

Appendix E
Section 4(f) *De Minimis* Finding



Environmental Programs Branch
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March 24, 2015

Mr. John M. Cater, Division Administrator
 FHWA - Colorado Division
 12300 W. Dakota Avenue, Suite 180
 Lakewood, CO 80228

SUBJECT: Finding of Section 4(f) *De Minimis* Impact, CDOT Project FBR 0821-094, Grand Avenue Bridge Replacement, Glenwood Springs (SA 18158)

Dear Mr. Cater:

This letter and attached materials constitute a request for review and concurrence on a finding of *de minimis* impact for the project referenced above, which involves the replacement of the State Highway 82 Glenwood Springs Viaduct/Grand Avenue Bridge spanning the Colorado River. The project is being documented as an Environmental Assessment (EA) by FHWA and CDOT.

AREA OF POTENTIAL EFFECTS

The Area of Potential Effects (APE) was initially established in consultation with the State Historic Preservation Officer (SHPO) in February 2012 and revised in March 2014 to account for effects related to the detour at 8th Street. The APE was modified a second time in February 2015 to include the entire historic boundaries of two railroads: the Denver & Rio Grande Railroad (5GF1000.7) and the Denver & Rio Grande Railroad-Aspen Branch (5GF1661.7). See the enclosed APE map for more information.

RESOURCE DESCRIPTIONS

Four properties will require a minor use as part of this project, all of which are listed in the table below and described in more detail in the Grand Avenue EA and associated Historic Resources Survey Report (April 2013). More information about the Denver & Rio Grande Railroad-Aspen Branch and Freight Depot (5GF1661.7 and 5GF5021) is included in the attached March 28, 2014, consultation correspondence with the SHPO.

Note that the Glenwood Hot Springs Historic District encompasses several properties, including part of the Denver & Rio Grande Railroad (5GF1000.7)—there are minor uses to the railroad both within and outside the district. In addition, the Glenwood Springs Bathhouse and Natatorium is primarily within the boundary of the Hot Springs Historic District, but a portion of that resource outside the boundary is affected.

Site Number	Resource Name
5GF1050 (includes 5GF767, 5GF1000.7, 5GF1050.2, 5GF1050.3, 5GF2441, 5F1258)	Glenwood Hot Springs Historic District (encompasses additional properties that contribute to the district)
5GF1050.2	Glenwood Springs Bathhouse and Natatorium (also within Glenwood Hot Springs Historic District)
5GF1000.7	Denver & Rio Grande Railroad (section outside the historic district)
5GF1661.7, 5GF5021	Denver & Rio Grande Railroad-Aspen Branch & Freight Depot

DE MINIMIS USE

The project results in minor uses of four properties. More detailed information about the use of these properties is included in the attached Section 106 correspondence. The table below provides a summary of the proposed *de minimis* use.

Site Number	Resource Name	Use
5GF1050 (includes 5GF767, 5GF1000.7, 5GF1050.2, 5GF1050.3, 5GF2441, 5F1258)	Glenwood Hot Springs District	Three temporary easements (14,795 sq feet/0.339 acre, 2,651 sq feet/0.061 acre, 953 sq feet/0.022 acre to Denver & Rio Grande Railroad (5GF1000.7) within the district boundary
5GF1050.2	Glenwood Springs Bathhouse and Natatorium (use is outside the district boundary)	Temporary easement (3,049 sq feet/0.070 acre)
5GF1000.7	Denver & Rio Grande Railroad (outside historic district)	Four permanent easements: 5,014 square feet/0.115 acre (two easements for this one area); 1,167 square feet/0.037 acre; and 357 square feet/0.008 acre. Three temporary easements: 2,587 square feet/0.59 acre east of the bridges and 5,014 square feet/0.115 acre and 4,082 square feet/0.094 acre west of the bridges.
5GF1661.7, 5GF5021	Denver & Rio Grande Railroad-Aspen Branch & Freight Depot	Temporary removal of railroad tracks


FINDING OF DE MINIMIS IMPACT

CDOT consulted with the SHPO in August 2013, March 2014, August 2014 and February 2015. *De minimis* notifications were included in the August 2013 and February 2015 consultation letters to SHPO and the consulting parties. SHPO concurred with the findings of *no adverse effect* for the properties listed above in responses dated August 14, 2013, and March 11, 2015. Copies of the all Section 106 correspondence are attached.

The project meets the criteria outlined in 23 CFR 774.5(b) for making a *de minimis* impact determination: 1) Section 106 consulting parties were consulted; 2) the project results in a finding of *no adverse effect*, and; 3) written concurrence was received from SHPO regarding the *no adverse effect* finding.

Based on the information presented above and on the attached documentation, the effect of the proposed project on the properties noted above constitutes a *de minimis* impact and the requirements of 23 USC 138, 49 USC 303, and 23 CFR 774 have been satisfied. This finding is considered valid unless new information is obtained or the proposed effects change to the extent that consultation under Section 106 must be reinitiated. If you concur with this finding, please sign below.

Very truly yours,



For Jane Hann, Manager
 Environmental Programs Branch

Enclosures:
Section 106 Correspondence
APE map

cc: Michael Vanderhoof/CDOT Region 3

I concur:

Stephen P. Johnson
for John M. Cater, P.E.
Colorado Division Administrator

3/24/15
Date