040 RTP Amendment and Amended 2016-2019 TIP

Dear Ms. Blackmore:

In accordance with the Clean Air Act of 1990, as amended, and 23 CFR 450, the U.S. Department of Transportation (USDOT) is required to make air quality conformity determinations of Regional Transportation Plans (RTP) and Transportation Improvement Programs (TIP) in non-attainment and maintenance areas. Consistent with the Federal Highway Administration (FHWA)/ Federal Transit Administration (FTA) Region 8 Memorandum of Agreement for Transportation Planning Oversight (MOA), the FHWA Colorado Division office signs the letter on behalf of FTA Region 8.

The North Front Range Metropolitan Planning Organization (NFRMPO) adopted an air quality conformity determination for the Fort Collins and Greeley urbanized areas for the 2040 RTP Amendment, as well as for the northern subarea of the Upper Front Range Transportation Planning Region (Upper Front Range TPR) 2040 RTP and the portion of the 2017-2020 State Transportation Improvement Program within the Upper Front Range region on February 2, 2017. On March 2, 2017, NFRMPO adopted a conformity determination for the Amended 2016-2019 TIP. The NFRMPO adopted both conformity determinations in its capacity as the Metropolitan Planning Organization.

Based on our evaluation of the NFRMPO 2040 RTP Amendment and Amended 2016-2019 TIP conformity determinations, in coordination with the EPA, the Denver Regional Council of Governments, the NFRMPO, the Colorado Air Quality Control Commission, the Regional Air Quality Council, and the Colorado Department of Transportation, we have determined that Fort Collins and Greeley urbanized areas have met the requirements of 40 CFR 51 and 93, 23 CFR 450, and 49 CFR 613 along with FHWA/FTA policies and guidance. Furthermore, the NFRMPO conformity determination is consistent with the 2008 DRCOG/NFRMPO 8-Hour Ozone MOA.

A conformity determination for the NFRMPO 2040 RTP Amendment and Amended 2016-2019 TIP is hereby made. We are also making a conformity determination for the northern subarea of the Upper Front Range TPR 2040 RTP and the Upper Front Range portion of the 2017-2020 State Transportation Improvement Program. This conformity determination does not restart the clock for conformity for either the NFRMPO Amended 2040 RTP or the Amended 2016-2019 TIP. Our action is consistent with the FHWA/FTA Transportation Planning MOA.

Sincerely,

A handwritten signature in black ink, appearing to read "John M. Cater". The signature is stylized and cursive.

John M. Cater, P.E.
Division Administrator

cc: Doug Rex, DRCOG
Barbara Kirkmeyer, Upper Front Range TPR
Paul Lee, APCD
Marissa Gaughan, CDOT
Tim Kirby, CDOT
Larry Squires, FTA
Ranae Tunison, FTA
Tim Russ, EPA



March 7, 2017

James Eussen
Planning and Environmental Unit Manager
CDOIT Region 4 Environmental Unit
10601 West 10th Street
Greeley, CO 80634

Re: Determination of Eligibility and Effects and Notification of Section 4(f) *De Minimis* for North I-25 Improvements between SH 392 and SH 56, Record of Decision 4, Larimer and Weld Counties, Colorado, CDOIT Project No. IM 0253-255 (SA#21506) (CHS #71583)

Dear Mr. Eussen:

Thank you for providing additional information regarding the above mentioned project Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we do not object to the proposed Area of Potential Effects (APE) for the proposed project. After review of the additional information, we have the following comments.

- We concur that segment 5LR.850.1 supports the overall eligibility of resource 5LR.850 for the National Register of Historic Places.
- Although no updated site form has been completed for segment 5LR.850.3, we concur that segment 5LR.850.3 supports the overall eligibility of resource 5LR.850 for the National Register of Historic Places.
- In regards to resource 5LR.12347, we concur that this resource is not eligible for the National Register of Historic Places.

After review of the scope of work and assessment of adverse effect, we concur with the recommended finding of *no adverse effect* [36 CFR 800.5(d)(1)] under Section 106 for 5LR.850, including segments 5LR.850.1 and 5LR.850.3 and 5LR.12347. We agree that the mitigation identified in Stipulation 2 of the Programmatic Agreement (PA) for this project identifies standard mitigation that is appropriate to mitigate the adverse effects to the resources identified in our January 30, 2017 letter. Additionally, we acknowledge that Colorado Department of Transportation – Region 4 is also developing a historic context of the development and significance of irrigation in Northern Colorado.

Should unidentified archaeological resources be discovered in the course of the project, work must be interrupted until the resources have been evaluated in terms of the National Register eligibility criteria (36 CFR 60.4) in consultation with our office pursuant to 36 CFR 800.13. Also, should the consulted-upon scope of the work change please contact our office for continued consultation under 36 CFR 800.

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 Jennifer Bryant, our Section 106 Compliance Manager, at (303) 866-2673 or jennifer.bryant@state.co.us.

Sincerely,



Steve Turner, AIA

State Historic Preservation Officer



U.S. Department
of Transportation
**Federal Highway
Administration**

Colorado Division

March 23, 2017

12300 W. Dakota Ave., Ste. 180
Lakewood, Colorado 80228
720-963-3000

Alison Michael
CDOT U.S. Fish and Wildlife Service (USFWS) Liaison
Colorado Field Office
PO Box 25486, DFC (65412)
Denver, CO 80225

SUBJECT: USFWS North I-25 Programmatic Biological Opinion (PBO) Terms and Conditions Reporting Project: North I-25 Record of Decision (ROD) 4, Project #: IM 0253-255 (21506

Dear Ms. Michael:

The Federal Highway Administration (FHWA) submits this letter addressing the Terms and Conditions outlined in the North I-25 Corridor PBO dated October 13, 2011. This letter replaces the letter that was submitted January 11, 2017. This consultation is provided based on the alternative that FHWA has identified for selection in the North I-25 ROD4 between SH 56 and SH 392. This project is planned to be delivered using a design build procurement. The design builder will be required to continue to minimize impacts to the species listed in the tables below. This consultation is the site-specific consultation that is represented in the Programmatic Biological Assessment (PBA) and PBO and will suffice through the design build project as long as the impacts are no higher than what is identified in this consultation, the nature of the action does not change substantially, and no new species or critical habitat is identified.

The first Term and Condition from the North I-25 Biological Opinion reads:

As individual projects are proposed under the programmatic consultation, FHWA will provide the Service with project-specific information that includes 1) a description of the proposed action, including specific proposed conservation measures, and the area to be affected, 2) the species that may be affected and their known proximity to the project area, 3) results of habitat assessments and species surveys, 4) an updated baseline of the specific project area, 5) a description of how the action may affect the species, 6) a determination of effects, 7) a cumulative total of incidental take that has occurred to date under the consultation, 8) a description of any additional actions or effects not considered in the programmatic consultation, and 9) a description of the conservation measures or mitigation activities already implemented and their effectiveness.

The discussion below addresses this Term and Condition.

1) Description of the Proposed Action

FHWA and Colorado Department of Transportation (CDOT) identified a Preferred Alternative for the corridor in the Final Environmental Impact Statement (FEIS). Due to funding issues the project will move forward in phases. ROD4 is based on the Preferred Alignment and covers SH 392 to SH 56 (Figure 1). This project includes adding an Express Lanes in both directions. The cross-section of the facility will comprise the 12-foot inside shoulder, 12-foot express lane, 4-foot buffer, two 12-foot general purpose lanes, and a 12-foot outside shoulder in both directions. The center median will vary between a median barrier and 52-feet. Additionally, this project includes replacing the I-25 bridges and the frontage road bridge over the Big Thompson River.

2) Species that may be Affected and Proximity to the Project Area

The Service provided a list of species potentially occurring in the regional study area on July 14, 2005. These species and potential effects from this project are listed in Table 1.

Table 1. Effects Determination for Federally Threatened and Endangered Species

Common Name	Scientific Name	Federal Listing Status	Effects Determination
Least Tern	<i>Sternula antillarum</i>	Threatened	Likely To Adversely Affect (LTAA)*
Piping Plover	<i>Charadrius melodus</i>	Threatened	LTAA*
Western prairie fringed orchid	<i>Platanthera praeclara</i>	Threatened	LTAA*
Whooping Crane	<i>Grus Americana</i>	Endangered	LTAA*
Pallid sturgeon	<i>Scaphirhynchus melodus</i>	Endangered	LTAA*
Preble's meadow jumping mouse (PMJM)	<i>Zapus hudsonius preblei</i>	Threatened	LTAA
Colorado butterfly plant (CBP)	<i>Gaura neomexicana coloradensis</i>	Threatened	Not Likely to Adversely Affect (NLTA)
Ute ladies' -tresses orchid (ULTO)	<i>Spiranthes diluvialis</i>	Threatened	NLTA
Black-footed ferret	<i>Mustela nigripes</i>	Endangered	No Effect, Block Cleared

*Effects to Platte River species are addressed through the South Platte Programmatic Biological Assessment (SPPBA) dated February 22, 2012. Water used for this project will be reported to the USFWS at year's end after completion of the project per the South Platte Programmatic Biological Opinion (SPPBO).

An Information for Planning and Conservation (IPaC) search identified six additional species with potential to occur in the project area that were not evaluated in the FEIS (shown in Table 2).

Table 2: Newly Identified Species

Species	Federal Status
Mexican spotted owl (<i>Strix occidentalis lucida</i>)	Threatened
Greenback cutthroat trout (<i>Oncorhynchus clarki stomias</i>)	Threatened
North Park phacelia (<i>Phacelia formosula</i>)	Endangered
Arapahoe snowfly (<i>Arsapnia arapahoe</i>)	Candidate
Canada lynx (<i>Lynx canadensis</i>)	Threatened
North American wolverine (<i>Gulo gulo luscus</i>)	Proposed Threatened

3) Results of Habitat assessments and Species Surveys

On August 15, 2016, a general field reconnaissance was conducted at the Big Thompson River to review site conditions and identify any changed conditions for the PMJM, ULTO, and CBP compared to the FEIS.

Based on the conditions of the site at the time of inspection and upon available known occurrence and trapping data for the surrounding areas, it was determined that this site presents marginally suitable habitat not likely to support a resident population of PMJM, but may provide connectivity to upstream and downstream habitat for PMJM.

In the FEIS PBA, CDOT determined that the Big Thompson River was occupied habitat and that 0.47 acres would be impacted. The current impacts will not exceed 0.47 acres. The FHWA is assuming that the PMJM is present in this location. Although this area has been regularly trapped, there have been few if any mice caught since the 2013 floods. The habitat at this location has degraded due to the 2013 flood event, which was subsequent to FHWA formal consultation.

It was determined that habitat suitable for ULTO was not present and marginally suitable habitat exists for CBP. No individual plants were observed during site surveys. The site visit supports the finding in the PBA.

4) Updated Baseline of the Specific Project Area

The project area around the Big Thompson River was affected by the 2013 flood event degrading the habitat since formal consultation was initiated. There has also been additional land development. The impacts described in the FEIS and PBA are consistent with this latest change.

The project will have impacts to wetlands and riparian habitat at the Big Thompson River. The project area is entirely within the Block Clearance Zone for the black-footed ferret.

5) Description of How the Action May Affect the Species

The total amount of permanent impacts to PMJM habitat at the Big Thompson River will not exceed 0.47 acres. There is a low likelihood of occurrence for ULTO and CBP due to the location. No impacts to the black-footed ferret. Effects to Platte River species located downstream from the project (i.e., Least Tern, Piping Plover, western prairie fringed orchid, Whooping Crane and pallid sturgeon) are addressed through the SPPBA dated February 22, 2012, that estimates total water usage until 2019. The water used for this project will be reported to the USFWS at the year's end after the completion of the project per the SPPBO.

Table 3: Potential Effects to Newly Identified Species

Species	Federal Status	Potential Effects
Mexican spotted owl (<i>Strix occidentalis lucida</i>)	Threatened	None; there are no mature or old-growth forests suitable for the species within the project area.
Greenback cutthroat trout (<i>Oncorhynchus clarki stomias</i>)	Threatened	None; there are no coldwater streams or rivers within the project area.
North Park phacelia (<i>Phacelia formosula</i>)	Endangered	None; the project does not meet elevational requirements (8,000–8,300 feet above mean sea level (AMSL)).
Arapahoe snowfly (<i>Arsapnia arapahoe</i>)	Candidate	None; there are no coldwater streams or rivers within the project area.
Canada lynx (<i>Lynx canadensis</i>)	Threatened	None; the project area does not meet preferred elevations in Colorado (a minimum 8,000 feet AMSL), does not have the preferred vegetative cover with complex structural components for denning or transients, and does not have the preferred prey base (i.e., snowshoe hare) for the species.
North American wolverine (<i>Gulo gulo luscus</i>)	Proposed Threatened	None; while wolverines can cover great distances and be found in a variety of habitats, the project area does not have the preferred vegetative cover, such as dense riparian areas, for transients and does not have the consistent, deep snowpack for denning.

6) Determination of Effects

Impacts of the ROD4 project will be consistent with the FEIS analysis, resulting in a **Likely to Adversely Affect** determination for Preble's meadow jumping mouse. The project will **Not Likely Adversely Affect** the CBP, ULTO, or black-footed ferret, consistent with the analysis in the FEIS. In addition, the project will have **No Effect** to the Mexican spotted owl, greenback cutthroat trout, North Park phacelia, Arapahoe snowfly, Canada lynx, or North American wolverine, for reasons indicated in Table 3.

7) Cumulative Total of Incidental Take

This is the fourth project to proceed to construction under the PBO. There has been no incidental take to date of federally listed threatened or endangered species.

8) Description of Additional Actions or Effects

No additional actions or effects would occur as a result of this project.

9) Description of Conservation Measures or Mitigation Activities Already Implemented

The following conservation measures and terms/conditions from the PBO for PMJM will be implemented for this project during the design phase of the project.

Conservation Measures

- Pre-construction habitat assessments and/or surveys for the CPB will be conducted during the survey season just prior to construction, or in accordance with the USFWS survey protocol at the time of construction.
- Pre-construction habitat assessments and/or trapping surveys for PMJM will be conducted where appropriate.
- If culverts in occupied or suitable PMJM habitat are replaced or upgraded, the new culverts will incorporate ledges to facilitate small mammal passage.
- Lighting within or near PMJM habitat will incorporate current technology and standards (e.g., Dark Skies) at the time of design to reduce lighting impacts to PMJM.
- During construction, nighttime work within 0.25 miles of PMJM habitat will be minimized.
- Any inadvertent PMJM mortalities during construction will be reported as specified in current trapping guidelines. CDOT will report all relevant information within 24 hours and subsequently submit a completed Injury/Mortality Documentation Report to the Service, Ecological Services Colorado Field Office or the Service's Division of Law Enforcement in Lakewood, Colorado (telephone 720 981-2777).
- In the unlikely event that a PMJM (dead, injured, or otherwise) is located during construction, the Colorado Field Office of the Service will be contacted immediately to identify additional measures, as appropriate, to minimize impacts to PMJM.

The second of the two Terms and Conditions from the Programmatic Biological Opinion reads:

During site-specific consultation, CDOT and FHWA will develop revegetation success criteria in coordination with the Service and will monitor revegetated sites to ensure that those success criteria are achieved.

Below is the success criteria that will be used for the mitigation areas for impacts described in this consultation.

FHWA shall monitor the revegetation of all temporarily disturbed areas for at least three (3) growing seasons following habitat restoration and enhancement activities, or until such time that FHWA and the Service determine that revegetation was successful. Success criteria are:

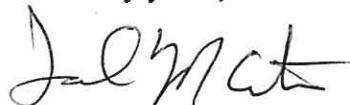
- 80 percent shrub and willow cover on areas where riprap was placed and covered with soil
- 70 percent foliar cover of native species on seeded areas
- Noxious weed cover in revegetated and restored areas will not be greater than 5 percent of that occurring in the nearby area
- Monitoring reports will be provided annually to the Service by December 1.

Revegetation will occur in accordance with CDOT Standard for Roadway Construction (2011) Sections 208, 212, 213 and 216.

In addition, attached is the mitigation plan for temporary and permanent impacts to PMJM habitat in the Big Thompson River drainage.

If you have any questions, please contact the Major Project Oversight Manager, Monica Pavlik, at 720-963-3012.

Sincerely yours,

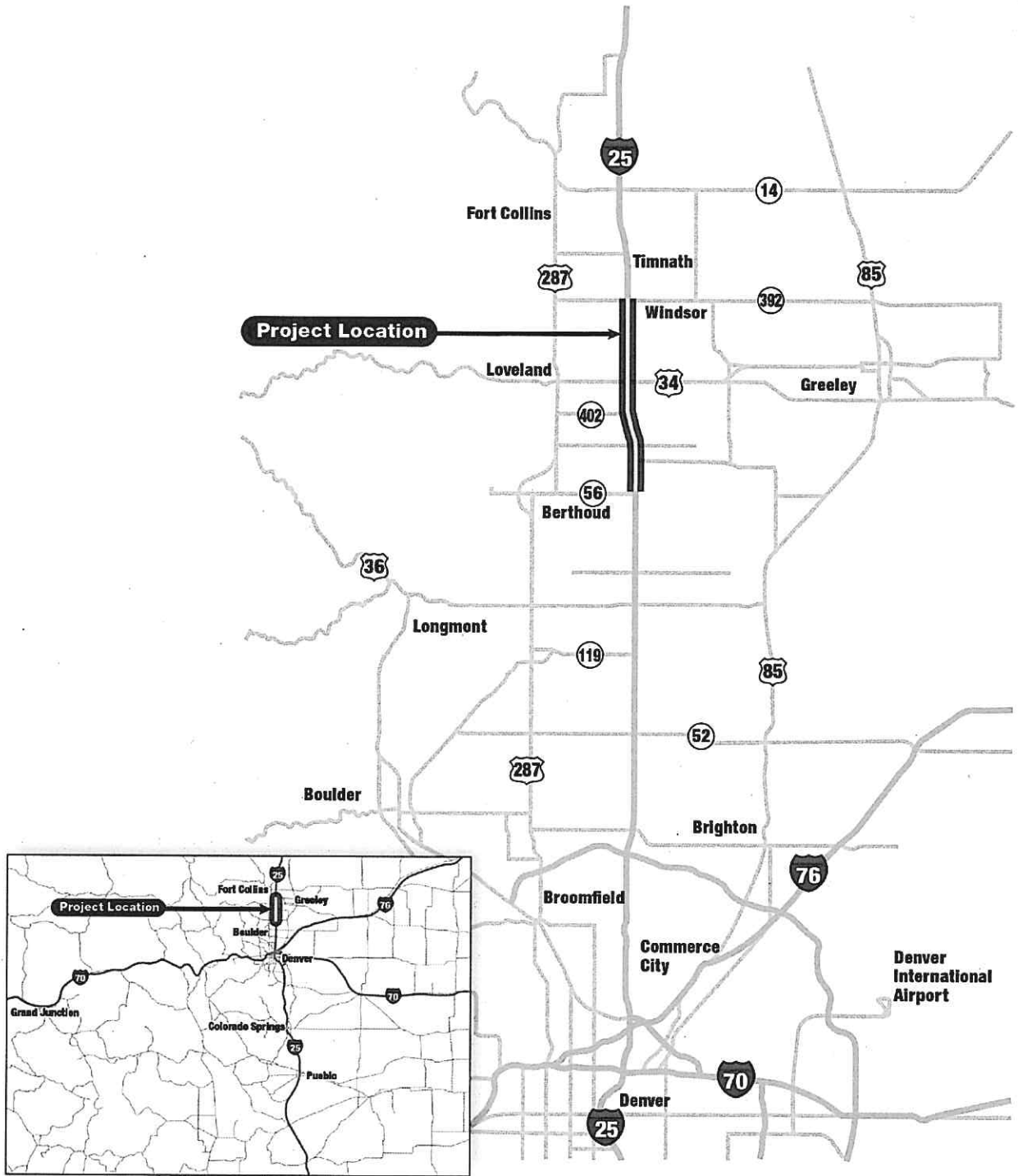


John M. Cater, P.E.
Division Administrator

Attachment (2)

cc: Carol Parr, R4 NEPA Program & Environmental Manager
Jeff Peterson, CDOT T&E/Wildlife Coordinator

Figure 1. Project Location Map



Mitigation Plan

The temporary impacts of the PMJM habitat in the Big Thompson River drainage, will be restored at a 1:1 ratio. Any PMJM habitat permanently removed due to project activities will be replaced at a 3:1 ratio. If practicable the permanent habitat will be replaced in the vicinity of the impacts. Habitat impacts will be recalculated and separated into temporary or permanent and a restoration plan will be developed when we have final design. FHWA will submit to the USFWS the final plans showing the location and quantity of the impacts and mitigation.

If the mitigation for permanent impacts cannot be completed within the CDOT ROW in the vicinity of the impacts, FHWA will work with CDOT to identify areas in the Big Thompson River drainage in CDOT ROW or on Colorado Parks and Wildlife (CPW) land to mitigate the remainder of the PMJM impacts. The CPW land is on the southwest quadrant of the I-25 and the Big Thompson River.

Riprap will be mixed with finer grained material to avoid settling. The riprap will be covered with approximately 12 inches of soil and planted with woody and herbaceous vegetation and will not reduce the overall amount of habitat available to PMJM.

Restoration will include the planting of several species of shrubs and willows as indicated in Table 1. In general, shrubs will be planted at a rate of approximately 10-feet on center. All shrubs will be 5 gallon containerized nursery stock.

Table 1: Shrub and Willow Plant List, Spacing and Total Number Planted

Common Name	Scientific Name	Spacing
Chokecherry	<i>Prunus virginiana</i>	10 feet on center
Wild Plum	<i>Prunus americana</i>	10 feet on center
Snowberry	<i>Symphoricarpos occidentalis</i>	10 feet on center
Woods Rose	<i>Rosa woodsii</i>	10 feet on center
Coyote Willow	<i>Salix exigua</i>	2 feet on center

Willow cuttings will be planted along the water's edge and where soil moisture conditions allow. To insure success, all willow plantings will be harvested from adjacent nearby stands during the spring and planted immediately after collection. Willows will be planted at a rate of 2-feet on center.

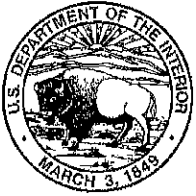
A native grass and forb seed mix will also be applied (Tables 2 and 3). Seed mixes will be applied using techniques used for CDOT revegetation projects and will follow all CDOT Standard Specifications.

Table 2: Proposed Grass and Forb Seed Mix to be Applied in Wetland and Riparian Areas.

Common Name	Scientific Name	Application Rate Pounds pls/Acre
big bluestem	<i>Andropogon gerardii</i>	1.8
Nebraska sedge	<i>Carex nebraskaensis</i>	0.6
Canada wildrye	<i>Elymus Canadensis</i>	0.6
scratch grass	<i>Muhlenbergia asperifolia</i>	0.6
Switchgrass (NE-28, BlkwI)	<i>Panicum virgatum</i>	1.8
Western wheatgrass (ROSANA)	<i>Pascopyrum smithii</i>	0.6
alkaligrass	<i>Puccinellia airoides</i>	0.6
little bluestem (PASTURA, BLAZE)	<i>Schizachyrium scoparium</i>	0.6
Indiangrass (CHEYENNE, HOLT)	<i>Sorghastrum nutans</i>	0.6
prairie cordgrass	<i>Spartina pectinata</i>	1.8
alkali sacaton	<i>Sporobolus airoides</i>	1.8
Sand dropseed	<i>Sporobolus cryptandrus</i>	0.6
	TOTAL	12.0 lbs pls/acre

Table 3. Proposed Grass and Forb Seed Mix to be Applied in Upland Areas.

Common Name	Scientific Name	Application Rate Pounds pls/Acre
Western wheatgrass	<i>Pascopyrum smithii</i> "Arriba"	8.0
Sideoats grama	<i>Bouteloua curtipendula</i> "Vaughn"	3.0
Thickspike wheatgrass	<i>Elymus lanceolatus</i>	3.0
Blue grama	<i>Bouteloua gracilis</i> "Hachita"	1.5
Little bluestem	<i>Schizachyrium scoparium</i> "Pastura"	1.5
Prairie junegrass	<i>Koeleria macrantha</i>	0.2
Oats	<i>Avena sativa</i>	3.0
Purple prairie clover	<i>Dalea purpureum</i> var. <i>purpureum</i>	0.5
Beebalm	<i>Monarda fistulosa</i>	0.2
Gaillardia	<i>Gaillardia aristata</i>	1.0
Smooth blue aster	<i>Symphotrichum laeve</i>	0.5
	TOTAL	22.4 lbs pls/acre



United States Department of the Interior



FISH AND WILDLIFE SERVICE Colorado Ecological Services

IN REPLY REFER TO:
FWS/R6/ES CO

Front Range:
Post Office Box 25486
Mail Stop 65412
Denver, Colorado 80225-0486

Western Slope:
445 W. Gunnison Avenue
Suite 240
Grand Junction, Colorado 81501-5711

TAILS: 06E24000-2017-I-0346

April 7, 2017

John Cater, Division Administrator
Federal Highway Administration
12300 West Dakota Avenue, Suite 180
Lakewood, Colorado 80228

Dear Mr. Cater:

On March 28, 2017, the U.S. Fish and Wildlife Service (Service) received your March 23, 2017, report regarding constructing the preferred alignment identified in the North I-25 ROD4 between SH56 and SH392 in Weld and Larimer Counties, Colorado, and its effects to the threatened Preble's meadow jumping mouse (*Zapus hudsonius preblei*), Ute ladies'-tresses orchid (*Spiranthes diluvialis*), and Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*). The project will be constructed by the Colorado Department of Transportation (CDOT) with funding from the Federal Highway Administration. Our review was performed consistent with our authority under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). Critical habitat for these species has not been designated within the project boundaries; therefore, none will be affected.

On October 13, 2011, we issued our programmatic biological opinion regarding the impacts of improving I-25 between Denver and Fort Collins, Colorado, on several listed species (ES/LK-6-CO-12-F-001; TAILS 65412-2011-F-0658). In that opinion, we concurred that the project is likely to adversely affect the Preble's meadow jumping mouse and is not likely to adversely affect the Ute ladies'-tresses orchid or the Colorado butterfly plant because at the time we did not believe that habitat or populations of either of these species occurred within the project area. However, because the project was not expected to be constructed for many years, surveys for these two plant species or their habitat would be conducted during site-specific analysis and if any habitats or plants were identified, additional consultation may become necessary.

On January 11, 2017, we received a letter from CDOT requesting our review of their determination that the project complies with the Terms and Conditions outlined in the programmatic biological opinion, and on February 6, 2017, we responded that we had no concerns with the project because no change in impact was anticipated since our programmatic biological opinion and because all conservation measures would still be implemented.

The current request replaces the January 11, 2017, request and provides more information on the project description as well as survey efforts along the corridor. The project includes adding express lanes in both directions and replacing the I-25 bridges and the frontage road bridge over the Big Thompson River. Impacts are not expected to exceed those analyzed in the programmatic biological opinion.

Surveys conducted on August 15, 2016, determined that habitat at the site was degraded during the 2013 flood event and that the site offers marginally suitable habitat for the Preble's meadow jumping mouse, but may provide connectivity to upstream and downstream habitats. No individuals of either the Ute ladies'-tresses orchid or the Colorado butterfly plant were observed during site reconnaissance.

Your letter also provided a summary of conservation measures that will be implemented as well as revegetation success criteria and a mitigation plan for temporary and permanent impacts to Preble's meadow jumping mouse habitat along the Big Thompson River. The mitigation plan calls for mitigating all temporary impacts on-site and mitigating for permanent impacts on-site as well as off-site.

Given your habitat and project descriptions, as well as your mitigation plan, the Service agrees that the project complies with the Terms and Conditions outlined in the programmatic biological opinion (ES/LK-6-CO-12-F-001; TAILS 65412-2011-F-0658) and continues to concur with your determination that the impacts resulting from the proposed project will not jeopardize the continued existence of the Preble's meadow jumping mouse nor are they likely to adversely affect the Ute ladies'-tresses orchid or the Colorado butterfly plant. Further, no critical habitat has been designated in the project area; therefore, none will be affected.

Please note that reinitiation of consultation will be required if:

1. New information reveals effects of the action that may affect listed species or critical habitat in a manner or to an extent not considered in this consultation;
2. The action is subsequently modified in a manner that causes an adverse effect to the listed species or critical habitat that was not considered in this consultation; or
3. A new species is listed or critical habitat designated that may be affected by the action.

If the proposed project has not commenced within one year, please contact the Colorado Field Office to request an extension. We appreciate your submitting this report to our office for review and comment. If the Service can be of further assistance, please contact Alison Deans Michael of my staff at (303) 236-4758.

Sincerely,



Drue L. DeBerry

Colorado and Nebraska Field Offices Supervisor

ec: FHWA (Monica Pavlik)
CDOT, HQ (Jeff Peterson)
CDOT, R4 (Carol Parr)
Michael

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