US 36 CORRIDOR

Final Environmental Impact Statement/
Final Section 4(f) Evaluation

APPENDIX B
CONSULTATION AND COORDINATION

INDEX LISTING

Note: Correspondence is listed chronologically by date, in ascending order by section.

U.S. ARMY CORPS OF ENGINEERS

Date	Recipient	Submitter
10-27-03	Richard D. Pilgrim, URS Corporation	Timothy T. Carey, USACE
12-23-03	Timothy T. Carey, USACE	William C. Jones, FHWA, and Lee O. Waddleton, FTA
01-08-04	William C. Jones, FHWA, and Lee O. Waddleton, FTA	Timothy T. Carey, USACE
04-06-05	David Nicol, FHWA	Timothy T. Carey, USACE
05-26-05	Timothy T. Carey, USACE	Jean Wallace for David A. Nicol, FHWA, and Lee O. Waddleton, FTA
11-17-05	Timothy T. Carey, USACE	Lee O. Waddleton, FTA, and Jean Wallace for David A. Nicol, FHWA
01-09-06	David Nicol, FHWA, and Lee O. Waddleton, FTA	Timothy T. Carey, USACE
11-20-06	Scott Franklin, USACE	Lee Waddleton, FTA, and David A. Nicol, FHWA
03-05-07	Scott Franklin, USACE	David A. Nicol, FHWA, and Charmaine Knighter for Letitia A. Thompson, FTA
04-27-07	David A. Nicol, FHWA, and Letitia A. Thompson, FTA	Timothy T. Carey, USACE
06-22-07	Timothy T. Carey, USACE	Charmaine Knighter for Terry J. Rosapep, FTA, and David A. Nicol, FHWA
07-11-07	David A. Nicol, FHWA, and Terry J. Rosapep, FTA	Timothy T. Carey, USACE
05-08-09	Jon Chesser, CDOT	Timothy T. Carey, USACE
05-20-09	Jon Chesser, CDOT	Timothy T. Carey, USACE
08-31-09	Tim Carey, USACE	Jon Chesser, CDOT

ENVIRONMENTAL PROTECTION AGENCY

Date	Recipient	Submitter
12-30-03	Donald Cover, FTA, William Jones, FHWA, and John Muscatell, CDOT	Wanda Taunton for Larry Svoboda, USEPA

U.S. FISH AND WILDLIFE SERVICE, COLORADO DIVISION OF WILDLIFE

Date	Recipient	Submitter
02-06-04	Michael Wedemyer, CDOW	Jeffrey Dawson, URS Corporation
02-09-04	Claire Solohub, CDOW	Jeffrey Dawson, URS Corporation
02-09-04	John Koehler, CDOW	Jeffrey Dawson, URS Corporation
02-24-04	Jeff Dawson, URS Corporation	Michael Menefee, Colorado State University
04-15-04	Jeff Peterson, CDOT	Susan C. Linner, USFWS
06-17-04	Project File	URS Corporation
11-09-04	Jeff Peterson, CDOT	Susan C. Linner, USFWS
11-22-05	Susan Linner, USFWS	Jeff Peterson, CDOT
12-21-05	Jeff Peterson, CDOT	Susan C. Linner, USFWS
10-04-06	Susan C. Linner, USFWS	Lee O. Waddleton, FTA, and David Nicol, FHWA
10-26-06	David Nicol, FHWA	Susan C. Linner, USFWS

SECTION 106 CONSULTATION

Date	Recipient	Submitter
N/A	Project File	URS Corporation
10-30-03	Rick Pilgrim, URS Corporation	Dan W. Corson, CHS
12-23-03	Georgianna Contiguglia, CHS	William C. Jones, FHWA, and Lee O. Waddleton, FTA
01-09-04	William C. Jones, FHWA, and Lee O. Waddleton, FTA	Mark Wolfe for Georgianna Contiguglia, CHS
04-13-04	Robert J. Mutaw, URS Corporation, and Richard Starzak/Jessica B. Feldman, Myra L. Frank Jones & Stokes	Victoria M. Bunsen, City of Westminster
06-04-04	Tim Baldwin, URS Corporation, and Robert Mutaw, URS Corporation	Bill Teter, Westminster Historical Society, and Pat McIntire, Westminster
06-08-04	Georgianna Contiguglia, CHS	Dan Jepson for Brad Beckham, CDOT
06-18-04	Brad Beckham, CDOT	Susan Collins for Georgianna Contiguglia, CHS
08-12-04	Jeff Wassenaar, CDOT, and Cal Marsella, RTD	John Carpenter, City of Westminster
10-20-04	Georgianna Contiguglia, CHS	Dan Jepson for Brad Beckham, CDOT
10-27-04	Brad Beckham, CDOT	Mark Wolfe for Georgianna Contiguglia, CHS
12-20-04, 12-21-04, and 12-23-04	Adams County, Dixie Pierce, Adams County Historical Society, Margaret Hansen, Historic Boulder, Errol Waligorski, Superior Historic Preservation Commission, Ira C. Selkowitz, Historic Denver, Inc., Broomfield Depot Museum, Mark Rodman, Colorado Preservation, Inc., Jason Midyette, Boulder County Railroad Historical Society, Carolyn Erickson, Denver Landmark Preservation Commission, Kevin Standbridge, City and County of Broomfield, Barbara Pahl, National Trust for Historic Preservation, Nancy Geyer, Boulder Historical Society, Bohdy Hedgcock, Boulder Landmark Preservation Advisory Board, Louisville Historical Museum, Meredyth Muth, Louisville Historic Preservation Commission, and Linda Cherrington, Westminster Historical Society	Brad Beckham, CDOT
12-21-04	Jason Midyette, Boulder County Railroad Historical Society	Brad Beckham, CDOT
01-03-05	Lisa Schoch, CDOT	Jennifer S. Dunn, Town of Superior
01-04-05	Lisa Schoch, CDOT	Ira C. Selkowitz, Historic Denver, Inc.
01-08-05	CDOT	Peggy Atkinson, Broomfield Depot Museum
01-10-05	Lisa Schoch, CDOT	Margaret A. Hansen, Historic Boulder
01-18-05	Lisa Schoch, CDOT	Meredyth Muth, City of Louisville
01-21-05	Lisa Schoch, CDOT	Mark A. Rodman, Colorado Preservation, Inc.
02-08-05	Brad Beckham, CDOT	Everett Y. Shigeta, City and County of Denver
03-02-05	Georgianna Contiguglia, CHS	Dan Jepson for Brad Beckham, CDOT
03-18-05	Brad Beckham, CDOT	Susan Collins for Georgianna Contiguglia, CHS
04-01-05	Sandi Kohrs, CDOT	Lisa Schoch, CDOT
02-07-06	Georgianna Contiguglia, CHS	Dan Jepson for Brad Beckham, CDOT

SECTION 106 CONSULTATION (continued)

Date	Recipient	Submitter
02-15-06 and 02-21-06	Margaret A. Hansen, Historic Boulder, Inc., Joan Carpenter, City of Westminster, Peggy Atkinson, Broomfield Depot Museum, Jennifer Dunn, Town of Superior, Meredyth Muth, Louisville Historic Preservation Commission, City Hall, Mark Rodman, Colorado Preservation Incorporated, Robert Atkinson, Denver Landmark Preservation Commission, Janet Bell, Jefferson County, Tonya Haas, Broomfield Historic Landmark Board, Mark Rodman, Colorado Preservation, Inc., and Ira C. Selkowitz, Historic Denver, Inc.	Dan Jepson for Brad Beckham, CDOT
02-20-06	Brad Beckham, CDOT	Mark Wolfe for Georgianna Contiguglia, CHS
03-15-06	Lisa Schoch, CDOT	Jean Morgan, Unknown
03-22-06	Brad Beckham, CDOT	Vicky Bunsen, City of Westminster
03-22-06	Brad Beckham, CDOT, and Lisa Schoch, CDOT	Charles L. Sisk, City of Louisville
08-17-06	Vicki Bunsen, Westminster Historic Landmark Board	Brad Beckham, CDOT
08-29-06	Tonya Haas, City and County of Broomfield	Sandi Kohrs, CDOT
10-02-06	Georgianna Contiguglia, CHS	Dan Jepson for Brad Beckham, CDOT
10-24-06	Brad Beckham, CDOT	Mark Wolfe for Georgianna Contiguglia, CHS
11-27-06	Dave Shelly, RTD	Amy Cole, National Trust for Historic Preservation
11-27-06	Lisa Schoch, CDOT	Amy Cole, National Trust for Historic Preservation
12-13-06	Georgianna Contiguglia, CHS	Dan Jepson for Brad Beckham, CDOT
12-18-06	Janet Bell, Jefferson County	Brad Beckham, CDOT
01-03-07	Brad Beckham, CDOT	Mark Wolfe for Georgianna Contiguglia, CHS
01-19-07	Brad Beckham, CDOT	Dennis Dempsey, Jefferson County
03-22-07	Tonya Haas, City of Broomfield	Dan Jepson for Brad Beckham, CDOT
03-27-07	Project File	Jefferson County Historical Commission
03-30-07	Brad Beckham, CDOT	Mark Wolfe for Georgianna Contiguglia, CHS
04-13-07	Georgianna Contiguglia, CHS	Tom Brady for Brad Beckham, CDOT
04-24-07	Mark Rodman, Colorado Preservation, Inc.	Tom Brady for Brad Beckham, CDOT
04-27-07	Brad Beckham, CDOT	Georgianna Contiguglia, CHS
05-01-07	Brad Beckham, CDOT	Mark Wolfe for Georgianna Contiguglia, CHS
06-28-07	Georgianna Contiguglia, CHS	Dan Jepson for Brad Beckham, CDOT
07-10-07	Brad Beckham, CDOT	Mark Wolfe for Georgianna Contiguglia, CHS
08-22-07	Lisa Schoch, CDOT	Peggy Atkinson, Broomfield Depot Museum
08-27-07	Lisa Schoch, CDOT	Vicky Bunsen, City of Westminster
12-31-08	Vicky Bunsen, City of Westminster	Jim Paulmeno, CDOT
12-31-08	Edward C. Nichols, CHS	Jim Paulmeno, CDOT
02-02-09	Jim Paulmeno, CDOT	Edward C. Nichols, CHS
07-07-09	Edward C. Nichols, CHS	Jim Paulmeno, CDOT
07-15-09	Jim Paulmeno, CDOT	Edward C. Nichols, CHS
09-15-09	Jim Paulmeno, CDOT	Edward C. Nichols, CHS
09-23-09	Edward Nichols, CHS	Jim Paulmeno, CDOT
09-30-09	Jim Paulmeno, CDOT	Edward C. Nichols, CHS

SECTION 106 TRIBAL CONSULTATION

Date	Recipient	Submitter
02-03-04	Alonzo Chalepah, Apache Tribe of Oklahoma, Roxanne Sazue, Crow Creek Sioux Tribal Council, Geri Small, Northern Cheyenne Tribe, George E. Howell, Pawnee Nation of Oklahoma, Charles W. Murphy, Rock Sioux Tribal Council, Robert Tabor, Cheyenne and Arapaho Tribes of Oklahoma, Harold C. Frazier, Cheyenne River Sioux Tribal Council, Clifford McKenzie, Kiowa Tribe of Oklahoma, Maxine Natchees, Ute Tribe of the Uintah and Ouray Agency, William Kindle, Rosebud Sioux Tribe, Harold Cuthair, Ute Mountain Ute Tribe, Wallace Coffey, Comanche Tribe of Oklahoma, Burton Hutchinson, Northern Arapaho Tribe Business Council, John Yellowbird, Oglala Sioux Tribal Council, Howard Richards, Southern Ute Indian Tribe, Mary Jane Yazzie, White Mesa Ute Tribal Council William L. Pedro, Cheyenne and Arapaho Tribes, Gordon Yellowman, Cheyenne and Arapaho Tribes of Oklahoma, Jimmy Arterberry, Comanche Nation of Oklahoma, Alice Alexander, Pawnee Nation of Oklahoma, Terry G. Knight, Ute Mountain Ute Indian Tribe, Tim Mentz, Standing Rock Sioux Tribe, Joe Big Medicine, Cheyenne and Arapaho Tribes of Oklahoma, Gilbert Brady, Northern Cheyenne Tribe, Robert Goggles, Northern Arapaho Tribe, Neil Cloud, Southern Ute Indian Tribe, Jim Picotte, Cheyenne River Sioux Tribe, Alonzo Sankey, Cheyenne and Arapaho Tribes of Oklahoma, George Daingkau, Kiowa Tribe of Oklahoma, Howard Brown, Northern Arapahoe Tribe, Betsy Chapoose, Northern Ute Tribe, and Terry Gray, Rosebud Sioux Tribe	William C. Jones, FHWA, and Lee O. Waddleton, FTA
N/A	Dan Jepson, CDOT	William L. Pedro, Cheyenne and Arapaho Tribes of Oklahoma
N/A	Dan Jepson, CDOT	Gilbert Brady, Sr., Northern Cheyenne Tribe
N/A	Dan Jepson, CDOT	William C'Hair, Northern Arapaho Tribe
N/A	Dan Jepson, CDOT	Neil B. Claude, Southern Ute Indian Tribe
N/A	Dan Jepson, CDOT	Betsy Chapoose, Ute Tribe
06-27-07	Conrad Fisher, Northern Cheyenne Tribe, Richard Brannan, Northern Arapaho Tribe, Darrell Flyingman, Cheyenne and Arapaho Tribes of Oklahoma, Celmont Frost, Southern Ute Indian Tribe, and Maxine Natchees, Northern Ute Tribe	Dan Jepson, CDOT

NATURAL RESOURCE CONSERVATION SERVICE

Date	Recipient	Submitter
04-21-04	NRCS	Don Ulrich, CH2M Hill
11-19-04	NRCS	Don Ulrich, CH2M Hill
11-29-04	NRCS	H. Donald Ulrich, CH2M Hill
08-31-09	Boyd Byelich, USDA NRCS Longmont Service Office	Scott Epstein, Pinyon Environmental Engineering Resources

FEDERAL TRANSIT ADMINISTRATION

Date	Recipient	Submitter
07-22-04	David Beckhouse, FTA	Lee Cryer, RTD
07-26-04	Lee Cryer, RTD	David Beckhouse, FTA
03-30-06	Tom Norton, CDOT	Lee O. Waddleton, FTA
04-26-06	Clarence W. Marsella, RTD	Lee O. Waddleton, FTA, and David A. Nicol, FHWA

FEDERAL RAILROAD ASSOCIATION

Date	Recipient	Submitter
01-26-04	Steve Fender, FRA	William C. Jones, FHWA, and Lee O. Waddleton, FTA
02-18-04	William C. Jones, FHWA	Darrell J. Tisor, FRA
12-20-04	Steven J. Fender, FRA	Dave Shelley, RTD

SECTION 4(f) CONSULTATION

Date	Recipient	Submitter
N/A	Project File	URS Corporation
12-22-04	Juanita Dominguez, Town of Superior, Cindy Lair, City of Louisville, Joann Saitta, Hyland Hills Parks and Recreation District, Kim Bailey, City and County of Denver, Ron Stewart, Boulder County Parks and Open Space, Jan Geden, City of Boulder Parks and Recreation, Adams County Department of Parks and Community Resources, Kristan Pritz, City and County of Broomfield, John F. Carpenter, City of Westminster, and Mark Gershman, City of Boulder	Jack Ottaway, Myra L. Frank/Jones & Stokes
11-20-06	Mark Gershman, City of Boulder	Lee Waddleton, FTA, and David A. Nicol, FHWA
N/A	Project File	David Singer, CDOT
04-09-09	Kristan Pritz, Broomfield Open Space and Trails	David Singer, CDOT
09-22-09	David Singer, CDOT	William Walenczak, City of Westminster

ENVIRONMENTAL IMPACT STATEMENT COORDINATION

Date	Recipient	Submitter
07-06-04	US 36 EIS Consulting Team Members	Mayor Nancy McNally, City of Westminster
08-04-04	Jeff Wassenar, CDOT, and Dave Shelley, RTD	Charles Sisk, City of Louisville/MCC
11-08-04	Project Team	MCC
11-22-04	Jeff Wassenar, CDOT, Dave Shelley, RTD, and Rick Pilgrim, URS Corporation	Charles Sisk, City of Louisville/MCC
12-07-04	Jeff Wassenar, CDOT, Dave Shelley, RTD, and Rick Pilgrim, URS Corporation	Tracy Winfree, City of Boulder
12-09-04	Jeff Wassenar, CDOT, Dave Shelley, RTD, and Rick Pilgrim, URS Corporation	Heather Balser, City of Louisville/MCC
04-19-05	Heather Balser, City of Louisville/MCC	Jeffrey Wassenaar, CDOT, and Dave Shelley, RTD
04-19-05	Charles Sisk, City of Louisville/MCC	Jeffrey Wassenaar, CDOT, and Dave Shelley, RTD
04-19-05	Charles Sisk, City of Louisville/MCC	Jeffrey Wassenaar, CDOT, and Dave Shelley, RTD
04-19-05	Tracy Winfree, City of Boulder	Jeffrey Wassenaar, CDOT, and Dave Shelley, RTD
05-12-05	Rick Pilgrim, URS Corporation	Steve Smithers, City of Westminster
05-24-05	Dave Shelley, RTD, and Jeff Wassenaar, CDOT	Charles Sisk, City of Louisville/MCC
06-29-05	Boulder County Commissioners, and Boulder City Council	Elizabeth A. Rao, RTD
10-20-05	Heather Balser, City of Louisville/MCC	Jeff Wassenaar, CDOT, and Dave Shelley, RTD
03-15-06	Clarence W. Marsella, RTD	Lee Waddleton, FTA, and David A. Nicol, FHWA
03-21-06	Lee Waddleton, FTA, and David Nicol, FHWA	Clarence W. Marsella, RTD
07-14-06	Michael Ramsey, FRA	Lee Waddleton, FTA, and David A. Nicol, FHWA
07-27-06	Chris Quinn, RTD, Dave Shelley, RTD, and Nadine Lee, RTD	Tim Boers, Highland United Neighbors, Inc., and Michael Tavel, Highland United Neighbors, Inc.
08-07-06	Sandi Kohrs, CDOT, and Dave Shelley, RTD	Charles Sisk, City of Louisville/MCC
08-24-06	Charles Sisk, City of Louisville/MCC	Sandi Kohrs, CDOT, and Dave Shelley, RTD
10-25-06	US 36 Environmental Impact Statement Project Team	Adams County Departments of Public Works and Planning and Development
10-26-06	Tracy Winfree, City of Boulder	Nadine Lee, RTD
11-01-06	Nadine Lee, RTD	Tracy Winfree, City of Boulder, and Clark Misner, Boulder County
12-18-06	Sandi Kohrs, CDOT, and Dave Shelley/Nadine Lee, RTD	Chuck Sisk, City of Louisville/MCC, Nancy McNally, City of Westminster/MCC, Karen Stuart, City and County of Broomfield/MCC, Andrew Muckle, Town of Superior/MCC, Mark Ruzzin, City of Boulder/MCC, and Will Toor, Boulder County/MCC

ENVIRONMENTAL IMPACT STATEMENT COORDINATION (continued)

Date	Recipient	Submitter
12-18-06	Sandi Kohrs, CDOT, and Dave Shelley and Nadine Lee, RTD	Mark Ruzzin, City of Boulder, and Will Toor, Boulder County
01-05-07	Charles Sisk, City of Louisville/MCC	Sandi Kohrs, CDOT, and Dave Shelley, RTD
01-18-07	Rick Pilgrim, URS Corporation	John F. Carpenter, City of Westminster
03-08-07	Chuck Sisk, City of Louisville/MCC, Karen Stuart, City of Broomfield/MCC, Mark Ruzzin, City of Boulder/MCC, Nancy McNally, City of Westminster/MCC, Andrew Muckle, City of Superior/MCC, and Will Toor, Boulder County/MCC	Sandi Kohrs, CDOT, and Gina McAfee, RTD
03-26-07	Mark, City of Boulder	Sandi Kohrs, CDOT
04-27-07	David A. Nicol, FHWA, and Letitia A. Thompson, FTA	Timothy T. Carey, USACE
05-04-07	Sandi Kohrs, CDOT, and Gina McAfee, RTD	Andrew Muckle, Town of Superior
06-28-07	Andrew Muckle, Town of Superior/MCC	Sandi Kohrs, CDOT, and Gina McAfee, RTD
07-26-07	Gina McAfee, Carter & Burgess, and Sandi Kohrs, CDOT Region 6	Tracy Winfree and Ruth McHeyser, City of Boulder, Department of Public Works/Transportation Division
08-20-09	Jennifer Schaufele, DRCOG	Barbara Roberts, State of Colorado
09-25-09	Monica Pavlik, FHWA	Bradley J. Beckham for Tom Boyce, CDOT
09-29-09	Paul Tourangeau, CDPHE	Bradley J. Beckham, CDOT

Notes:

CDOT	=	Colorado Department of Transportation	MCC	=	Mayor, City and County
CDOW	=	Colorado Division of Wildlife	N/A	=	not applicable
CDPHE	=	Colorado Department of Public Health and Environment	NRCS	=	Natural Resource Conservation Service
CHS	=	Colorado Historical Society	RTD	=	Regional Transportation District
EIS	=	Environmental Impact Statement	US 36	=	United States Highway 36
FHWA	=	Federal Highway Administration	USACE	=	U.S. Army Corps of Engineers
FRA	=	Federal Railroad Association	USDA	=	U.S. Department of Agriculture
FTA	=	Federal Transit Association	USEPA	=	U.S. Environmental Protection Agency
USFWS	=	U.S. Fish and Wildlife Service			

U.S. Army Corps of Engineers

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BLVD
LITTLETON, CO 80128-6901

RECEIVED
OCT 2 9 2003
URS Corp.

October 27, 2003

Mr. Richard D. Pilgrim, PE
Vice President, URS Corporation
1225 17th Street Suite 200
Denver, CO 80202

RE: US 36 Corridor EIS (Corps File #200380602)
Scoping Comments

Dear Mr. Pilgrim:

Reference is made to the your letter dated October 17, 2003 and accompanying US36 Corridor EIS Scoping Booklet sent to this office.

Although we have a scheduling conflict and cannot attend the October 30, 2003 scoping meeting, we appreciate the opportunity to make several comments.

1. If and when a Section 404 Permit application is submitted for actions resulting from alternatives identified in the US36 Corridor EIS, the application may be evaluated using the Section 404(b)(1) Guidelines (Guidelines). The Guidelines may be more stringent than what is required by NEPA for the final EIS, but must be adhered to during the Section 404 Permit process. These Guidelines include the following statement:

   "Except as provided under section 404(b)(2), no discharge of dredged or fill material shall be permitted if there is a practicable alternative to the proposed discharge which would have less adverse impact on the aquatic ecosystem, so long as the alternative does not have other significant adverse environmental consequences."

2. The Denver Regulatory Office appreciates being part of the US36 Mobility Partnership. Should you desire that the US Army Corps of Engineers act in an official federal cooperating or commenting capacity, please advise the lead federal agency to make the appropriate request to this office.

Thank you for the opportunity to be part of the EIS process. Although we cannot attend the October 30, 2003 meeting, we would like to attend future meetings. If there are any questions concerning these comments, please contact Scott Franklin of this office at 303-979-4120.

Sincerely,

Timothy T. Carey
Chief, Denver Regulatory Office

200380602.eis scoping comments.doc

U.S. Department
of Transportation

Federal Transit Administration
Region VIII
216 Sixteenth St., Suite 650
Denver, Colorado 80202
(303) 844-3242

Federal Highway Administration
Colorado Division
555 Zang St., Room 250
Lakewood, Colorado 80228
(303) 969-6730

December 23, 2003

Mr. Timothy T. Carey
Chief, Denver Regulatory Office
Omaha District
U.S. Army Corps of Engineers
9307 South Wadsworth
Littleton, Colorado 80128-6901

Dear Mr. Carey:

Subject: US 36 Corridor EIS Cooperating Agency and NEPA Merger Agreement

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT) Region 6 and the Regional Transportation District (RTD), are initiating an Environmental Impact Statement (EIS) for the US 36 Corridor project, which includes an area from Denver Union Station to the City of Boulder, to improve transportation and transportation linkages. The transportation improvements will most likely require a Section 404 permit and because of your agency's legal jurisdiction over these permits we are requesting that you be a cooperating agency for this EIS.

In addition, we would like to request your involvement in merging the National Environmental Policy Act (NEPA) process and the 404 permitting process for this project. We think this is warranted because of the extent of drainages and water resources that dissect this project area.

Your agency's involvement should entail those areas under its jurisdiction and no direct writing or analysis will be necessary for the documents preparation. The following are activities we will take to maximize interagency cooperation:

1. Invite you to coordination meetings.
2. Consult with you on any relevant technical studies that will be required for the project.
3. Organize joint field reviews with you.
4. Provide you with project information, including study results.
5. Notify you of joint public involvement and public hearing process.
6. Encourage your agency to use the above documents to express your views on subjects within your jurisdiction or expertise
7. Include information in the project environmental documents that cooperating agencies need to carry out their NEPA responsibilities and any other requirements regarding jurisdictional approvals.

BUCKLE UP AMERICA

You have the right to expect that the EIS will enable you to carry out your jurisdictional responsibilities. Likewise you have the obligation to tell us if, at any point in the process, your needs are not being met. We expect that at the end of the process the EIS will satisfy your NEPA and Clean Water Act requirements including those related to project alternatives, environmental consequences and mitigation. We expect the permit application to proceed concurrently with the EIS approval process. Further, we intend to utilize the EIS and our subsequent decision making documents (ROD) as the basis for your issuing a Clean Water Act permit.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have any questions or would like to discuss in more detail the project or our agencies respective roles and responsibilities during the preparation of this EIS, please contact Mr. Shaun Cutting at (FHWA), (303) 969-6730 x 369 or Mr. Dave Beckhouse at (FTA), (303) 844-4266.

Sincerely yours,

William C. Jones
Division Administrator
Federal Highway Administration
Colorado Division

Lee O. Waddleton
Regional Administrator
Federal Transit Administration
Region VIII

cc:Mr. Jeffrey Wassenaar, CDOT Region 6 RE
Mr. Scott Weeks, RTD
Mr. Brad Beckham, CDOT Environmental Programs

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BLVD
LITTLETON, CO 80128-6901

January 8, 2004

Mr. William C. Jones
Division Administrator
Federal Highway Administration, Colorado Division
555 Zang Street, Room 250
Lakewood, CO 80228

Lee O. Waddleton
Regional Administrator
Federal Transit Administration, Region VIII
216 Sixteenth Street, Suite 650
Denver, CO 80202

RE: US 36 Corridor EIS Cooperating Agency and NEPA Merger Agreement

Dear Messrs. Jones and Waddleton:

I am writing this letter in response to your correspondence of December 23, 2003, regarding the above referenced project. In your letter you requested that the U.S. Army Corps of Engineers (COE) participate as a Cooperating Agency during preparation of the subject EIS.

The COE will participate as a Cooperating Agency to assist in preparation of this EIS. Our involvement will include providing document review and input concerning potential impacts to waters of the United States subject to COE jurisdiction under Section 404 of the Clean Water Act. In addition, we will provide assistance in evaluating and assessing alternatives relative to the Section 404(b)(1) Guidelines.

I will serve as the primary point of contact and Scott Franklin will serve as the secondary point of contact. If you need to reach either of us by telephone, our number is 303-979-4120. Our e-mail addresses are **timothy.t.carey@usace.army.mil** and **j.s.franklin@usace.army.mil**, respectively.

Sincerely,

Timothy T. Carey
Chief, Denver Regulatory Office

CF:

Kathryn Schenk, CENWO-OD-R

200380602.cooperating agency letter.doc

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BLVD.
LITTLETON, COLORADO 80128-6901

April 6, 2005

Mr. David Nicol
Division Administrator
U.S. Department of Transportation
Federal Highway Administration
Colorado Federal Aid Division
12300 West Dakota Avenue, Suite 180
Lakewood, Colorado 80228

RE: I-70 East EIS

Dear Mr. Nicol:

I am writing this letter in response to your correspondence of March 28, 2005, regarding the above referenced project. In your letter you requested that the U.S. Army Corps of Engineers (Corps) provide written concurrence that the Purpose and Need Statement (P&N) and the alternatives to be evaluated in detail, based on three levels of screening, are acceptable to the Corps under the NEPA/404 merger process.

The Corps concurs with the P&N. While the needs are not written as statements, similar to what was done for the Northwest Corridor project, the screening criterion table (Table 2-1) and supporting rationale adequately justifies and explains the needs. In the future, we request that the needs be written as definitive needs statements. For example, one of the highway capacity needs could be written as, "There is a need to increase capacity to reduce the projected 2025 congestion to an acceptable level". The screening criterion for this need would be based on what is an acceptable level.

The Corps does not concur, at this time, with the selection of alternatives to be evaluated in detail. Our inability to concur is based on the following:

1. In the Pre-Screening Results section, the statement is made that the evaluation of alternatives was based on a series of yes or no questions. What were the questions and what were the answers for each alternative?

2. The Comparative Screening Results section states that, "A qualitative approach was used to decide the alternatives within each category that were most effective at meeting the purpose and need", yet numerous alternatives were eliminated due to practicability criteria, not the effectiveness of meeting P&N. In addition, elimination of alternatives based on practicability should be done using quantitative factors.

3. Various alternatives were eliminated due to potential community impacts. What were the impacts and how were they quantified?

4. During our last meeting, we requested that a table or chart, similar to the one used for the Northwest Corridor project, be provided. The table was to contain quantifiable data, on a broad scale basis, regarding the impacts of the various alternatives. Such a table was provided, however, only for the alternatives selected for detailed analysis and only for impacts to aquatic resources. Perhaps there was a misunderstanding of our request for such a table at our last meeting. In order to concur with the three levels of screening preceding selection of alternatives for detailed analysis, we must to be able to quantifiably justify elimination of alternatives. At the present time, all that is provided is subjective, narrative text. As an example, in the third level of screening, one of the Downtown Transit Alternatives was eliminated due to, "...more potential residential and historical property impacts than other alternatives". What were the historic property impacts and how much more were they than other alternatives? When alternatives are eliminated based on quantitative data, we need to see the data, which is what the Northwest Corridor has done with their table(s). Without this data, it is impossible for the Corps to determine if the LEDPA was improperly eliminated during the three screenings.

If you have any questions regarding the above comments, please call or e-mail me at 303-979-4120 or timothy.t.carey@usace.army.mil, respectively.

Sincerely,

Timothy T. Carey
Chief, Denver Regulatory Office

U.S. Department
of Transportation
Federal Highway Administration

U.S. Department
of Transportation
Federal Highway Administration
Colorado Federal Aid Division
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228

U.S. Department
of Transportation
Federal Transit Administration
Region 8 Office
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228

Mr. Timothy T. Carey
Chief, Denver Regulatory Office
Department of the Army
Corps of Engineers, Omaha District
9307 South Wadsworth Boulevard
Littleton, CO 80128-6901

MAY 26 2005

Dear Mr. Carey:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in conjunction with the Colorado Department of Transportation (CDOT) and the Regional Transportation District (RTD), are preparing a Draft Environmental Impact Statement (DEIS) on the US 36 corridor between Denver and Boulder. This corridor includes the existing US 36 highway and the BNSF railroad that roughly parallels the highway. Alternatives that will increase mobility between Denver and Boulder are being considered along both the existing highway and the railroad.

CDOT, FHWA and the US Army Corps of Engineers (USACE) have established a NEPA/404 Merger Process to assist in decision-making and compliance with the National Environmental Policy Act (NEPA). As you know, a meeting has been scheduled to discuss the US 36 project on June 3, 2005, at 10:00 AM at the USACE office in Littleton, Colorado.

The merger process is a sequential process intended to achieve interagency concurrence on four key issues: 1) Purpose and Need; 2) Alternatives Selected for Detailed Evaluation; 3) the Preferred Alternative; and 4) Compensatory Mitigation.

At this time, FHWA is requesting formal concurrence through the NEPA/404 Merger process on two points: purpose and need and alternatives that were screened and eliminated.

Under the NEPA/404 Merger Process, the US Environmental Protection Agency (USEPA) and the US Fish and Wildlife Service (USFWS) are to be provided the opportunity to participate as commenting agencies in the process. Commenting agency status requires that these agencies be

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included in the concurrence meetings and that all information provided to the USACE will also be provided to USEPA and USFWS for their review. Representatives from both USEPA and USFWS have indicated that they will be attending the June 3 meeting.

A copy of the draft purpose and need chapter is enclosed for your review. In addition, the development and evaluation of alternatives for the US 36 Corridor DEIS was conducted at several levels. The enclosed table ("Stand-Alone Alternatives Eliminated During General or Conceptual Evaluation") shows the concepts that were completely eliminated during either "general" or "conceptual" screening because they did not meet the purpose and need for the project or because they were not practicable (in terms of existing technology, logistics or cost). Consequently, these alternatives did not receive extensive environmental analysis, since they did not pass the criteria used for purpose and need or practicability.

Although some of the alternatives at the conceptual level did not meet purpose and need as "stand-alone" alternatives, they did meet the mobility requirements of purpose and need when combined with highway improvements. These alternatives, when combined or complemented with other alternatives or ideas, became viable alternatives and were combined together into "packages." Four of these packages, plus the no action package will be carried forward into the DEIS for detailed evaluation. This information is detailed in the enclosed document titled "General and Conceptual Alternatives and Evaluation Process."

It is important to understand that the differences in packages are related to operational mode or type (bus, commuter rail, toll lanes, HOV lanes) rather than changes in alignments. All packages of alternatives that will go through detailed evaluation will use the existing US 36 and/or BNSF alignments.

We look forward to meeting with you on June 3 to obtain concurrence on purpose and need and alternatives that were screened and eliminated. Per the NEPA/404 Merger agreement, the USACE will issue a written concurrence or provide detailed comments outlining deficiencies that prevent a concurrence within 30 business days following a concurrence meeting.

Please call Jean Wallace at (720) 963-3015 if you have questions or need further information about the project.

Sincerely,

for David A. Nicol, P.E.
Division Administrator

for Lee O. Waddleton
Regional Administrator

Enclosures:

cc: Tom Norton, CDOT (letter only)
Brad Beckham, CDOT Env. Programs Branch, w/enc.
Jeff Wassenaar, CDOT Region 6, w/enc.
Sandi Kohrs, CDOT Region 6, w/enc.
Dave Shelley, RTD w/enc.
Dave Beckhouse, FTA, w/enc.
Scott Franklin. USACE, w/enc.
Sarah Fowler, EPA, w/enc.
Alison Michael, FWS, w/enc.
Rick Pilgrim, URS, w/enc.
R. Speral, J. Wallace, M. Pavlik and M. Vanderhoof, FHWA

U.S. Department
of Transportation

Federal Highway Administration

Federal Highway Administration
Colorado Federal Aid Division
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228

Federal Transit Administration
Region 8 Office
12300 W. Dakota Ave., Suite 310
Lakewood, CO 80228

NOV 17 2005

Mr. Timothy T. Carey
Chief, Denver Regulatory Office
Department of the Army
Corps of Engineers, Omaha District
9307 South Wadsworth Boulevard
Littleton, CO 80128-6901

Dear Mr. Carey:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in conjunction with the Colorado Department of Transportation (CDOT) and the Regional Transportation District (RTD), are preparing the DEIS on the US 36 corridor between Denver and Boulder. This corridor includes the existing US 36 highway and the existing BNSF railroad that roughly parallels the highway. Alternatives that will increase mobility between Denver and Boulder are being considered along both the highway and railroad alignments.

This letter follows our letter and submittal of May 26, 2005, (copy enclosed) and our subsequent meeting on June 3, 2005, regarding the US 36 Corridor Draft Environmental Impact Statement (DEIS). We have enclosed a revised Draft of the 404(b)1 Appendix to the US 36 DEIS for your review and preparation activities in advance of our meeting on November 30, 2005, at 10:00 a.m. at your office.

The draft of the Appendix was revised based on comments that we received from your staff during the June 3 meeting. Participating in the June 3 meeting were representatives of US Army Corps of Engineers (USACE), US Environmental Protection Agency, US Fish and Wildlife Service, FHWA, FTA, CDOT and RTD.

The information in the revised Appendix is provided to you, and the November 30 meeting has been scheduled to advance the NEPA/404 Merger Process. The merger process was developed to assist the USACE, CDOT and FHWA in decision-making and compliance with NEPA and Section 404 regulations on projects like the US 36 DEIS.

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The Draft Appendix addresses the first two of the four points needed to achieve interagency concurrence. The first two points consist of: 1) Purpose and Need; and 2) Alternatives Selected for Detailed Evaluation. Our May 26 letter formally requested concurrence on these points from USACE.

We look forward to meeting with you on November 30 to advance this process as outlined previously. Per the NEPA/404 Merger agreement, the USACE will issue a written concurrence or provide detailed comments outlining deficiencies that prevent concurrence within 30 business days following a concurrence meeting.

Please call Jean Wallace at (720) 963-3015 if you have any questions or need further information about this project.

Sincerely,

for

Lee O. Waddleton
Regional Administrator
Federal Transit Administration

for David A. Nicol, P.E.
Division Administrator
Federal Highway Administration

Enclosure

cc: Tom Norton, CDOT (letter only)
Brad Beckham, CDOT Env. Program Branch, w/enc.
Jeff Wassenaar, CDOT Region 6, w/enc.
Sandi Kohrs, CDOT Region 6, w/enc.
Dave Shelley, RTD, w/enc.
Dave Beckhouse, FTA, w/enc.
Scott Franklin, USACE, w/enc.
Sarah Fowler, EPA, w/enc.
Alison Michael, FWS, w/enc.
Rick Pilgrim, URS, w/enc. ✓
R. Speral, J. Wallace, M. Pavlik and M. Vanderhoof, FHWA

US 36 Corridor- NEPA/404 Merger Process **Response to Scott Franklin's written comments on** **Purpose and Need and Alternatives** **November 17, 2005**		
Comment	**Old Page/New Page**	**Response**
Might be nice to mention NEPA/404 merger agreement (so public is aware)	1.1-3/3	Added in the last paragraph, in the discussion of regulations, "the NEPA/404 Merger Process – an agreement for transportation projects in Colorado, "
If new transit is provided, how will this impact and address highway capacity issues.	1.1-10/24	Additional transit operations are added into the traffic modeling. However, highway capacity is still needed even after adding transit options. Added text to further explain packaging of alternatives: Package 4: "Comparing this new capacity with expected demand still left a deficiency, therefore additional general purpose lanes would then be added to meet any remaining demand." Package 5: "The package would also provide additional general purpose lanes to try to increase capacity for any remaining demand not already met by the transit options."
Merged (or changed) P and N etc. in equal criteria?	2-2/15	Improving transportation mobility was used as the first criteria; Criteron 2 through 4 were used as discriminators. Trip capacity is a subset of mobility. No change was made to text.
Bus in guideway?	2-3/15	That would be the BRT, first bullet. No change to text.
Natural only or human?	2-4/16	Revised Environmental Criteria text to read "Natural Environmental" and Practicability Criteria text to read only "human environmental effects."
Why wouldn't this meet need as a stand-alone?	2-8/19	Revised table. Tolling did become a Major Alternative, (formerly "Stand Alone"), in the process of packaging alternatives.
Why? Need a factual reason	2-8/19	Added text to describe why a TDM alternative would not significantly improve mobility or travel times between Denver and Boulder: "The most effective transportation management programs in

		the country are focused at the activity center level and have achieved trip reductions of 20-25%. The US 36 Corridor has few concentrated employment/retail activity centers. Therefore, the overall effect of a transportation management alternative in the US 36 Corridor would not be sufficient to meet the purpose and need."
Commuter or light rail?	2-8/19	This discussion was for commuter rail. Added heading to clarify.
Can this technological problem be overcome? How could rail work on I-70 West and not here? What is the "moderate" distance?	2-8/19	Added more explanation regarding cost and complexity: "Tunneling costs would be ten to fifteen times more than at-grade construction and the presence of abandoned underground coal mines creates additional complexity."
Conceptual Alternatives –Are the mobility needs quantitatively defined somewhere?	2-10/20	Mobility of the modes under consideration were quantitatively developed for the Conceptual Alternatives and documented in the Technical Report with great detail; Table 8 in the June 2005 version identified the criterion/measures used at the Conceptual level evaluation that included demand assessments among modes; in order to focus more directly on the USACE interests, old Tables 8,9,10 and 11 were removed from the November version.
Commuter rail along US 36 – how much more expensive?	2-10/19-20	Added text to describe the increased costs for Commuter Rail along US 36 for two conditions: 1. In a tunnel under Davidson Mesa that would be 10-15 times more costly; and, 2. Along US 36 instead of BNSF requiring alignment to cross under ramps, interchanges, etc. with greater complexity and costs.
Sure would appreciate mentioning practicable alternatives, per NEPA/404 merger.	2-11/14	Added text," In the NEPA/404 Merger Process, the alternatives screening process can only eliminate alternatives that may be least damaging to the aquatic ecosystem if they do not meet purpose and need, have other significant consequences to the natural environment or they are not practicable based on the Section 404 (b)(1) guidelines. The definition of practicable

		as defined in 40 CFR 230.3, is that which is available and capable of being done after taking into consideration cost, existing technology, and logistics in light of overall project purposes."
So only these packages are carried forward, not the stand-alone alternatives?	2-12/21	Revised the term "Stand-Alone" alternatives. Alternatives were considered Major or Supportive and combined to create packages.

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BLVD.
LITTLETON, COLORADO 80128-6901

January 9, 2006

Mr. David Nicol
Division Administrator
Federal Highway Administration
Colorado Federal Aid Division
12300 W. Dakota Avenue, Suite 180
Lakewood, Colorado 80228

Mr. Lee O. Waddleton
Regional Administrator
Federal Transit Administration
Region 8
12300 W. Dakota Avenue, Suite 310
Lakewood, Colorado 80228

RE: U.S. 36 Corridor EIS

Dear Messrs. Nicol and Waddleton:

I'm writing this letter in response to your correspondence of November 17, 2005 and the subsequent meeting with your staff on November 30, 2005. In your letter, you requested that the Corps of Engineers (Corps) provide concurrence on the Purpose and Need (P&N) Statement and alternatives to be evaluated in detail in the Draft EIS for the above referenced project. In response to your request, and in accordance with our NEPA/404 Merger Agreement with the Federal Highway Administration, the Corps generally concurs with the P&N Statement and concurs with the alternatives to be evaluated in detail.

The Corps requests that the beginning sentence of the P&N statement be reworded to remove the "by" statement at the end of the following sentence: "The purpose of a proposed action in the US 36 Corridor is to improve mobility between Denver and Boulder and between intermediate destinations by". The three bulleted points that follow this sentence are transportation needs that should not be included as part of the purpose statement. These transportation needs, as well as others, are well documented in the proceeding sections.

Please extend my thanks to Ms. Jean Wallace and the project team for taking the Corps' earlier comments into consideration. If you have any questions, please call me at 303-979-4120.

Sincerely,

Timothy T. Carey
Chief, Denver Regulatory Office

U.S. Department
of Transportation

Federal Transit Administration
Region VIII
12300 West Dakota Avenue, Suite 310
Lakewood, CO 80228-2583
Telephone: 720-963-3300

Federal Highway Administration
Colorado Division
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228
Telephone: 720-963-3000

RECEIVED
NOV 27 2006
URS Corp.

NOV 20 2006

Mr. Scott Franklin
US Army Corps of Engineers
Denver Regulatory Office
Omaha District
9307 South Wadsworth Blvd
Littleton, CO 80128-6901

Dear Mr. Franklin:

Subject: Request for Concurrence of Alternatives in the US 36 Draft EIS

The US 36 DEIS project team is currently seeking USACE concurrence on eliminating two build alternatives from final consideration in the DEIS. This letter will provide our justification and will describe how we screened out two build alternatives since we last consulted with you on January 9, 2006. This letter also demonstrates that the least environmentally damaging practicable alternative has not been eliminated from further consideration in the DEIS. If you support our recommendation to screen out two alternatives, the No Action Alternative and two build alternatives will remain and will be completely evaluated in the DEIS.

As a reminder, the following packaged alternatives have been subject to detailed evaluation since January 9, 2006:

- Package 1: No Action
- Package 2: Express Toll Lanes plus Bus Rapid Transit
- Package 3: General Purpose Lanes plus Exclusive Bus Rapid Transit on a separate busway (no HOV lane)
- Package 4: General Purpose Lanes plus High Occupancy Vehicle Lanes combined with Bus Rapid Transit
- Package 5: General Purpose Lanes plus High Occupancy Vehicle Lanes combined with Express Bus Service

The type and amount of impact to wetlands and aquatic resources associated with each package is expressed in Tables 1 and 2 on the next page.

As shown in these tables, Package 5 has the least impact to Waters of the U.S. including wetlands.

CDOT, RTD, FTA, and FHWA have reached agreement that Package 3 is not a practicable alternative because it does not meet purpose and need and has exorbitant capital and operating costs. Similarly, Package 5 is not a practicable alternative because it does not meet purpose and need.

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Table 1: Summary of Direct Permanent Wetland Impacts by Package

Package	Total Wetlands (acres)
1	0
2	21.4 to 27.5
3	20.1 to 26.9
4	20.4 to 25.1
5	19.0 to 22.0

Source: US 36 DEIS impact analysis, November 2006

Table 2: Summary of Direct Permanent Impacts to Other Water Features by Package

Package	Other Water Features (acres)			Total (acres)
	Irrigation Ditches	Natural Waterways	Ponds and Reservoirs	
1	0	0	0	0
2	1.24-1.32	0.48 to 0.53	2.63 to 2.75	4.35 to 4.60
3	1.23	0.57	0.54	2.34
4	1.22-1.29	0.43 to 0.46	2.47 to 2.59	4.12 to 4.34
5	1.20	0.74	0.06	2.0

Source: US 36 MP; November 2006

Package 3 has no provisions for High Occupancy Vehicle Lanes. Carpools and vanpools would need to use the General Purpose Lanes. For this reason, congestion continues on the General Purpose Lanes and the reduction in vehicle hours of travel between this alternative and the No-Action Alternative is not sufficient to provide acceptable congestion relief or to expand the range of travel options for carpools and vanpools. If travel time is not less for carpools and vanpools, there is no longer any incentive to use this mode of travel. In addition, Package 3 includes a totally separate busway. The capital and operating cost for this element is so costly that it would not meet the FTA threshold for receiving federal transit funds. The annual BRT cost for this alternative is $150 million, substantially greater than the other packages (which are all less than $100 million) and the additional new transit trips is similar (within two percent) to the other packages with BRT included. For these reasons, Package 3 is not practicable.

Package 5 has no provisions for Bus Rapid Transit. The buses would travel instead in the one HOV lane that would be provided in each direction. In order to pick up and drop off passengers, the buses would need to exit the HOV lane and travel to a drop off area at an interchange, mixing with general purpose traffic in the process. This constraint would result in bus travel time that is so much longer that projected bus ridership would not meet the purpose and need of providing for efficient transit service. The bus travel time is 11 to 17 minutes longer in the AM peak period than the other packages and only four minutes shorter than automobile travel. The effect of this on ridership is substantial: Package 5 results in over one million fewer person trips annually compared to the other packages. Total corridor bus ridership would increase only about five percent compared to the No Action for Package 5 while each of the other packages would increase ridership by at least 28 percent. Bus passengers have to see an improvement in travel time to justify switching from a single occupant vehicle. In addition, because Package 5 only includes one additional HOV lane in each direction, it does not meet the purpose and need of providing congestion relief to peak hour congested intersections. It provides no improvement in the number of peak hour congested intersections (compared to the No Action Alternative.).

For these reasons, we request your concurrence on the alternatives to be evaluated in detail in the DEIS: Package 1 (No Action), Package 2 (Express Toll Lanes plus BRT) and Package 4 (General Purpose Lanes plus HOV Lanes including BRT). Please contact Sandi Kohrs, CDOT Project Manager, at (303) 757-9183; Dave Shelley, RTD Project Manager, at (303) 299-2408; or Monica Pavlik, FHWA Senior Operations Engineer, at (720) 963-3012 if you have any questions. We look forward to discussing this information with you in more detail on November 29, 2006.

Sincerely yours,

Lee Waddleton
Regional Administrator
Federal Transit Administration

David A. Nicol, P.E.
Division Administrator
Federal Highway Administration

cc: Sandi Kohrs, CDOT Region 6
Pam Hutton, CDOT
Brad Beckham, CDOT
Chuck Attardo, CDOT
Dave Shelley, RTD FasTracks
Nadine Lee, RTD FasTracks
Gina McAfee, RTD FasTracks
Rick Pilgrim, URS

U.S. Department
of Transportation

Federal Transit Administration
Region VIII
12300 West Dakota Ave.
Suite 310
Lakewood, CO 80228

Federal Highway Administration
Colorado Division
12300 West Dakota Ave.
Suite 180
Lakewood, CO 80228

March 5, 2007

Scott Franklin
U.S. Army Corps of Engineers
Denver Regulatory Office
9307 S. Wadsworth Blvd
Littleton, CO 80128-6901

Re: US 36 Corridor DEIS and Section 404 (b)(1) Evaluation

Dear Scott,

We appreciate your involvement and help with the US 36 Corridor DEIS. Enclosed is a copy of the revised draft Section 404 (b)(1) Evaluation. As you know, your office has previously received a draft Section 404 (b)(1) Appendix and has concurred with the Purpose and Need and the alternatives selection up to that time.

Contents of the revised draft Section 404 (b)(1) Evaluation
The revised draft Section 404 (b)(1) Evaluation is intended to be a working document as we progress through the NEPA phase and satisfy the requirements of the NEPA/404 Merger Process for Transportation Projects in Colorado. In this revised version, we have provided an introduction that explains the history of the project and how the status has changed over the last year, primarily due to the separation of the highway and rail corridors into separate studies.

Section 2 of the revised draft Section 404 (b)(1) Evaluation contains the Purpose and Need and describes the six transportation needs. These are the same needs shown in the earlier version. Even with the removal of the rail project, the Purpose and Need has stayed essentially the same for the US 36 highway corridor. For purposes of this letter request, the two transportation needs that are germane to the identification of the final two build packages are transportation needs *#4 - Expand Mode of Travel Options* and *#5 - Efficient Transit Service*.

Section 3 of the revised draft Section 404 (b)(1) Evaluation now takes you through our "packaging" process. It begins with the general alternatives, followed by conceptual alternatives, package development and revisions to the packages. You had previously seen the information on general and conceptual alternatives, but not the detail on the development and initial evaluation of the four build packages. Packages were developed by combining alternatives from the general and conceptual alternatives development phases. By utilizing input from the Technical Support Committee, Corridor Governments Committee, general public, and government agencies, the project team combined alternatives into packages that addressed all six needs to varying degrees.

Table 3-7 in the revised draft Section 404 (b)(1) Evaluation summarizes and compares the features of the packages using the USACE criteria of Purpose and Need, Practicability, and Environmental

Consequences. For your convenience, Table 3-7 has also been attached to this letter. It is important to understand that the packages are combinations of operational modes and features that would not meet Purpose and Need as stand alone improvements. All of the packages use the same existing US 36 highway corridor. Therefore, the amount of additional right-of-way needed to build any of the packages is very similar, as are the environmental consequences. As shown in Table 3-7, Packages 3 and 5 have the least amount of impact to wetlands and other waters of the U.S. Environmental impacts for each resource, including aquatic resources, were calculated using the worst-case footprint.

Request for Elimination of Two Packages

At this time, the US 36 project team would like to remove Packages 3 and 5 from further consideration and carry forward Packages 1 (No Action), 2, and 4 in the DEIS for detailed evaluation. The details of the screening can be found in the revised draft Section 404(b)(1) Evaluation and Chapter 2 of the US 36 DEIS.

In general, Packages 3 and 5 do not provide as much mobility as Packages 2 and 4. This is important because part of the purpose for the project is to provide multimodal transportation options that are effective and attractive.

A major portion of this evaluation step has considered the trade-off between the cost to make an improvement versus the change in travel mode. The Federal Transit Administration (FTA) uses this type of comparison to evaluate transit investments proposed in cities across the country. This is because the evaluation process helps to define actions that would result in the most effective use of public funds.

In the US 36 corridor, Packages 3 and 5 are not as effective as Packages 2 and 4 because:

- Package 5 would attract much lower levels of transit riders because the improvements would not provide as much travel time savings as the other packages.
- Package 3 is much more expensive to construct because this package would use a separate bus guideway for the length of the corridor. Even with the separate guideway, this package would not attract the substantially higher number of riders needed to justify the expenditure; ridership would be about the same as Packages 2 and 4.

Specifically, Package 3 does not provide improved travel time for carpools and vanpools because they will be traveling in the general purpose lanes. This package therefore does not meet transportation need #4. Package 5 results in a bus travel time which is 11 to 17 minutes longer than the other packages. Therefore, this package does not meet transportation need #5. By reference, both Packages 2 and 4 will offer travel time savings compared to the single occupant vehicle of 29 and 30 minutes respectively. According to numerous studies (and as documented in "Traveler Response to Transportation System Change", Transit Cooperative Research Program, March 2000, to be successful, a HOV lane must offer at least one minute of travel time savings per mile. Only Packages 2 and 4 meeting this threshold.

Package 3 is very expensive to build because a barrier separated Bus Rapid Transit lane would be added to the outside of the highway rather than in the median. This would require rebuilding all of the existing interchanges and acquiring large amounts of additional right-of-way. As shown in Table 3-7, the cost of Package 3 is at least 50% higher than the other packages. The capital and operating cost for this guideway would be so costly that FTA would not provide federal transit funds.

The Cost per Total Corridor Transit Rider in Package 5 is at least double the cost of the other packages. This low cost-effectiveness makes this package not practicable. Package 5 also does not include provisions for BRT and on-line median transit stations as required through the Denver voter's approval of the FasTracks program. Finally, in the design of Package 5, buses would have to continually mix with general-purpose traffic to access the HOV lane, which would result in slower bus travel times and reduced use of transit by potential bus riders.

For these reasons, we request your concurrence on the alternatives to be evaluated in detail in the DEIS: Package 1, Package 2 and Package 4. We look forward to your review of this document, and appreciate the cooperation of the USACE. Please call with any questions or concerns.

Sincerely,

FOR David A. Nicol, P.E.
Division Administrator
Federal Highway Administration

for Letitia A. Thompson
Acting Regional Administrator
Federal Transit Administration

Attachments

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BLVD
LITTLETON, CO 80128-6901

April 27, 2007

David A. Nicol, P.E.
Division Administrator
Federal Highway Administration
Colorado Division
12300 West Dakota Ave, Suite 180
Lakewood, CO 80228

Letitia A. Thompson
Acting Regional Administrator
Federal Transit Administration
Region VIII
12300 West Dakota Ave, Suite 310
Lakewood, CO 80228

RE: US 36 Corridor EIS (Corps File #200380602)
Comments, US36 Corridor DEIS Section 404(b)(1) Appendix

Dear Mr. Nicol and Ms. Thompson:

Reference is made to your letter dated March 5, 2007 and accompanying US36 Corridor DEIS Section 404(b)(1) Appendix sent to this office. In your letter you requested that the Corps of Engineers (Corps) provide concurrence that the alternatives to be evaluated in detail in the DEIS are Packages 1, 2 and 4. Although in a letter dated January 9, 2006 this office generally concurred with the alternatives evaluated in detail at that time, you indicate in your March 5, 2007 letter that the status of the project changed over the last year, primarily due to the separation of the highway and rail corridors into separate studies.

In response to your current March 5, 2007 request, and in accordance with the NEPA/404 Merger Agreement with the Federal Highway Administration, the Corps again generally agrees with the new set of alternatives to be evaluated in detail. We appreciate the opportunity to offer the following comments:

Comment 1. Page 2 of your cover letter, 2nd to last paragraph.
You indicate that "...to be successful, a HOV lane must offer at least one minute of travel time savings per mile. Only Packages 2 and 4 meet this threshold." This is a valid, threshold-supported screen for the Section 404 (b)(1) guidelines, but is not supported in Table 3-7, page 3-16, Criteria Description TN 4 and 5. Recommend you explain the one-minute threshold. Why do Packages 2 (29 mins) and 4 (30 mins) meet the threshold but not Package 3 (36 mins)?

Comment 2. Page 1-3, Section 1.2.1, second to last sentence, "...among the USACE, FHWA, and CDOT."
Recommend you add to this sentence, "...and the NEPA/404 merger process and agreement for transportation projects in Colorado."

Comment 3. Page 3-8, Table 3-5, Criteria Description TN 1 and 3, Advanced Guideway column.
This cell references "...additional 10,000 peak-hour person trips." We didn't find "10,000 peak-hour person trips" in the Purpose and Need section.

Page 3-8, Table 3-5, Criteria Description TN 1 and 3 row, New Arterials column.
Recommend you reference the actual projected need (10,000 peak-hour trips?).

Page 3-16, Table 3-7, Criteria Description TN 1 and 3 row, Rationale Basis column.
This cell mentions projected demand in 2025, whereas most of the Purpose and Need section indicates projected demand in 2030. Recommend that these years match.

Page 3-16, Table 3-7, Criteria Description TN 1 and 3 row, Package 3.
What is "...*enough* reduction in highway travel time..."? An alternative that fails needs a threshold that it doesn't meet...not just that it has the least reduction in highway travel time.

Page 3-18, Table 3-7, Criteria Description C1, Package 3.
For the 404(b)(1) guidelines, to eliminate a project based on cost, the project's cost has to be compared to an industry standard. In your report you're comparing the cost between the five packages, not against a standard industry threshold. Based on other similar transportation projects, are 50% higher costs reasonable? If a 50% higher cost is within the industry standard, then you can't screen based on the practicability factor of cost.

Page 3-18, Table 3-7, Criteria Description C2, Packages 3 and 5.
Again, based on the 404(b)(1) guidelines, we can't eliminate an alternative because it's not "cost-effective" compared to other packages. You need to use a standard industry threshold.
Please show why Packages 3 and 5 don't meet the FTA thresholds for cost-effectiveness and are subsequently not eligible for federal funding. This is a valid way to screen out Packages 3 and 5 based on the 404(b)(1) Guidelines.

Page 3-20, Boxed text, Package 3, bullet #1 reads:
"Package 3 features a separate BRT guideway along the side of US 36. The capital and operating cost for this guideway would be so costly that it would not meet the FTA threshold for receiving federal transit funds. The high cost renders this package as not practicable."

Recommend you change this to read:
"Package 3 features a separate BRT guideway along the side of US 36. The capital and operating cost for this guideway would not meet the FTA threshold of _____ for receiving federal transit funds, and thus is not practicable."

Page 3-20, Boxed text, Package 5, bullet #3, reads:
"Cost per Total Corridor Transit Rider is $33.49, which is more than double that of the other packages. This package is not cost-effective compared to other packages and is considered not practicable." Under the 404(b)(1) Guidelines, you can't screen an alternative because it is the most expensive. You can, however, screen it out because it doesn't meet a cost threshold, as shown in Package 3. Does Package 5 not meet a certain threshold?

As stated above, it appears that Packages 1, 2 and 4 should be evaluated in detail in the DEIS, and that Packages 3 and 5 might be suitable for elimination. However, we recommend that elimination of Packages 3 and 5 be based on thresholds as described in our comments above. Request you allow this office to review the screening criteria again before we offer final concurrence on this document, since the DEIS appendix will be used to support the 404(b)(1) Guidelines evaluation in any future potential Section 404 Permit.

Thank you for the opportunity to be part of the EIS process. If there are any questions concerning these comments, please contact Scott Franklin of this office at 303-979-4120.

Sincerely,

Timothy T. Carey
Chief, Denver Regulatory Office

200380602.deis b1 appendix comments.doc

U.S. Department of Transportation

Federal Transit Administration
Region VIII
12300 West Dakota Avenue, Suite 310
Lakewood, CO 80228-2583
Telephone: 720-963-3300

Federal Highway Administration
Colorado Division
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228
Telephone: 720-963-3000

Mr. Timothy T. Carey
Chief, Denver Regulatory Office
U.S. Army Corps of Engineers, Omaha District
9307 South Wadsworth Boulevard
Littleton, CO 80128-6901

JUN 22 2007

Dear Mr. Carey:

Re: US 36 Corridor EIS (Corps File #211380602)
Comments on Draft US 36 Corridor DEIS Section 404(b)(1) Appendix

We have received your comments dated April 27, 2007 regarding the Draft Section 404(b)(1) Appendix. We offer the following responses:

Comment 1: Clarification has been added to Table 3-8, page 3-20, that Package 3 fails to meet the expressed threshold of one minute travel time savings per mile compared to single occupant vehicles—for carpools and vanpools because the alternative does not include HOV lanes for these travelers. Package 5 fails to meet the expressed threshold because the mileage between downtown Boulder and downtown Denver is 29 miles and it only provides 26 minutes of travel time savings rather than 29 or 30 with Packages 2 and 4. This clarification has been included in Table 3-8 of the revised Draft 404(b)(1) Appendix that will be included in the DEIS and is enclosed with this letter.

Comment 2: The suggested phrase (... and the NEPA/404 merger process and agreement of transportation projects in Colorado) has been added to the Purpose and Need chapter, Section 1.2.1. This now reads: *The NEPA/404 Merger process is guided by and supports the requirements of Section 404 of the Clean Water Act (CWA) (Public law[PL]92-500, as amended), U.S. Environmental Protection Agency (EPA) regulations (40 Code of Federal Regulations [CFR] Part 230 et seq.), and the Memorandum of Agreement (MOA) among the USACE, FHWA, and CDOT and the NEPA/404 merger process and agreement for transportation projects in Colorado.*

Comments 3 and 4: The 10,000 peak hour person trips needed is one way to measure Transportation Need #1—Increase Trip Capacity. The other ways that are used to measure this need are daily reduction in vehicle hours of travel compared to the No Action Alternative, whether or not there is an improvement in travel time reliability and whether or not congested intersections are improved. The 10,000 person trips reflect the forecast travel demand from the 2025 modeling effort which is based on the DRCOG adopted regional transportation model. The 10,000 figure is not an absolute threshold; rather this indicator is a balance of these various factors (daily reduction in vehicle hours of travel, improvement in travel time reliability, and whether or not congestion intersections are improved.) An explanation of where the needed 10,000 person trips come from is included in section 2.1 Transportation Need #1: Increase Trip Capacity. Clarification has also been added to Tables 3-5 and 3-8 related to this. (See revised Draft 404(b)(1) Appendix, enclosed.)

Comment 5: Evaluation of alternatives for the draft EIS spanned two planning horizons, 2025 and 2030. The reason that 2025 travel demand data was used for the Detailed Evaluation chart was because this was the available data from DRCOG at the time that evaluation was performed. Since that time, additional evaluation has been performed and the most current 2030 data was used for the later evaluations. Comparison of the

MOVING THE AMERICAN ECONOMY

2025 data and 2030 data show that there is only a 2% variation in travel demand in the corridor. That slight difference does not affect the screening conclusions for P3 or P5. Text has been added to Table 3-5 and section 3.5.1 (page 3-25) to explain the travel demand model year update.

Comment 6: The lack of the ability for an alternative to be able to provide the reduction in travel time is a way to measure how well an alternative reduces congestion. The difficulties of this criterion are that it is generally used in comparison of the other alternatives and there is no threshold developed to use for screening. Because Package 3 focuses improvements on bus transit, the other types of travelers (HOV and van pools) do not see associated benefits and therefore do not see as much travel time savings. This may be the least efficient in terms of vehicle hours of travel, and primarily this is evident in Package 3 not being able to meet the purpose and need for TN4 – Expand Mode of Travel Options. This is not the only reason that indicates that Package 3 is not reasonable or practicable. Later in this response, clarification on practicability related to cost will demonstrate that Package 3 is not practicable based on cost as well as not meeting the purpose and need.

Comment 7: Demonstrating that an alternative is not practicable based on cost will vary depending on the type of project proposed. The determination of what constitutes an unreasonable expense should generally consider whether the projected cost is substantially greater than the costs normally associated with the particular type of project. In this corridor, the project is evaluating a number of alternatives for providing efficient bus transit, HOV, and options for SOV. To accommodate these options there are differing levels of operations, costs, levels of service among the alternatives considered. When the cost of an alternative exceeds others by a wide margin and does not provide the service and benefits of the other alternatives the alternative is not reasonable, which is the industry standard. In this case the capital costs, added to Table 3-8 under C1 show that for implementing the BRT facilities for Package 3 is $643 million dollars more than the next highest cost package (Package 2) and does not increase the ridership over the other alternatives. The Package 3 BRT facilities cost $44 million per mile is an extraordinarily high cost for this type of facility, which is normally built for around $8 million per mile making Package 3 not practicable based on cost. There are no other similar corridor exclusive busway applications nationwide that are available to be used for comparison purposes. For comparison on a national basis, FTA provides cost-effective thresholds for helping the federal agency make decisions regarding funding. The response to Comment 8 explains how the cost-effective threshold has been applied.

Comment 8: Using cost-effectiveness is the industry standard that FTA uses to make decisions regarding funding of transit projects. On a New Starts candidate projects (a class of major investment transit projects) FTA calculates the Transportation System User Benefits (TSUB), and if an alternative is not close to the medium rating for TSUB it will not receive funding and the alternative is eliminated. Because this corridor is not likely to pursue FTA funding it is acceptable to calculate reasonable surrogates that are more accessible than the TSUB. This study is using cost per new rider as a surrogate to the TSUB measurement used for FTA's New Starts process and created these thresholds to correspond to the range of projects that FTA has determined are cost effective. Data comparing the five alternatives to the most recent list of projects that have received a rating of medium and higher from FTA has been added to Table 3-8. These data show that a cost per new rider "Medium" cost-effectiveness rating that would qualify these packages ranges from $14.00 to $21.99 per new rider. The cost per new user (transit plus HOV) would require a "High" rating of less than or equal to $10.99 per new user to be considered cost effective. Packages 2, 4 and 5 are comparable to projects in FTA's cost effective projects list and are therefore considered to be cost effective based on the industry standard. Package 3 is not. Package 3 has a cost per New Rider of $33.36 and also a cost per New Rider/HOV user of $33.36, as there is no HOV lane in this package. This also demonstrates that Package 3 is not practicable based on cost.

Comment 9 and 10: The suggested language has been put into context in Table 3-8 and the discussion of Package 3 starting on page 3-19. From Table 3-8, the basis for screening is: To advance, a package must be cost-effective in terms of cost per new transit rider when compared to other packages, improvements in other

corridors, or national thresholds used by FTA or FHWA. The FTA threshold was taken from recent New Starts corridors (which ranged in cost from $14.00 to $21.99 per new rider). Two measures were used: 1) Cost per new transit rider, 2) Cost per new user (transit plus HOV) should be less than or equal to $10.99. Package 3 cost per New Rider is $33.36. The cost per New Rider/HOV user is also $33.36. Both well beyond FTA's threshold for funding making Package 3 not practicable.

Clarifications Included in the Draft 404(b)(1) Appendix

Table 3-8 in the Draft 404(b)(1) Appendix shows the wetland impacts for packages 2, 3, 4 and 5. This table shows two options for the western terminus for each package, option A and option B. Option A requires buses to merge from the bus/HOV lanes into the general purpose lanes in order to access RTD's Table Mesa park-n-Ride in Boulder. Option B includes separate ramps (flyovers) connecting busses directly via "bus only" lanes to the Table Mesa park-n-Ride in Boulder. Both options meet purpose and need, and the project team feels it is important to gather public and agency comment on both options presented in the DEIS. Both options will be studied in more detail in the FEIS. A preferred option will be presented in the FEIS only after the travel time savings and ridership advantages of each option are weighed, and environmental impacts, cost, and public input are considered.

The previous draft of the 404 Appendix Table 3-7 (currently Table 3-8) listed the highest impact numbers for wetland impacts for the packages in hopes of simplifying the information. Unfortunately, this resulted in Packages 2 and 4 including option B, while packages 3 and 5 included only option A. At the time packages 3 and 5 were screened, option B had not been fully developed. Therefore, it was not applied to packages 3 and 5 in the previous draft of Table 3-7. In the current draft, Package 3 assumes that the bus will be in a separate guideway all the way to Table Mesa so option A would never apply. In the enclosed Table 3-8 we have estimated the impacts for Package 5 for both option A and B so you can easily see the differences among all of the packages.

The attached Draft 404(b)(1) Appendix, unless your office recommends changes, will be circulated with the DEIS. This draft reflects your suggested changes to the purpose and need and screening. Table 3-8 presents a summary of the reasons that support carrying Packages 1,2, and 4 forward in the DEIS for detailed analysis and wetland and waters of the US impacts.

Summary

Package 5 is being eliminated because it does not meet the purpose and need (TN2, TN4 and TN5). It fails to improve interchange intersections that would provide improved access to activity centers, does not provide on-line BRT stations for better travel time reliability, and fails to provide the minimum effective travel time savings of one minute per mile for the expanded mode of travel options. By not providing median BRT station platforms, Package 5 affects travel time and travel time reliability for buses and transit users requiring buses to navigate interchanges and slip ramps through general purpose lanes for loading and unloading increasing their travel times.

Package 3 does not meet purpose and need (TN4 and TN5) because it does not expand modal options for HOV and vanpools so it can not provide the one minute time savings per mile over SOVs for carpools and vanpools. Package 3 is also not practicable because of the extraordinary high cost of the BRT in a separate guideway.

On the basis of these responses and clarifications, we again request that you provide written concurrence to fully evaluate Packages 1, 2 and 4 in the DEIS. We would appreciate your response by June 29, 2007.

Please call Shaun Cutting of FHWA at (720) 963-3033 or Dave Beckhouse of FTA at (720) 963-3306 if you have any questions.

Sincerely yours,

Terry J. Rosapep
Acting Regional Administrator
Federal Transit Administration

for David A. Nicol, P.E.
Division Administrator
Federal Highway Administration

Enclosure: Draft Section 404(b)(1) Evaluation

Cc: Sandi Kohrs, CDOT

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BLVD
LITTLETON, CO 80128-6901

July 11, 2007

David A. Nicol, P.E.
Division Administrator
Federal Highway Administration
Colorado Division
12300 West Dakota Ave, Suite 180
Lakewood, CO 80228

Terry J. Rosapep
Acting Regional Administrator
Federal Transit Administration
Region VIII
12300 West Dakota Ave, Suite 310
Lakewood, CO 80228

RE: US 36 Corridor EIS (Corps File #200380602)
Concurrence, US36 Corridor DEIS Section 404(b)(1) Appendix C

Dear Messrs. Nicol and Rosapep:

Reference is made to your letter dated June 22, 2007 and accompanying US36 Corridor Draft Environmental Impact Statement (DEIS) Section 404(b)(1) Appendix C sent to this office. In your letter you requested that the Corps of Engineers (Corps) provide concurrence that the alternatives to be evaluated in detail in the DEIS are Packages 1, 2 and 4.

In response to your June 22, 2007 request, and in accordance with the NEPA/404 Merger Agreement with the Federal Highway Administration, the Corps concurs that Packages 1, 2 and 4 are appropriate for detailed evaluation in the DEIS. While Package 5 has the least adverse impacts to the aquatic environment, the Corps concurs that it does not meet the project's purpose and need.

Thank you for the opportunity to be part of the EIS process. Please extend my appreciation to Monica Pavlik and Sandi Kohrs for taking the Corps' earlier comments into consideration.

Sincerely,

Timothy T. Carey
Chief, Denver Regulatory Office

200380602.05 pkgs 1-2-4 concurrence 11-jul-07.doc

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

May 8, 2009

Jon Chesser
Colorado Department of Transportation
Region 6, Planning/ Environmental
2000 South Holly Street
Denver, CO 80222

RE: CDOT/FHWA US36 Corridor, Preliminary Jurisdictional Determination
Corps File No. NWO-2003-80602-DEN

Dear Mr. Chesser:

Reference is made to the above-mentioned project and your request for a Preliminary Jurisdictional Determination.

We have prepared a Preliminary Jurisdictional Determination (JD) which is a written indication that wetlands and waterways within your project area may be Waters of the United States (attached). Such waters will be treated as jurisdictional Waters of the US for purposes of computation of impacts and compensatory mitigation requirements. If you concur with the findings of the Preliminary JD, please sign it and return it to the letterhead address within two weeks. If you believe the Preliminary JD is inaccurate, you may request an Approved JD, which is an official determination regarding the presence or absence of Waters of the U.S.

If there are any questions call Margaret Langworthy or Kiel Downing of my office at (303) 979-4120 and reference **Corps File No. 200380602**.

Sincerely,

Timothy T. Carey
Chief, Denver Regulatory Office

ATTACHMENT

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION

A. REPORT COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): May 8, 2009

B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:
Jon Chesser
Colorado Department of Transportation
Region 6, Planning /Environmental
2000 South Holly Street
Denver, CO 80222

C. DISTRICT OFFICE, FILE NAME, AND NUMBER:
NWO-2003-80602-DEN CDOT/FHWA US36 Corridor

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:
(USE THE ATTACHED TABLE TO DOCUMENT MULTIPLE WATERBODIES AT DIFFERENT SITES)

State:**CO** County/parish/borough: **Denver, Adams, Jefferson, and Boulder** City:

Center coordinates of site (lat/long in degree decimal format): Lat. **39° 58' 15.64"° N**, Long. **105° 11' 54.71"° W.** Universal Transverse Mercator:
Name of nearest waterbody: Many named aquatic resources are located along the linear project

Identify (estimate) amount of waters in the review area:

Non-wetland waters: linear feet: width (ft) and/or **10.89** acres.
Cowardin Class:
Stream Flow:
Wetlands: **69.87** acres.
Cowardin Class:

Name of any water bodies on the site that have been identified as Section 10 waters:

Tidal:

Non-Tidal:

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☒ Office (Desk) Determination. Date: **5/8/09**

☐ Field Determination. Date(s):

1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.

2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

This preliminary JD finds that there *"may be"* waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA. Data reviewed for preliminary JD (check all that apply - checked items should be included in case file and, where checked and requested, appropriately reference sources below):

☒ Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant:**Wetland Technical Report for the US 36 EIS Project**.

☒ Data sheets prepared/submitted by or on behalf of the applicant/consultant.

- ☒ Office concurs with data sheets/delineation report.
- ☐ Office does not concur with data sheets/delineation report.

☐ Data sheets prepared by the Corps: .

☐ Corps navigable waters' study: .

☐ U.S. Geological Survey Hydrologic Atlas: .

- ☐ USGS NHD data.
- ☐ USGS 8 and 12 digit HUC maps.

☒ U.S. Geological Survey map(s). Cite scale & quad name:**Colorado Base Map 1:500,000**.

☐ USDA Natural Resources Conservation Service Soil Survey. Citation: .

☐ National wetlands inventory map(s). Cite name: .

☐ State/Local wetland inventory map(s): .

☐ FEMA/FIRM maps: .

☐ 100-year Floodplain Elevation is: (National Geodectic Vertical Datum of 1929)

☐ Photographs: ☐ Aerial (Name & Date): .

or ☐ Other (Name & Date): .

☐ Previous determination(s). File no. and date of response letter: .

☒ Other information (please specify):**Google Earth & Live Maps**.

IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations.

Kirk R. 5/8/09

Signature and date of Regulatory Project Manager (REQUIRED)

Signature and date of person requesting preliminary JD (REQUIRED, unless obtaining the signature is impracticable)

Site Number	Latitude (N)	Longitude (W)	Acreage	Resource Type
1	39* 50' 12.99"	105* 01' 33.73"	0.16	Section 404- Wetland
2	39* 50' 55.38"	105* 02' 45.23"	0.02	Section 404- Wetland
3	39* 51' 02.48"	105* 02' 52.77"	< 0.01	Section 404- Wetland
4	39* 51' 04.42"	105* 02' 54.88"	0.19	Section 404- Wetland
5	39* 51' 05.18"	105* 02' 58.16"	0.35	Section 404- Wetland
6	39* 50' 44.11"	105* 02' 33.71"	0.63	Section 404- Wetland
7	39* 51' 19.70"	105* 03' 07.33"	0.01	Section 404- Wetland
8	39* 51' 25.61"	105* 03' 10.10"	0.05	Section 404- Wetland
8A	39* 51' 23.59"	105* 03' 13.30"	0.02	Section 404- Wetland
8C	39* 51' 32.37"	105* 03' 17.44"	0.04	Section 404- Wetland
9	39* 51' 12.07"	105* 02' 59.86"	0.24	Section 404- Wetland
11	39* 51' 53.90"	105* 03' 22.52"	0.71	Section 404- Wetland
11B	39* 51' 28.85"	105* 03' 01.76"	0.01	Section 404- Wetland
11C	39* 51' 34.98"	105* 03' 03.78"	0.06	Section 404- Wetland
12	39* 52' 11.75"	105* 03' 32.46"	0.07	Section 404- Wetland
13	39* 52' 12.84"	105* 03' 36.50"	0.67	Section 404- Wetland
14	39* 52' 31.29"	105* 03' 45.75"	0.39	Section 404- Wetland
16	39* 53' 41.28"	105* 04' 33.65"	0.29	Section 404- Wetland
17	39* 54' 02.54"	105* 04' 52.25"	0.03	Section 404- Wetland
18	39* 54' 11.05"	105* 04' 56.38"	0.20	Section 404- Wetland
19	39* 54' 12.93"	105* 04' 55.87"	0.06	Section 404- Wetland
20	39* 54' 17.13"	105* 05' 04.59"	0.23	Section 404- Wetland
21	39* 54' 44.03"	105* 05' 13.73"	0.14	Section 404- Wetland
22	39* 55' 00.89"	105* 05' 28.78"	0.05	Section 404- Wetland
22A	39* 55' 27.25"	105* 05' 25.73"	0.03	Section 404- Wetland
23	39* 54' 31.06"	105* 05' 08.90"	0.08	Section 404- Wetland
24	39* 54' 49.94"	105* 05' 22.33"	0.05	Section 404- Wetland
25	39* 54' 51.27"	105* 05' 26.22"	0.01	Section 404- Wetland
26	39* 55' 11.31"	105* 06' 03.02"	0.08	Section 404- Wetland
27	39* 55' 17.78"	105* 06' 14.21"	0.10	Section 404- Wetland
28	39* 55' 18.01"	105* 06' 17.10"	0.05	Section 404- Wetland
29	39* 55' 29.13"	105* 06' 39.18"	0.01	Section 404- Wetland
30	39* 55' 39.72"	105* 06' 50.94"	0.20	Section 404- Wetland
31	39* 55' 53.33"	105* 07' 10.03"	0.01	Section 404- Wetland
32	39* 55' 55.73"	105* 07' 10.05"	0.07	Section 404- Wetland
33	39* 55' 38.28"	105* 06' 48.02"	0.03	Section 404- Wetland
35	39* 55' 34.32"	105* 06' 41.64"	0.02	Section 404- Wetland
36	39* 55' 27.56"	105* 06' 33.32"	0.11	Section 404- Wetland

37	39* 55' 28.83"	105* 06' 34.76"	0.12	Section 404- Wetland
38	39* 55' 22.76"	105* 06' 22.75"	0.02	Section 404- Wetland
39	39* 56' 11.16"	105* 07' 42.79"	0.27	Section 404- Wetland
40	39* 56' 10.27"	105* 07' 42.87"	0.04	Section 404- Wetland
41	39* 56' 23.50"	105* 08' 13.17"	0.06	Section 404- Wetland
42	39* 56' 37.38"	105* 08' 35.70"	0.04	Section 404- Wetland
43	39* 56' 50.89"	105* 08' 54.36"	0.31	Section 404- Wetland
44	39* 56' 49.16"	105* 08' 59.53"	0.06	Section 404- Wetland
45	39* 56' 56.16"	105* 09' 08.63"	0.12	Section 404- Wetland
46	39* 57' 19.69"	105* 09' 32.49"	0.56	Section 404- Wetland
47	39* 57' 24.33"	105* 09' 57.97"	0.34	Section 404- Wetland
48	39* 57' 49.81"	105* 10' 47.71"	0.20	Section 404- Wetland
49	39* 57' 52.42"	105* 10' 54.51"	0.01	Section 404- Wetland
51	39* 58' 15.64"	105* 11' 54.71"	0.22	Section 404- Wetland
52	39* 58' 24.42"	105* 12' 15.07"	0.07	Section 404- Wetland
53	39* 58' 29.92"	105* 12' 27.99"	3.72	Section 404- Wetland
54	39* 58' 28.21"	105* 12' 34.52"	0.41	Section 404- Wetland
55	39* 58' 43.98"	105* 12' 45.84"	0.57	Section 404- Wetland
56	39* 58' 41.27"	105* 12' 54.60"	17.16	Section 404- Wetland
57	39* 58' 49.86"	105* 13' 10.11"	0.83	Section 404- Wetland
58	39* 58' 47.15"	105* 13' 10.28"	0.04	Section 404- Wetland
59	39* 58' 52.18"	105* 13' 15.43"	1.67	Section 404- Wetland
60	39* 58' 54.35"	105* 13' 22.69"	20.34	Section 404- Wetland
61	39* 59' 01.90"	105* 13' 48.98"	0.31	Section 404- Wetland
62	39* 59' 08.80"	105* 13' 45.19"	0.08	Section 404- Wetland
63	39* 59' 04.93"	105* 13' 45.08"	0.02	Section 404- Wetland
63A	39* 59' 07.26"	105* 13' 59.41"	0.17	Section 404- Wetland
64	39* 58' 57.09"	105* 13' 39.16"	0.68	Section 404- Wetland
65	39* 50' 58.42"	105* 02' 50.90"	0.03	Section 404- Wetland
66	39* 50' 19.70"	105* 02' 05.50"	0.01	Section 404- Wetland
67	39* 49' 41.71"	104* 59' 01.93"	0.04	Section 404- Wetland
68	39* 58' 27.33"	105* 12' 35.12"	1.14	Section 404- Wetland
69	39* 58' 20.54"	105* 12' 17.31"	3.22	Section 404- Wetland
70	39* 58' 14.76"	105* 11' 59.60"	1.27	Section 404- Wetland
71	39* 57' 24.09"	105* 09' 50.13"	0.03	Section 404- Wetland
72	39* 57' 17.39"	105* 09' 37.04"	0.06	Section 404- Wetland
73	39* 57' 05.45"	105* 09' 20.76"	0.03	Section 404- Wetland
74	39* 56' 52.94"	105* 09' 07.75"	0.07	Section 404- Wetland
75	39* 56' 08.84"	105* 07' 51.12"	4.13	Section 404- Wetland
76	39* 56' 20.98"	105* 08' 18.57"	0.07	Section 404- Wetland
77	39* 56' 10.59"	105* 07' 56.29"	0.02	Section 404- Wetland
78	39* 56' 11.00"	105* 07' 53.55"	0.05	Section 404- Wetland
79	39* 56' 00.76"	105* 07' 29.72"	0.01	Section 404- Wetland

79B	39* 55' 59.07"	105* 07' 38.76"	0.03	Section 404- Wetland
80	39* 55' 38.48"	105* 06' 58.36"	0.25	Section 404- Wetland
81	39* 55' 21.53"	105* 06' 30.50"	0.74	Section 404- Wetland
82	39* 55' 18.44"	105* 06' 26.01"	0.28	Section 404- Wetland
83	39* 55' 07.24"	105* 05' 58.77"	0.03	Section 404- Wetland
84	39* 55' 03.58"	105* 05' 56.11"	0.14	Section 404- Wetland
84B	39* 54' 37.56"	105* 05' 45.00"	0.04	Section 404- Wetland
84C	39* 54' 30.92"	105* 05' 44.68"	0.04	Section 404- Wetland
84D	39* 54' 28.48"	105* 05' 34.81"	0.05	Section 404- Wetland
85	39* 54' 51.13"	105* 05' 29.21"	0.02	Section 404- Wetland
86	39* 54' 35.80"	105* 05' 23.67"	1.05	Section 404- Wetland
87	39* 54' 47.47"	105* 05' 29.64"	0.04	Section 404- Wetland
88	39* 53' 00.16"	105* 04' 05.54"	0.90	Section 404- Wetland
89	39* 52' 55.45"	105* 04' 06.13"	0.12	Section 404- Wetland
90	39* 52' 41.00"	105* 03' 55.81"	0.03	Section 404- Wetland
91	39* 52' 24.82"	105*03' 44.37"	1.64	Section 404- Wetland
92	39* 51' 53.74"	105* 03' 27.45"	0.30	Section 404- Wetland
1-4	39* 59' 12.29"	105* 14' 08.37"	0.06	Section 404- Wetland
1-5	39* 57' 22.21"	105* 09' 58.19"	0.02	Section 404- Wetland
1-6	39* 57' 21.76"	105* 09' 58.07"	<0.01	Section 404- Wetland
TOTAL WETLAND			**69.87**	
2	39* 50' 55.38"	105* 02' 45.23"	<0.01	Section 404- Open Water
4	39* 51' 06.29"	105* 02' 55.21"	0.23	Section 404- Open Water
6	39* 51' 24.09"	105* 03' 28.96"	0.40	Section 404- Open Water
13	39* 52' 12.84"	105* 03' 36.50"	0.19	Section 404- Open Water
16	39* 53' 32.60"	105* 04' 37.94"	0.60	Section 404- Open Water
23	39* 58' 59.05"	105* 13' 43.40"	0.24	Section 404- Open Water
27	39* 55' 17.78"	105* 06' 14.21"	0.14	Section 404- Open Water
34	39* 55' 39.30"	105* 06' 48.08"	0.01	Section 404- Open Water
39	39* 56' 11.75"	105* 07' 47.85"	0.05	Section 404- Open Water
44	39* 56' 48.58"	105* 08' 43.91"	0.10	Section 404- Open Water
45	39* 57' 07.46"	105* 09' 25.22"	0.03	Section 404- Open Water
46	39* 57' 19.29"	105* 09' 32.49"	0.47	Section 404- Open Water
47A	39* 57' 39.27"	105* 10' 32.53"	0.24	Section 404- Open Water
49	39* 57' 52.02"	105* 10' 55.13"	0.03	Section 404- Open Water
50	39* 58' 06.88"	105* 11' 30.88"	0.02	Section 404- Open Water
51	39* 58' 15.64"	105* 11' 54.71"	0.17	Section 404- Open Water
52	39* 58' 25.51"	105* 12' 14.56"	0.14	Section 404- Open Water
53	39* 58' 29.92"	105* 12' 27.99"	0.35	Section 404- Open Water
54	39* 58' 30.95"	105* 12' 39.06"	<0.01	Section 404- Open Water
55	39* 58' 38.16"	105* 12' 44.11"	0.17	Section 404- Open Water

56	39* 58' 36.18"	105* 12' 51.43"	0.14	Section 404- Open Water
57	39* 58' 49.86"	105* 13' 10.11"	0.20	Section 404- Open Water
59	39* 58' 52.18"	105* 13' 15.43"	0.50	Section 404- Open Water
60	39* 59' 02.41"	105* 13' 37.81"	0.15	Section 404- Open Water
61	39* 59' 01.44"	105* 13' 38.53"	0.02	Section 404- Open Water
62	39* 59' 09.61"	105* 14' 04.26"	0.02	Section 404- Open Water
63A	39* 59' 06.51"	105* 14' 00.22"	0.57	Section 404- Open Water
67C	39* 49' 36.53"	104* 59' 22.84"	0.04	Section 404- Open Water
69	39* 58' 20.30"	105* 12' 20.19"	0.06	Section 404- Open Water
70	39* 58' 17.94"	105* 12' 12.83"	0.01	Section 404- Open Water
74	39* 56' 52.94"	105* 09' 07.75"	0.34	Section 404- Open Water
75	39* 56' 08.87"	105* 07' 51.24"	0.50	Section 404- Open Water
76	39* 56' 20.98"	105* 08' 18.57"	0.38	Section 404- Open Water
81	39* 55' 31.19"	105* 06' 48.07"	1.94	Section 404- Open Water
82	39* 55' 14.51"	105* 06' 18.52"	1.29	Section 404- Open Water
84	39* 55' 06.21"	105* 06' 00.22"	0.35	Section 404- Open Water
86	39* 54' 35.80"	105* 05' 23.67"	0.38	Section 404- Open Water
88	39* 53' 00.16"	105* 04' 05.54"	0.42	Section 404- Open Water
90	39* 52' 40.41"	105* 03' 55.08"	<0.01	Section 404- Open Water
TOTAL OPEN WATERS			**10.89**	
TOTAL WATERS OF THE U.S.			**80.76**	

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 S. WADSWORTH BOULEVARD
LITTLETON, COLORADO 80128-6901

May 20, 2009

Jon Chesser
CDOT- Region 6
Planning & Environmental
2000 South Holly Street
Denver, Colorado 80222

RE: U.S. 36 Corridor EIS

Dear Mr. Chesser:

I'm writing this letter in response to a meeting you had on May 12, 2009 with Ms. Margaret Langworthy of my staff, and subsequent discussions I had with Ms. Langworthy. At the meeting, the U.S. 36 Project Team (Team) presented the results of the detailed analysis of alternatives conducted in the Draft EIS.

Through this analysis, a Preferred Alternative, referred to as the Combined Alternative Package (CAP), was developed. At the conclusion of the meeting, the Team requested that the Corps provide concurrence, in accordance with the NEPA/404 Merger Agreement, that the Preferred Alternative appears to be the Least Environmentally Damaging, Practicable Alternative (LEDPA) that meets the project's purpose and need. In response to the Team's request, the Corps concurs that the Preferred Alternative (CAP) appears to be the LEPDA. Our formal determination of it being the LEDPA would occur if a Section 404 permit is issued.

In accordance with the NEPA/404 Merger Agreement, please send a complete permit application to Ms. Langworthy prior to release of the Final EIS, so that the public review period for the Final EIS and the permit application coincide. To allow sufficient time for preparation of the Corps' public notice, the complete application should be received by the Corps two weeks prior to release of the Final EIS.

Thank you for the opportunity to participate in this collaborative effort. If you have any questions, please call me at (303) 979-4120.

Sincerely,

Timothy T. Carey
Chief, Denver Regulatory Office

CF:

Monica Pavlik
Federal Highway Administration
Colorado Federal Aid Division
12300 W. Dakota Avenue, Suite 180
Lakewood, Colorado 80228

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Region 6
Planning & Environmental
2000 South Holly Street
Denver, CO 80222
303-757-9372; FAX: 303-757-9907

DEPARTMENT OF TRANSPORTATION

Mr. Tim Carey
U.S. Army Corps of Engineers
Denver Regulatory Office
9307 South Wadsworth Blvd
Littleton, CO 80128

August 31, 2009

Re: US36 Corridor FEIS
NEPA/404 Merger Process and Section 404 Permit

Dear Mr. Carey:

The Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) are currently in the process of preparing the US36 Corridor Final Environmental Impact Statement (FEIS). The EIS has been following the 2004 NEPA/404 Merger Process (Merger) from the beginning of the project, and obtained U.S. Army Corps of Engineers (USACE) approval on Concurrence Points 1 (Purpose and Need) and 2 (Alternatives to be Evaluated) in a letter dated January 9, 2006. According to the Merger, USACE approval of Concurrence Points 3 (Preferred Alternative) and 4 (Compensatory Mitigation) is provided through issuing the section 404 permit for the project. However, the USACE has determined that the mitigation plan provided in the FEIS does not meet the requirements of the Compensatory Mitigation for Losses of Aquatic Resources Final Rule (Final Rule), and therefore the USACE cannot issue a section 404 permit on the same timeline as the US 36 FEIS.

Based on this determination, CDOT, FHWA and USACE worked together to develop a process that would allow the US36 FEIS to be completed without applying for a section 404 permit with the issuance of the FEIS. For this project, where the compensatory mitigation plan provided in the FEIS does not satisfy the requirements of the Final Rule, a diversion from the Merger process is necessary. CDOT, FHWA and USACE have all agreed that the best approach for the US36 Corridor Project is to apply for a section 404 permit when the final mitigation plan satisfies the requirements of the Final Rule. This diversion from the Merger will allow CDOT and FHWA adequate time to develop the final mitigation plan for all jurisdictional waters of the U.S. impacted by the Preferred Alternative. CDOT and FHWA will apply for a section 404 Individual Permit for the Preferred Alternative after the FEIS is completed and likely after a Record of Decision (ROD) is signed, but before any jurisdictional waters of the U.S. are impacted from construction of the Preferred Alternative. As individual projects are funded and constructed over time, the section 404 permit will be amended to reflect the actual impacts.

CDOT and FHWA hereby request your concurrence with the process outlined in this letter that would allow the US36 Corridor Project to divert from the NEPA/404 Merger Process and

postpone the application for a section 404 permit. CDOT and FHWA agree and understand that a separate public comment period will be necessary after the section 404 permit application is submitted to the USACE. CDOT and FHWA have provided signed concurrence with this process and request your signature in the space provided below. If you have any questions regarding the content of this letter or the project in general, please contact me at (303) 757-9397 or jonathon.chesser@dot.state.co.us, or Jane Hann at (303) 757-9397 or jane.hann@dot.state.co.us. Thank you.

Sincerely,

Jon Chesser

Jon Chesser
CDOT – Region 6
Environmental Project Manager and Biologist

I concur,

for Karla S. Petty Date: 9/1/09
Federal Highway Administration

I concur,

Brad Beckham Date: 9/1/09
Brad Beckham
Colorado Department of Transportation

I concur,

Tim Carey Date: 9/1/09
Tim Carey
U.S. Army Corps of Engineers

Environmental Protection Agency

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 8
999 18TH STREET - SUITE 300
DENVER, CO 80202-2466

December 30, 2003

Ref: 8EPR-N

Donald Cover
Federal Transit Administration
216 16th Street, Suite 650
Denver, CO 80202

William Jones
Federal Highway Administration
Division Administrator, Colorado Division
555 Zang Street, suite 250
Lakewood, Colorado 80228

John Muscatell
Regional Transportation Director
Colorado Department of Transportation
2000 S. Holly
Denver, Colorado 80222

Re: Scoping Comments on the U.S. 36 Transportation Project, Northwest Metropolitan Denver, CO

Dear Messrs. Cover, Jones and Muscatell:

This letter is in response to the Federal Highway Administration (FHWA) and Colorado Department of Transportation's (CDOT) request for scoping comments regarding the Environmental Impact Statement (EIS) for the U.S. 36 Transportation Corridor Project. This project is located in Northwest Metropolitan Denver, covering a corridor approximately 22 miles long.

Enclosed are EPA's detailed scoping comments. These comments are intended to help ensure a comprehensive assessment of the project's environmental impacts, adequate public disclosure, and an informed decision-making process for alternatives selection. We understand that you are well versed in many of these topics but offer a complete letter to provide our input early in the process. We sincerely hope that our scoping comments will be beneficial to you and to the project, and that they will help streamline the process.

Our major concerns with the U.S. 36 transportation project are the indirect and cumulative environmental impacts of the growth along the corridor. We voiced these concerns at the scoping meeting. Based on discussions at the scoping meeting we understand that you intend to address this issue with a potential policy action alternative. We support the continued analysis of this alternative. If you have questions about these comments, please contact me at (303) 312-6004 or Deborah Lebow of my staff at (303) 312-6223.

Thank you in advance for consideration of these comments. We look forward to a continued cooperative working relationship with you.

Sincerely,

(Signed by Wanda Taunton)

Larry Svoboda
Director, NEPA Program
Office of Ecosystems Protection and Remediation

Enclosures (2)

cc: Shaun Cutting, Program Manager, FHWA
Brad Beckham, CDOT HQ
Sandi Kohrs, CDOT Region 6

EPA SCOPING COMMENTS
US 36 Transportation Corridor
Metropolitan Denver, Colorado

Air Quality Impacts

This project is located in the Denver-Boulder metropolitan area, a maintenance area for CO, PM10 and 1-hour ozone, and an area that has recently violated the new 8-hour ozone standard. Therefore, the air quality section of the document is very important and must clearly show that this project will not negatively impact current air quality conditions. There should be a good analysis of current conditions, an estimate of future conditions without this action and future conditions under proposed alternatives. Below are our suggestions for a complete air quality discussion.

Baseline Analysis of Clean Air Act Criteria Pollutants and Conformity

The EIS should establish the baseline air emissions and concentrations of criteria pollutants and air quality status. The following should be considered for inclusion in the document:

$ The pollutants to be evaluated should include carbon monoxide (CO), nitrogen oxides (NOx), volatile organic compounds and hydrocarbons, ozone, particulate matter.

$ Any local and regional monitoring data. Local hot spot monitoring and ambient monitoring projects implemented by the state or local air agencies might also be sources of short or long-term data.

$ Analysis of the Clean Air Act attainment status for CO, PM10, 1-hour ozone, NOx, sulfur dioxide, and PM 2.5 violations. The recent non-attainment status for 8-hour ozone in this project area should be discussed.

$ Any air modeling that has already been completed including urban air-shed modeling and hot spot assessments. Include relevant meteorology, including windrose, that may impact pollutant transport and dust. Describe the model that was used and include a summary of the values used for the model input parameters.

$ A complete inventory of mobile source emissions in the area of the project as well as a cumulative impacts analysis that accounts for both mobile and stationary sources. Recent mobile source estimates may be found in local and regional transportation plans or in a conformity determination. The estimates should include fugitive or re-entrained road dust.

Hazardous Air Pollutants

Recent studies are showing a variety of health-related effects near high traffic areas. Hazardous Air Pollutants (HAPS) are those pollutants known or suspected to cause cancer or other serious health or environmental effects. Section 112(b)(1) of the Clean Air Act established

the list of HAPs. There are currently 188 HAPs. In a rulemaking published on March 29, 2001, EPA identified a subset of 21 mobile source air toxics (MSATs), a subset of the 188 HAPs with the addition of diesel PM and exhaust organic gases.

EPA recognizes that the methods and procedures for assessing the environmental impact of MSATs may be new to many parties working on transportation projects through the NEPA process. Policies, procedures, and methods for assessing MSATs in NEPA documents are still being developed. Although regulatory standards for MSATs have not been set there is substantial information on impacts that can be ascertained from emissions and concentrations data and estimates.

The level of analysis of MSATs is most appropriately determined on a case-by-case basis, recognizing that each project has unique characteristics. The impact of a proposed project should be analyzed appropriate to its significance, paying particular attention to providing information that can be of use to the decision-maker and that meets the needs of public disclosure. The analysis should not be expected to be the same in either content or specificity for every project.

For this project, we suggest that a general discussion of air toxics along with an emissions inventory and estimated concentrations of the MSATs of concern be included in the EIS. For purposes of comparison, it will be useful to determine whether future conditions will be worse than baseline conditions, and whether one alternative is far worse than another, and what that might mean.

Analysis of all air pollutant impacts for the alternatives

Mobile source emissions should be estimated using EPA's Mobile 6.2 emissions model and EPA's Compilation of Air Pollutant Emission Factors, also known as AP-42. The emissions and air quality impacts associated with each alternative including the no build scenario should be estimated and should include:

- $ The vehicle miles traveled (VMT) from the best available travel models for the traffic and travel patterns estimated for the future transportation system under all build and no-build scenarios;
- $ All pollutants mentioned above including MSATs and road dust;
- $ Analysis, where appropriate, of CO and PM10 using hot spot and ambient modeling methods. Particulate hot spots can be analyzed using several models including CAL3QHC;
- $ Construction impacts for each alternative. Construction impacts include the equipment exhaust and dust created by construction equipment. (See also the Maintenance and Construction Impacts Section, below).

Conformity Analysis

Because this project is located in a maintenance area for CO, PM10, and 1-hour ozone and the area has recently violated the new 8-hour ozone standard, it is necessary to demonstrate conformity with the SIP.

- $ The project must be part of a conforming transportation plan and Transportation

Improvement Program (TIP) before an EIS or EA can be finalized. The EIS should assess and discuss whether the project meets this criteria.

- $ The project concept and scope in the EIS must not be significantly different from the project analyzed in the plan and TIP. This should be discussed in the EIS.
- $ If the conformity analysis was completed in another document, ensure that the latest planning assumption and models were used.
- $ For the purpose of conformity, complete CO and PM area hot spot analysis is required (40 CFR sections 93.116 and 93.123).

Possible mitigation of impacts

- $ We suggest that you consider all the possible methods and techniques that might be employed to mitigate the negative impacts of the project on air quality. Where possible, estimate the air emission reduction for various mitigation measures.

- $ Mitigation of construction impacts should be fully considered. Mitigation methods include dust suppression using emulsion solutions and temporary paved or aggregate road base, diesel oxidation catalysts on engine exhaust, ultra low sulfur diesel fuel, biodiesel, engine idling time-limits, use of modern low emission equipment. A list of suggested practices is attached.

Hazardous Waste/Superfund

The analysis should include a list of potentially affected hazardous waste sites, and mitigation measures to ensure avoidance of hydrologic and other disturbances at these sites. If any underground storage tanks are found in the proposed right-of-way, CDPHE should be notified. A contingency plan on finding unidentified petroleum and hazardous substances should be in place.

Water Quality

As you know, highway construction and completed highway projects can result in increased surface water runoff, stream channel alternation, alteration in hydrology, wetland modification and other water quality-related problems. This project crosses over several streams that are in the South Platte drainage system. Degradation and depletion of the South Platte River are major issues and we suggest looking at the impacts on a watershed scale and addressing these water quality issues accordingly. The question to be answered is whether this project contributes to those overarching impacts. In addition, the water quality section of this EIS should:

- $ Present Colorado water quality standards applicable to the affected water bodies to provide a basis for determining whether beneficial uses will be protected and water quality standards met;
- $ List water bodies within the analysis area and the designated uses of the affected waters. Identifying affected watersheds on maps of various alternatives helps convey their relationship to the project;
- $ Clearly demonstrate that project implementation will comply with Colorado water quality standards.

Below is a list of what would be included in a very complete water quality analysis. All of this information may not be appropriate for this project:

$ Baseline water quality data to provide a comparison between projected conditions and current conditions. This can include baseline data on:
  < temperature,
  < turbidity (as an indicator of sediment loading),
  < channel morphological conditions,
  < the existence of any known point or non-point pollution sources or other problems including nutrients, pesticides and metals, or other toxic substances,
  < aquatic species and the condition and productivity of that habitat,
  < the occurrence of aquatic species of concern, e.g., listed threatened and endangered species, state species of concern.

  The assessment should reveal what data are available, gaps in the data, and the reliability of that information. Particular attention should be given to fisheries spawning and rearing habitat.

$ The extent to which the physical aquatic habitat could be impaired by project activities, including effects on stream structure and channel stability, streambed substrate including seasonal and spawning habits, streambank vegetation and riparian habitats. The analysis should disclose whether the project will cause any reductions in habitat capability or impair designated uses. Other information relevant to the analysis, such as aquatic species habitat and condition and productivity of that habitat should also be included. Particular attention should be directed at evaluating and disclosing aggregate effects of increased levels of sediment, salts and metals.

$ A forecast of future conditions for each of the alternatives considered in the document. The forecast should track the baseline data points of concern.

$ A description of best management practices (BMPs) to be used to assure that water quality will not be impaired.

$ A monitoring program to be used for determining the effects of the project on water quality and the aquatic environment.

$ Thresholds for adaptive management, i.e., a description of what will trigger a change in the BMPs if monitoring data shows that water quality is being impaired by the highway project.

Storm Water Runoff

Storm water discharges associated with highway construction are an industrial activity according to federal storm water regulations (40 CFR section 122.6). Highway construction

projects must obtain a pollution discharge permit for storm water if construction activities will disturb more than one acre of land. Construction activities may be covered by a general pollution discharge permit rather than an individual permit. If a storm water permit is required, on-site notification must be posted along with a pollution prevention plan.

Normal highway runoff contains contaminants which could affect surface and ground water quality. The EIS should characterize the current quality of streams and ground water resources in the vicinity of the project, as well as the quality of the anticipated highway runoff. Copper, lead and zinc at a minimum should be addressed. Existing water quality impairments or effluent limitations should be considered so that the storm water runoff related to both construction and post-construction does not cause or contribute to a problem with water quality standards. BMPs for collecting and treating storm water during construction and post-construction as required in state and federal pollution discharge permits should be outlined in the EIS. *The EIS should include an estimate of increased storm water flows from impervious surfaces for each alternative and should address the potential effects of these increased flows to adjacent receiving waters.* We suggest using the Driscoll model for these estimates and for the impact the runoff will have on receiving waters. EPA and FHWA are currently working with the Driscoll model to ensure that it is appropriate for use in Colorado. We also suggest looking at the water quality analysis done for Highway 9, Frisco to Breckenridge, Colorado, as an example.

Provisions for hazardous waste containment in case of a spill, and means of collection and treatment of storm water runoff both during and after construction, should also be included.

Although this project falls under a State rather than an EPA permit, EPA requires a sediment basin during construction where one outfall drains ten or more acres. Flow attenuation devices or sediment basins during construction, therefore, are suggested but not required. Regional stormwater detention facilities may be used as a BMP for reducing sediment loading provided that the proper authority and/or permissions are obtained so those facilities can be maintained in a condition necessary to provide adequate sediment removal efficiency.

Wetlands/Waters of the U.S.

Road construction clearing and earthwork generally includes sedimentation and hydrologic impacts which may cause changes to surface and subsurface drainage patterns and, ultimately, wetland integrity and function. Wetlands are significant environmental resources that have experienced severe cumulative losses nationally. We do not know the extent of wetland impacts from this project. We are nevertheless including this information so that this scoping letter is complete.

The document should describe:

- $ Existing wetlands within the analysis area (the analysis area is the landscape or watershed perspective, larger than the project area)
- $ Wetland acreage, type, ecological function, and how both acreage and function will be

protected;

- $ A thorough analysis of alternatives to avoid and minimize wetland and aquatic resource habitat impacts to assure consistency with the 404(b)(1) Guidelines;
- $ Indirect impacts on wetlands, in terms of how the direct impacts of the highway will impact the adjacent wetlands and upland hydrology and habitat;
- $ Indirect impacts to wetlands from induced development (this may be addressed elsewhere in the document, e.g., in the land use section); and
- $ A clear description of direct, indirect and cumulative adverse impacts to wetlands from all project activities and an explanation of how the direct and indirect impacts, if they cannot be avoided, will be mitigated.

Avoidance of wetland losses is a primary requirement of the Clean Water Act Section 404(b)(1) Guidelines. The U.S. Army Corps of Engineers (Corps) and the EPA through their Mitigation Memorandum of Agreement state that they will "strive to avoid adverse impacts and offset unavoidable adverse impacts to existing aquatic resources, and for wetlands, will strive to achieve a goal of no overall net loss of values and functions." Avoidance is required before mitigation will be considered. In addition, where applicable, the discussion must address the rebuttable presumption that there are less damaging upland alternatives.

The section 404(b)(1) guidelines provide the substantive environmental criteria for protecting waters of the U.S. The 404(b)(1) Guidelines , the Corps and EPA 404 staff should be consulted for specific guidance on the scope of avoidance and minimization alternatives that need to be addressed. We recommend coordination with the Corps and other resource agencies *when developing alternatives* to determine whether impacts to wetlands can be eliminated or reduced. The document should include a discussion that informs the public of the potential requirement of a section 404 permit for any discharge of dredged or fill material into Waters of the United States, including wetlands.

We encourage you to conduct the 404 permit process concurrently with the NEPA process, and recommend that a draft 404(b) (1) analysis be prepared for the preferred alternative and appended to the NEPA document. The least damaging practicable alternative should be addressed in the document. This will help ensure that 404 regulatory requirements are properly integrated into the NEPA process as directed by the CEQ regulations (40 CFR 1500(c)). A separate meeting on the wetlands permitting options should be held with EPA and the Corps, FWS and other interested agencies.

Vegetation and Wildlife

The environmental document should include information on the current quality and capacity of the relevant habitat, usage by wildlife near the proposed project, and impacts upon known wildlife corridors/trails and habitat fragmentation. When evaluating wildlife impacts, include the impacts on migratory birds and invasive plant species. Existing wildlife mortality should be disclosed, if known. The document should evaluate the increased mortality from higher traffic levels, habitat removal, reduced access to available habitat and habitat fragmentation, effects on biodiversity, and estimated reductions in impact from mitigation. We

recommend the use of GIS habitat fragmentation map series to visually depict the footprint and zone of influence for each alternative and reasonably-foreseeable build-out scenarios. In addition, information on how invasive species will be handled would be appropriate.

Threatened and Endangered Species

We are not including information in this letter on threatened and endangered species other than to emphasize that the EIS should include the Biological Assessment and the associated U.S. Fish and Wildlife Service (FWS) Biological Opinion or formal concurrence.

Maintenance and Construction Impacts

Maintenance and construction activities can have significant air and water quality impacts. This project area is a maintenance area for all criteria pollutants except ozone, and has recently violated the new 8-hour ozone standard. If it is not already required in the SIP, we encourage you to estimate the worst-case daily emissions associated with each construction phase of the project and take action accordingly. Air quality impacts during construction are potentially significant, and construction periods can last quite a few years. We are enclosing examples of mitigation for air pollution during construction that you can require of your contractors. We suggest that you incorporate whichever of these make sense for this project in the EIS.

In addition, to minimize water quality impacts, properly staging construction activities so that there is a manageable amount of exposed soils at any given time, is encouraged. If construction activities cannot be staged and/or stormwater runoff cannot be effectively treated to remove sediment during construction, steep slopes and exposed soils should be stabilized to minimize sediment transport to local water bodies and to reduce the risk of localized flooding in roadways. Recommended slope stabilization techniques may include but are not limited to the use of erosion control blankets and soil binding polymers.

Road standards and design have a major effect on scheduled and unscheduled maintenance needs. Scheduled maintenance, such as ditch cleaning and disposal of debris generated from sanding, as well as anticipated but unscheduled maintenance of debris from slumps, should be analyzed and planned for during the design phase of construction and reconstruction projects.

Past practices of sidecasting material over the shoulder, filling depressions and widening shoulders have an adverse effect on wetlands and riparian areas, and should be addressed.

Winter maintenance often results in the introduction of sediment and salt, either directly or indirectly into streams and associated riparian and wetland resources. These maintenance activities are more a matter of long-term indirect and cumulative effects, and should be analyzed accordingly. Snow plowing subsequent to sanding moves sand and salt off the roadbed to adjacent storm sewers and ditches. It then migrates until deposited in streams or forms a carpet on flat ground. Where winter maintenance may affect wetlands, riparian areas or water quality, the effects should be disclosed in the NEPA document. This discussion should include steps

taken to minimize and mitigate unavoidable effects on waters of the U.S.

Environmental Justice

We are including here the questions EPA will ask when reviewing this document's environmental justice analysis. These questions come from *EPA Guidance for Consideration of Environmental Justice in Clean Air Act Section 309 Reviews*, dated July, 1999.

- $ Were the minority characteristics of potentially affected communities identified?
- $ Were the relevant economic indicators (e.g., average median income) of the potentially affected populations identified?
- $ Were potential environmental impacts to minority populations or low-income populations identified?
- $ What effort was made by the Federal Agency to secure input and participation from potentially impacted minority and/or low income communities?
- $ Are impacts to the minority populations and low-income populations disproportionately high and adverse compared to the general population or a comparison group; and
- $ If disproportionately high and adverse impact to minority and low income population is identified, can those impacts be mitigated?

Pollution Prevention

Section 6602 of the Pollution Prevention Act of 1990 established that as a national priority:

- $ Pollution should be prevented or reduced at the source whenever feasible;
- $ Pollution that cannot be prevented should be recycled in an environmentally safe manner whenever feasible;
- $ Pollution that cannot be prevented or recycled should be treated in an environmentally safe manner whenever feasible;
- $ Disposal or other release into the environment should be employed as a last resort and should be conducted in an environmentally safe manner.

We raise this issue here in a general manner. Pollution prevention should be evaluated at each level of highway construction, maintenance and operation to reduce waste streams and reduce use of toxic substances.

Pollution prevention is a voluntary program. Through pollution prevention efforts, agencies and private companies have been able to reduce or eliminate groups of pollutants, save money, and reduce regulatory requirements. The EPA Pollution Prevention Program can help with information on new ideas and technology. Please contact John Brink at (303) 312-6498.

Indirect and Cumulative Impacts of Growth

The indirect impacts from the induced growth that may occur because of transportation improvements, both highway and transit, in this corridor will need to be addressed, as well as the cumulative environmental impacts from potential growth in this area. Despite the fact that population in this corridor seems to be stabilizing, transit options in particular may induce

growth in and around transit stops. The end of the transit corridor in particular will be of concern for potential environmental impacts, as well as impacts on feeder routes. A comparison of alternatives with reasonably foreseeable growth patterns should be included, and their impacts addressed. Environmental criteria that may be important to consider include:

- $ Differences in vehicle miles traveled (VMT) translating into air quality improvements;
- $ Differences in open space translating into habitat preserved;
- $ Floodplain, wetland and riparian areas preserved or avoided, through sustainable development analysis;
- $ Amount of impervious surface per alternative, translating into water quality impacts; and
- $ Infrastructure costs, translating into waste water and drinking water investments, and economic impacts.

The land use section may be the appropriate place to document the actual environmental impacts of any induced and cumulative growth. In most EISs we see a good summary of what will happen to the land use in the area, e.g., how many acres will be converted from farmland, but we do not see those changes translated into environmental impacts, e.g., acres of wetlands lost or increased stormwater flow due to increased impervious surfaces. We would like to see that done here. Land conversion changes the ecosystem through paving, fragmenting and increased human activity, all of which invariably change the natural processes and bring non-native species to the area. The document should analyze these potential impacts, rather than just reporting acreage potentially changed.

The initial alternatives list includes policy action with the example of land use. We are very happy to see that addressed early on in the process. We understand that land use decisions are not FHWA, FTA or UDOT's decisions to make. However, if alternatives with land use components that reduce the environmental impacts of the expected growth on air, water, habitat fragmentation, etc, require actions by local responsible entities, those actions should be addressed in the document through agreements, plans, or some process outlining how those actions will come about.

Mitigation

The mitigation proposals in this EIS should have enough detail to allow the reader to determine how the mitigation will be implemented, where it will be implemented, and whether it will be effective. The attached list of suggested mitigation measures for air quality could help fulfill these requirements.

Mitigation not within the jurisdiction of the lead agency can also be included in the document with the discussion of implementation (i.e., how, who, when). This is particularly relevant to land use solutions to transportation impacts.

Monitoring

The EIS should include a discussion of and a commitment to monitoring for each

resource category determined to be significant. A properly designed monitoring plan will demonstrate how well the preferred alternative resolves the identified issues and concerns by measuring the effectiveness of the mitigation measures in controlling or minimizing adverse effects.

The EIS should include a feedback mechanism which can compare baseline data with monitoring results to ensure that mitigation strategies will improve in the future and that unforeseen adverse effects are identified and minimized. To be effective, the design of the monitoring program should:

$ Ensure State objectives and standards are met;
$ Provide a mechanism to initiate additional measures if needed to meet State standards and goals;
$ Evaluate the effectiveness of the BMPs utilized in the project;
$ Evaluate the accuracy of estimates made in the analysis; and
$ Provide a feedback mechanism for future projects.

Purpose and Need

The purposes for this project discussed at the scoping meeting were reducing congestion and travel times, upgrading facilities for safety, supporting infrastructure investments, and improving regional connections and mobility. This is a long list of purposes to support and may make this a complicated document to review.

To meet the purpose of reducing congestion, we are assuming you will analyze as many of the transportation demand and supply management actions as are feasible, but mention it here to let you know that we believe these to be important activities in reducing congestion and demand. These additions to alternatives can reduce air pollution and have positive affects on other environmental impacts as well.

Alternatives

It is important to address different interchange locations and transit stations when looking at alternatives for their differing impacts. Often, different locations will have significantly different impacts, particularly indirect impacts, so we encourage you to have an array of options that are sufficiently different to compare.

Attachment

Possible Mitigation Strategies for Air Quality Highway Projects

Construction phase - requirements which can be included in construction contracts

$ Construction vehicles (source of air toxics):
$ Require that construction vehicles meet EPA's most recent standards for new onroad and nonroad diesel engines
$ Require Best Available Control Technology (BACT) on all construction vehicle diesel engines (e.g., diesel particulate filters/traps, oxidizing soot filters, catalytic oxidizers, and other feasible control devices that become available to limit or prevent exhaust emissions)
$ Require diesel retrofit of construction vehicle engines as appropriate
$ Use alternatives in engines and/or diesel fuels e.g., engines using fuel cell technology; electric engines; engines using liquified or compressed natural gas; diesel engines fueled with biodiesel or ultra-low sulfur fuel; fuel onsite equipment with lower sulfur highway diesel instead of nonroad diesel fuel
$ Require heavy duty construction vehicle fleet owners in nonattainment areas to participate in EPA's Clean Fuel Vehicle Fleet Program to gradually increase the percentage of low emission vehicles in their fleets, meet specified federal emission standards for low emission vehicles, and power such vehicles by clean diesel, natural gas, propane, ethanol, methanol or electricity
$ Prohibit excessive idling by setting an idling time limit and training employees on requirements (must be in compliance with local municipality's anti-idling regulations; go beyond local requirements if circumstances warrant). Install engine preheater devices to eliminate unnecessary idling.
$ Prohibit tampering with equipment to increase horsepower or to defeat emission control device effectiveness
$ Require construction vehicle engines to be properly tuned and maintained
$ Use construction vehicles with minimum practical engine size for the intended job

$ Construction site logistics:
$ Route diesel truck traffic to and from the construction site away from communities and schools
$ Minimize construction-related traffic trips through appropriate policies, implementation measures, and employee education

$ Construction materials - must meet Architectural Coating Standards for VOCs (since many VOCs are air toxics) - see 63 FR 48848, 9/11/98. There are standards for the following compounds used in road construction:
$ Compounds for concrete curing, concrete curing and sealing, concrete protective coatings, and concrete surface retarders

- $ Bituminous coating and mastic compounds for asphalt pavement sealing
- $ Traffic marking coatings (for line painting)
- $ Zone marking coatings (for driveway lines, parking lots, sidewalks & curbs)

- $ Construction planning:
- $ Plan for operation needs to reduce emissions, such as high occupancy vehicle (HOV) lane, bike lane, other operation needs (see below)
- $ Adopt a "Construction Emissions Mitigation Plan (CEMP)" to ensure that procedures for implementation of mitigation measures are adequately defined
- $ Consult with appropriate Air Quality Management District for existing applicable requirements (e.g., requirements of the State Implementation Plan) at beginning of project; continue periodic consultation throughout construction phase to determine if additional air quality mitigation for criteria air pollutants and/or air toxics is warranted; undertake any necessary additional air quality mitigation in an expeditious manner

Operation phase - include appropriate stakeholders and government entities - ensure that construction phase addresses these needs where necessary

- $ Transportation planning strategies as appropriate to promote:
- $ Transportation control measures such as employer-subsidized transit passes, telecommuting, work schedule changes, compressed work week, rideshare, parking management (e.g., reduced rates for carpools; parking cash out programs to "buy-out" employee parking spaces), roadway toll/congestion pricing (i.e., higher tolls for peak hours/solo drivers)
- $ Intelligent transportation systems
- $ Biking and walking alternatives, which include needs for infrastructure (paved shoulders, adjacent paths, pedestrian- and bicycle-friendly intersections, bike parking and lockers), local transportation district support (to address logistics of bikes on buses, light-rail, etc.), and employer support (such as incentives for biking or walking, provision of showers/lockers, participation in EPA's Commuter Choice Program, see www.commuterchoice.gov)
- $ Public education regarding personal vehicle choice and use, e.g., the benefits of high fuel efficiency/low emissions models, proper engine tuning and maintenance, proper tire pressure, avoiding idling, limiting and combining trips

Possible Mitigation Strategies for Air Quality (Particulates-Related) Highway Projects

Construction site:

- $ Require permits with time and weather conditions if open burning to clear right-of-way
- $ Require dust suppression measures on all unpaved work areas, haul out roads, borrow and waste sites, including use of dust suppressant solutions, temporary pavement, aggregate road base, and/or temporary seeding
- $ Require procedures for loading and covering haul trucks to minimize track.out and material spills in transit
- $ Require frequent cleaning of paved roadway and paving access points

Maintenance phase

- $ Comply with existing sanding/de-icer/street sweeping requirements in local ordinances or the applicable State Implementation Plan
- $ Develop sanding program that specifies: (1) sanding material size that will minimize re-entrainment; (2) sanding material testing procedures; (3) record keeping and reporting requirements; and (4) area of application
- $ Institute street sweeping program that specifies frequency, equipment, record keeping and reporting requirements, and area of application

U.S. Fish and Wildlife Service
Colorado Division of Wildlife

URS

February 6, 2004

Mr. Michael Wedemyer
District Wildlife Manager
Colorado Division of Wildlife
6060 Broadway
Denver, CO 80216

Re: Wildlife Resource Information for US 36 Environmental Impact Statement

Dear Mr. Wedemyer:

To comply with the National Environmental Policy Act and the Endangered Species Act, URS Corporation is requesting information on biological resources to for preparation of an EIS for transportation improvements between Denver and Boulder. The Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Colorado Department of Transportation (CDOT) and Regional Transportation District (RTD) are initiating preparation of the EIS for improvements proposed along the US 36 highway corridor and the Burlington Northern Santa Fe railroad corridor. The EIS study area includes portions of the City and County of Denver, Jefferson County, Adams County, Boulder County, and the City and County of Broomfield. A map of the study area is attached.

URS is assembling information to provide a basis for impact assessment and EIS alternatives evaluation. We have already obtained available data from Natural Diversity Information Source (NDIS), such as maps of species' ranges; federal and state-listed threatened and endangered species; applicable county information such as natural resource management plans; the CDOW Conservation Plan for Grassland Species, and Colorado Natural Heritage Program data (CNHP).

URS would like your input on known wildlife habitat or concerns relating to this study area and project. Additionally, we are requesting your assistance in locating additional information such as:

- GIS data of black-tailed prairie dog colonies and raptor nest locations;
- Recreational activities occurring in sensitive wildlife habitats, such as bird watching, wildlife viewing, or fishing;
- Fisheries resources in lakes, rivers, or streams in the EIS project area that is not available on CDOW's website; and
- Other information not available on the internet such as databases or publications pertaining to the project area, as well as your personal knowledge or concerns of issues based on your familiarity with the project area.

Thank you for your assistance. You can reach me directly by phone at 303-740-2793 or via e-mail at Jeffrey_dawson@urscorp.com

Sincerely,

URS Corp
Jeffrey Dawson

Cc: Kim Cornelisse, URS
Tricia Bernhardt, URS

URS Corporation
8181 E. Tufts Avenue
Denver, CO 80237
Tel: 303.694.2770 and 303.740.2600
Fax: 303.694.3946

URS

February 9, 2004

Ms. Claire Solohub
District Wildlife Manager
Colorado Division of Wildlife
6060 Broadway
Denver, CO 80216

Re: Wildlife Resource Information for US 36 Environmental Impact Statement

Dear Ms. Solohub:

To comply with the National Environmental Policy Act and the Endangered Species Act, URS Corporation is requesting information on biological resources to for preparation of an EIS for transportation improvements between Denver and Boulder. The Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Colorado Department of Transportation (CDOT) and Regional Transportation District (RTD) are initiating preparation of the EIS for improvements proposed along the US 36 highway corridor and the Burlington Northern Santa Fe railroad corridor. The EIS study area includes portions of the City and County of Denver, Jefferson County, Adams County, Boulder County, and the City and County of Broomfield. A map of the study area is attached.

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- Recreational activities occurring in sensitive wildlife habitats, such as bird watching, wildlife viewing, or fishing;
- Fisheries resources in lakes, rivers, or streams in the EIS project area that is not available on CDOW's website; and
- Other information not available on the internet such as databases or publications pertaining to the project area, as well as your personal knowledge or concerns of issues based on your familiarity with the project area.

Thank you for your assistance. You can reach me directly by phone at 303-740-2793 or via e-mail at Jeffrey_dawson@urscorp.com

Sincerely,

URS Corp.
Jeffrey Dawson

Cc: Tricia Bernhardt, URS
Kim Cornelisse, URS

URS Corporation
8181 E. Tufts Avenue
Denver, CO 80237
Tel: 303.694.2770 and 303.740.2600
Fax: 303.694.3946

URS

February 9, 2004

Mr. John Koehler
District Wildlife Manager
Colorado Division of Wildlife
6060 Broadway
Denver, CO 80216

Re: Wildlife Resource Information for US 36 Environmental Impact Statement

Dear Mr. Koehler:

To comply with the National Environmental Policy Act and the Endangered Species Act, URS Corporation is requesting information on biological resources to for preparation of an EIS for transportation improvements between Denver and Boulder. The Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Colorado Department of Transportation (CDOT) and Regional Transportation District (RTD) are initiating preparation of the EIS for improvements proposed along the US 36 highway corridor and the Burlington Northern Santa Fe railroad corridor. The EIS study area includes portions of the City and County of Denver, Jefferson County, Adams County, Boulder County, and the City and County of Broomfield. A map of the study area is attached.

URS is assembling information to provide a basis for impact assessment and EIS alternatives evaluation. We have already obtained available data from Natural Diversity Information Source (NDIS), such as maps of species' ranges; federal and state-listed threatened and endangered species; applicable county information such as natural resource management plans; the CDOW Conservation Plan for Grassland Species, and Colorado Natural Heritage Program data (CNHP).

URS would like your input on known wildlife habitat or concerns relating to this study area and project. Additionally, we are requesting your assistance in locating additional information such as:

- GIS data of black-tailed prairie dog colonies and raptor nest locations;
- Recreational activities occurring in sensitive wildlife habitats, such as bird watching, wildlife viewing, or fishing;
- Fisheries resources in lakes, rivers, or streams in the EIS project area that is not available on CDOW's website; and
- Other information not available on the internet such as databases or publications pertaining to the project area, as well as your personal knowledge or concerns of issues based on your familiarity with the project area.

Thank you for your assistance. You can reach me directly by phone at 303-740-2793 or via e-mail at Jeffrey_dawson@urscorp.com

Sincerely,

Jeffrey L Dawson

URS Corp.
Jeffrey Dawson

Cc: Tricia Bernhardt, URS
Kim Cornelisse, URS

URS Corporation
8181 E. Tufts Avenue
Denver, CO 80237
Tel: 303.694.2770 and 303.740.2600
Fax: 303.694.3946

Colorado State University

Knowledge to Go Places

February 24, 2004

Colorado Natural Heritage Program
Colorado State University
8002 Campus Delivery
Fort Collins, Colorado 80523-8002
(970) 491-1309
FAX: (970) 491-3349
www.cnhp.colostate.edu

Jeff Dawson
Senior ecologist
URS
8181 E. Tufts Avenue
Denver, Colorado 80237

Dear Jeff:

The Colorado Natural Heritage Program (CNHP) is in receipt of your request for information regarding the U.S. 36 EIS Study Corridor in the Denver metro area. In response, I have searched our Biological and Conservation Datasystem (BCD) for natural heritage elements (occurrences of significant natural communities and rare, threatened or endangered plants and animals) documented from the vicinity of the area specified in your request, specifically within the boundaries of a study area ArcView shape file provided by URS corporation to CNHP.

The enclosed report describes natural heritage resources known from this area and gives location (by Township, Range, and Section), precision information, and the date of last observation of the element at that location. This report includes elements known to occur within the specified project site, as well as elements known from similar landscapes near the site. Please note that "precision" reflects the resolution of original data. For example, an herbarium record from "4 miles east of Colorado Springs" provides much less spatial information than a topographic map showing the exact location of the occurrence. "Precision" codes of Seconds, Minutes, and General are defined in the footer of the enclosed report.

The report also outlines the status of known elements. We have included status according to Natural Heritage Program methodology and legal status under state and federal statutes. Natural Heritage ranks are standardized across the Heritage Program network, and are assigned for global and state levels of rarity. They range from "1" for critically imperiled or extremely rare elements, to "5" for those that are demonstrably secure.

You may notice that some occurrences do not have sections listed. Those species have been designated as "sensitive" due to their rarity and threats by human activity. Peregrine falcons, for example, are susceptible to human breeders removing falcon eggs from their nests. For these species, CNHP does not normally provide location information beyond township and range. Please contact us should you require more detailed information for sensitive occurrences.

There are several CNHP designated Potential Conservation Areas located within your project area (see enclosed shape files and site profiles). In order to successfully protect populations or occurrences, it is necessary to delineate conservation areas. These conservation areas focus on capturing the ecological processes that are necessary to support the continued existence of a particular element of natural heritage significance. Conservation areas may include a single occurrence of a rare element or a suite of rare elements or significant features.

The goal of the process is to identify a land area that can provide the habitat and ecological processes upon which a particular element or suite of elements depends for their continued existence. The best available knowledge of each species' life history is used in conjunction with information about topographic, geomorphic, and hydrologic features, vegetative cover, as well as current and potential land uses. The proposed boundary does not automatically exclude all activity. It is hypothesized that some activities will cause degradation to the element or the process on which they depend, while others will not. Consideration of specific activities or land use changes proposed within or adjacent to the preliminary conservation planning boundary should be carefully considered and evaluated for their consequences to the element on which the conservation unit is based.

The Colorado Division of Wildlife has legal authority over wildlife in the state. CDOW would therefore be responsible for the evaluation of and final decisions regarding any potential effects a proposed project may have on wildlife. If you would like more specific information regarding these or other vertebrate species in the vicinity of the area of interest, please contact the Colorado Division of Wildlife.

The information contained herein represents the results of a search of Colorado Natural Heritage Program's (CNHP) Biological and Conservation Data System (BCD), and can be used as notice to anticipate possible impacts or identify areas of interest. Care should be taken in interpreting these data. Sensitive elements are currently known from within the proposed project area, and additional, but undocumented, elements may also exist (see enclosed report). Please note that the absence of data for a particular area, species, or habitat does not necessarily mean that these natural heritage resources do not occur on or adjacent to the project site, rather that our files do not currently contain information to document their presence. CNHP information should not replace field studies necessary for more localized planning efforts, especially if impacts to wildlife habitat are possible.

Although every attempt is made to provide the most current and precise information possible, please be aware that some of our sources provide a higher level of accuracy than others, and some interpretation may be required. CNHP's data system is constantly updated and revised. Please contact CNHP for an update or assistance with interpretation of this natural heritage information.

The data contained in the report is the product and property of the Colorado Natural Heritage Program (CNHP), a sponsored program at Colorado State University (CSU). The data contained herein are provided on an as is, as available basis without warranties of any kind, expressed or implied, including (but not limited to) warranties of merchantability, fitness for a particular purpose, and non-infringement. CNHP, CSU and the state of Colorado further expressly disclaim any warranty that the data are error free or current as of the date supplied.

Sincerely,

Michael Menefee
Environmental Review Coordinator

Enc.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:
ES/CO:T&E
Mail Stop 65412

APR 15 2004

Jeff Peterson
Colorado Department of Transportation
4201 E. Arkansas Avenue, Empire Park B-400
Denver, Colorado 80222

Dear Mr. Peterson,

On April 12, 2004, the U.S. Fish and Wildlife Service (Service) received your February 6, 2004, request for a list of Federal endangered and threatened species that may be affected by proposed improvements to US36 highway corridor and the Burlington Northern Santa Fe railroad corridor between Denver and Boulder in Denver, Jefferson, Adams, Boulder, and Broomfield Counties, Colorado. These comments have been prepared under the provisions of the Endangered Species Act of 1973 (Act), as amended (16 U.S.C. 1531 et. seq.).

Following is a list of Federal endangered, threatened, proposed and candidate species for Denver, Jefferson, Adams, Boulder, and Broomfield Counties, which may be used as a basis for determining additional listed species potentially present in the project area. While other species could occur at or visit the project area, endangered or threatened species most likely to be affected include:

Birds:	Whooping crane (*Grus americana*), Endangered
	Least tern, interior population (*Sterna antillarum*), Endangered
	Piping plover (*Charadrius melodus*), Threatened
	Bald eagle (*Haliaeetus leucocephalus*), Threatened
Mammals:	Preble's meadow jumping mouse (*Zapus hudsonius preblei*), Threatened
Fishes:	Pallid sturgeon (*Scaphirhynchus albus*), Endangered
Plants :	Ute ladies-tresses orchid (*Spiranthes diluvialis*), Threatened
	Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*), Threatened

The Service also is interested in the protection of species which are candidates for official listing as threatened or endangered (Federal Register, Vol. 61, No. 40, February 28, 1996). While these species presently have no legal protection under the Act, it is within the spirit of this Act to consider project impacts to potentially sensitive candidate species. It is the intention of the Service to protect these species before human-related activities adversely impact their habitat to a degree that they would need to be listed and, therefore, protected under the Act. Additionally, we wish to make you aware of the presence of Federal candidates should any be proposed or listed prior to the time that all Federal actions related to the project are completed. If any candidate species will be unavoidably impacted, appropriate mitigation should be proposed and discussed with this office.

While the Service has no specific knowledge of the presence of these species within the project area, the following may occur in or visit the project area.

Mammals Black-tailed prairie dog (*Cynomys ludovicianus*)

If the Service can be of further assistance, please contact Alison Deans Michael of this office at (303) 275-2370.

Sincerely,

FOR Susan C. Linner
Colorado Field Supervisor

pc: CDOT (J. Peterson)
Michael

Ref:Alison\H:\My Documents\CDOT 2004\Region 6\US36\US36SppList.wpd

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

MEETING NOTES

Meeting date: June 17, 2004

Personnel present:	Jeff Peterson	CDOT
	Alison Michael	FWS
	Genevieve Hutchinson	RTD
	Kim Cornelisse	URS
	Jeff Dawson	URS

Location: CDOT offices, fourth floor, Empire Park

Purpose: Review Threatened and Endangered Species Issues, Surveys, and Mitigation

Results:

Preble's meadow jumping mouse. The group reviewed each stream and major ditch crossings to determine whether trapping surveys should be conducted. The review was based on past trapping results, location and habitat characteristics The following conclusions were reached:

(1) Jeff Peterson, Alison Michael and Kim Cornelisse will visit Coal Creek (US36 and BNSF crossings), unnamed ditch on Davidson Mesa (US36), Rock Creek (BNSF) and New Dry Creek Ditch (BNSF) to determine whether trapping surveys are warranted. Kim will organize a group trip the week after next.

(2) Preble's meadow jumping mouse are assumed to be present in the South Boulder Creek open space from Davidson Ditch to the Table Mesa Drive Interchange, and trapping surveys will not be required. Alison will check with Anne Ruggles and/or Karen Meaney regarding part trapping results from Davidson Ditch and Goodhue Ditch.

(3) Trapping surveys will not be conducted at all other stream and ditch crossings, because of unsuitable habitat at the sites or in the surrounding areas. URS will document the results of its habitat evaluation with text and photographs.

Ute ladies-tresses orchid. URS will conduct presence/absence surveys of suitable habitat in the project footprint this summer. Negative results (no orchids) within suitable habitat in the South Boulder Creek area does not mean that they are not present, since individual orchids do not appear

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

every year. Ellen Mayo should be contacted regarding potential mitigations. Tom Grant at the Denver Botanic Gardens may be doing a project on experimental propagation of Ute ladies-tresses.

Mitigation for Preble's meadow jumping mouse and Ute ladies-tresses. Wetlands, Preble's meadow jumping mouse, and Ute ladies'-tresses should be mitigated together. 1:1 acreage replacement for Preble's habitat is probably not going to be feasible, and mitigation needs to be creative. The project should consider acquiring an area that represents a gap in habitat protection and upgrading the habitat to restore linkages. Purchase of water rights may be useful because Preble's appear to be more associated with ditches with senior water rights because of the longer period of flow. A partnership with City of Boulder Open Space and Mountain Parks may be possible.

Burrowing owl. Presence/absence surveys are not needed for the EIS. The EIS mitigations should include a requirement that destruction of prairie dog towns occur when burrowing owls are not likely to be present (October to March), and that pre-construction surveys should be conducted (per CDOW protocol) if destruction occurs during the months the owl could be present. If the owls are present, no construction can occur within a specified distance.

Black-tailed prairie dog. Brad Beckham is working with the counties to find re-location sites for the various CDOT projects. If relocation sites are not available, prairie dogs should be donated to raptor rehabilitation or feeding black-footed ferrets.

Rare plants. Known locations should be avoided if possible. New sightings of rare species found during the reconnaissance surveys should be provided to City of Boulder open space and the Natural Heritage Program.

Molluscs. Kim will check with Randy Van Buren on available information for cylindrical papershell.

Wildlife corridors. Both bobcats and badgers have been observed along US36 in the South Boulder Creek open space. Facilities should be improved to facilitate movement of wildlife across/under the road. Since the road will be widened, existing openings under the road should be enlarged to compensate for their increased length. Non-water crossings should be provided.

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
755 Parfet Street, Suite 361
Lakewood, Colorado 80215-5599

IN REPLY REFER TO:
ES/CO: T&E/PMJM/Other/Boulder County
MS 65412 LK

NOV - 9 2004

Mr. Jeff Peterson
Colorado Department of Transportation
4201 E. Arkansas Avenue, Empire Park B-400
Denver, Colorado 80222

Dear Mr. Peterson:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed your October, 2004, Preble's meadow jumping mouse, *Zapus hudsonius preblei* (Preble's) report for proposed transportation improvements to **US36 between Denver and Boulder in Boulder County, Colorado.** The Colorado Department of Transportation (CDOT) and the Regional Transportation District (RTD) are preparing an Environmental Impact Statement (EIS) to analyze the effects of several improvement alternatives on a variety of environmental receptors including Preble's. You assessed 10 riparian crossings along US36 and 21 crossings along the Burlington Northern Santa Fe (BNSF) rail line for their ability to support Preble's. Your assessment found that 23 of the crossings are not suitable for Preble's, 7 of the crossings have either been previously trapped with Preble's occurring there or are in close enough proximity to such sites to presume presence, and one site has no trapping history but contains suitable habitat so will be trapped prior to any construction activities. The Service will be notified of the results of the survey. In addition, consultation with the Service under section 7 of the ESA on the effects of the preferred alternative on those sites where Preble's occurs (i.e., 7 or possibly 8 sites) will be required.

In your report, you note what type of bridge or drainage structure currently exists at many of the sites and the likely change in those structures due to the project. Wildlife use many of the drainages in the South Boulder Creek valley to move from one side of the highway to the other, and we would like to encourage you to consider all wildlife needs when re-designing those structures and improve the permeability of the highway and rail line wherever possible.

Given the project description and your compliance with the survey guidelines, the Service finds your report acceptable and agrees that Preble's are not likely to be adversely affected by your actions at 23 of the 31 sites as described in your report. Actions on the site that result in significant modifications of habitat downstream (for example, through alteration of existing flow regimes, or sedimentation) may be subject to provisions of the ESA. Please note that this clearance is valid for one year from the date of this letter. Should project plans change, this

determination may be reconsidered under the ESA. If the proposed project has not commenced within one year, please contact the Colorado Field Office to request an extension.

If the Service can be of further assistance, please contact Alison Deans Michael at 303 275-2370.

Sincerely,

Susan C. Linner
Colorado Field Supervisor

cc: Michael

Ref: Alison\H:\My Documents\CDOT 2004\Region 1\US36\us36 mouse hab assesses.wpd

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9011

November 22, 2005

Ms. Susan Linner
U.S. Fish and Wildlife Service
Ecological Services
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

Attention: Ms. Alison Michael

Subject: Extension request for Preble's meadow jumping mouse determination for US36 between Denver and Boulder

Dear Ms. Linner:

On November 9, 2004, The US Fish and Wildlife Service (USFWS) issued a letter to the Colorado Department of Transportation (CDOT) in regards to proposed transportation improvements to US 36 between Denver and Boulder in Boulder County, Colorado. CDOT had assessed 10 riparian crossings along US 36 and 21 crossings along the Burlington Northern Sante Fe rail line for their ability to support Preble's meadow jumping mouse (*Zapus hudsonius preblei*) (Preble's). In response to the CDOT report, the FWS agreed that impacts at 23 of the 31 sites may affect, but are not likely to adversely affect Preble's (attached). Seven of the remaining sites have the assumed presence of Preble's and the remaining site will be trapped prior to construction to ascertain the presence or absence of the mouse.

This letter is to request and extension of the FWS determination for an additional year. The project plans have not changed, nor have the conditions of the riparian corridors been appreciably altered in the last year. As outlined in the letter, the FWS will be notified of any trapping results as they occur.

You attention to this matter is appreciated.

Sincerely,

Jeff Peterson
CDOT biologist

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
755 Parfet Street, Suite 361
Lakewood, Colorado 80215

IN REPLY REFER TO:
ES/CO: T&E/PMJM/Other
Mail Stop 65412

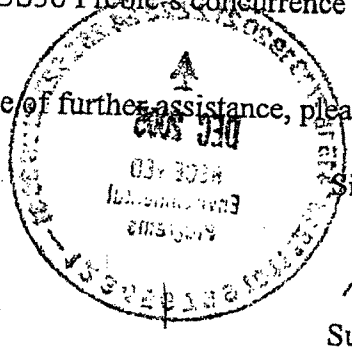
DEC 2 1 2005

Jeff Peterson
Colorado Department of Transportation
4201 East Arkansas Ave., Empire Park B-400
Denver, Colorado 80222

Dear Mr. Peterson:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed your Preble's meadow jumping mouse, *Zapus hudsonius preblei,* (Preble's) report dated October 2004, regarding the effects of widening US36 between Denver and Boulder. On November 9, 2004, we concurred with your findings that 23 of the 31 riparian crossings are not likely to adversely affect Preble's, that Preble's presence could be assumed at 7 of the remaining sites, and that the final site would be trapped prior to project construction.

Because our 2004 Preble's Survey Guidelines state that habitat evaluations are valid for one year, your current (November 22, 2005) letter is requesting an extension of our concurrence based on no new information on the distribution of Preble's and no change in habitat since the original evaluation. Since receipt of your October 2004, report, and our subsequent concurrence with your findings, there have been no changes in the knowledge of the site and an additional assessment will not be necessary at this time. Further, it is our understanding that the US36 project is not likely to take place for several years, and that section 7 consultation will occur on the effects of the preferred alternative at those sites where Preble's occurs. In the interim, it is not necessary to request an extension annually; instead, a request for an update a year or so prior to construction should be sufficient.



If the Service can be of further assistance, please contact Alison Deans Michael at (303) 275-2370.

Sincerely,

Susan C. Linner
Colorado Field Supervisor

pc: CDOT
Michael

Ref:Alison\H:\My Documents\CDOT 2004\Region 6\US36\US36 mouse extension.wpd

U.S. Department
of Transportation
Federal Transit Administration

REGION VIII
Colorado, Montana,
North Dakota,
South Dakota,
Utah, and Wyoming

12300 West Dakota Avenue
Suite 310
Lakewood, Colorado 80228
720-963-3300 (voice)
720-963-3333 (fax)

October 4, 2006

RECEIVED
OCT 9 2006
URS Corp.

Susan C. Linner
Colorado Field Supervisor
U.S. Fish and Wildlife Service
Ecological Services
P.O. Box 25486, DFC (MS 65412)
Denver, Colorado 80225-0486

COPY

RE: Request for Concurrence on 2006 Preble's Meadow Jumping Mouse Habitat Evaluation – US 36 EIS, NH 0361-070

Dear Ms. Linner:

The Colorado Department of Transportation (CDOT) is currently preparing a Programmatic Biological Assessment (PBA) for the US 36 Environmental Impact Statement (EIS) on behalf of the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA). A project vicinity map is attached. The purpose of this letter is to request your concurrence on Preble's meadow jumping mouse (Preble's) habitat determinations made during a June 20, 2006 field review of the South Boulder Creek floodplain. Representatives from your U.S. Fish and Wildlife Service (USFWS) office, CDOT, and URS Corporation attended the field review.

The calculations of impacts to Preble's habitat used in the preliminary US 36 Draft EIS (November 2005) were made using data from the Colorado Division of Wildlife Natural Diversity Information System (NDIS), which has a mapped layer called Preble's "occupied range". This "occupied range" was created by using the standard 100-year floodplain boundary and 300-foot Preble's buffer zones around South Boulder Creek and the major ditches. The resulting map included in the November 2005 preliminary Draft EIS shows most of the area from the Table Mesa Interchange to Davidson Ditch as "occupied habitat", but with islands of non-habitat in several areas in between.

In June 2006, the EIS project management team decided that field surveys by qualified biologists should be conducted to refine Preble's habitat boundaries within the South Boulder Creek floodplain. Better information on habitat boundaries was needed to refine Preble's impacts. The field review participants, including a representative from your office, were unanimous in considering that most of the non-habitat 'island' areas depicted in the NDIS data should be considered as occupied habitat because the areas:

- Are on the floodplain of South Boulder Creek
- Are surrounded and bordered by habitat known to be occupied by Preble's, and
- Consist of relatively undisturbed open space and have vegetative characteristics that make them suitable for at least occasional use by Preble's

As part of the June 20th field review, the field participants also evaluated property along US 36 owned by the University of Colorado (CU), south of the Table Mesa Interchange. This property consists of several small ponds (former borrow pits) and connecting ditches in a matrix of upland grassland and weedy areas, separated from the floodplain by a levee. The field participants agreed that habitat at this location was marginal and isolated from the known and presumed "occupied" Preble's habitat in the open space within the South Boulder Creek floodplain.

On June 27, 2006, Chuck Attardo (CDOT) and Alison Michael (USFWS) reviewed USFWS files for previous Preble's trapping studies conducted on the CU property. Reports of two previous trapping surveys conducted by DA TI MBI in 2000 and 2001 concluded the CU South Campus property is not suitable Preble's habitat. Your office concurred with the results of the DA TI MBI trapping surveys in letters dated September 8, 2000 and February 4, 2002. The habitat remains unchanged on the CU property since your 2002 determination; therefore, we recommend that this area be excluded from the South Boulder Creek floodplain Preble's habitat (see cross-hatched area on the attached Figure 1).

A revised Preble's habitat map was drafted based on the findings of the June 20th field review, the USFWS file search, and past DA TI MBI consultations. The revised habitat map includes the following:

- Preble's habitat that was mapped during the June 20th field review
- Areas excluded as habitat during the 2006 field visit, including the mowed in-field between US 36, the eastbound on-ramp, and the paved surface of the roadway
- Areas considered likely to be non-habitat, west of the levee on CU property.
- Prairie dog colonies, mapped by URS in 2004 and the field visit participants in June 2006, which are not considered Preble's habitat
- For additional habitat information, areas mapped as riparian woodland and shrub by URS in 2004

We request your written concurrence with the conclusions of this Preble's habitat evaluation for the South Boulder Creek floodplain. This evaluation will assist FHWA and FTA by providing a greater range of engineering options, especially near the Table Mesa interchange. Please contact Monica Pavlik, FHWA Senior Operations Engineer, at 720-963-3012 if you need additional information.

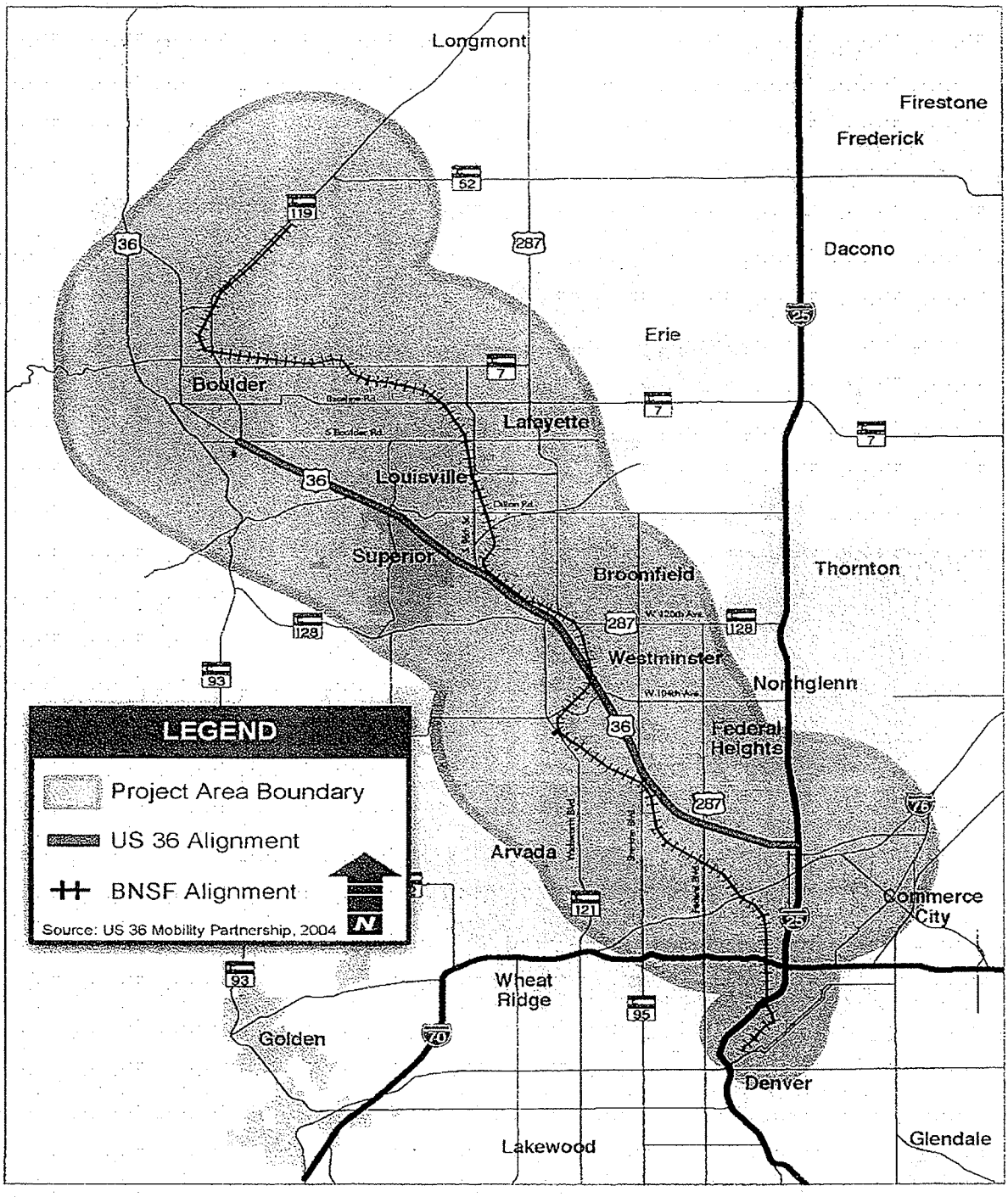
Sincerely,

Lee O. Waddleton
Regional Administrator
Federal Transit Administration

David Nicol
Division Administrator
Federal Highway Administration

KCS
Enclosures

Cc. Sandi Kohrs, CDOT Region 6 Environmental
Dave Shelley, RTD
Rick Pilgrim, URS Corp.
Alison Michael, FWS


Longmont
Firestone
Frederick
Dacono
Erie
Boulder
Lafayette
Louisville
Superior
Broomfield
Thornton
Westminster
Northglenn
Federal Heights
Arvada
Commerce City
Wheat Ridge
Golden
Denver
Lakewood
Glendale
LEGEND
Project Area Boundary
US 36 Alignment
BNSF Alignment
Source: US 36 Mobility Partnership, 2004

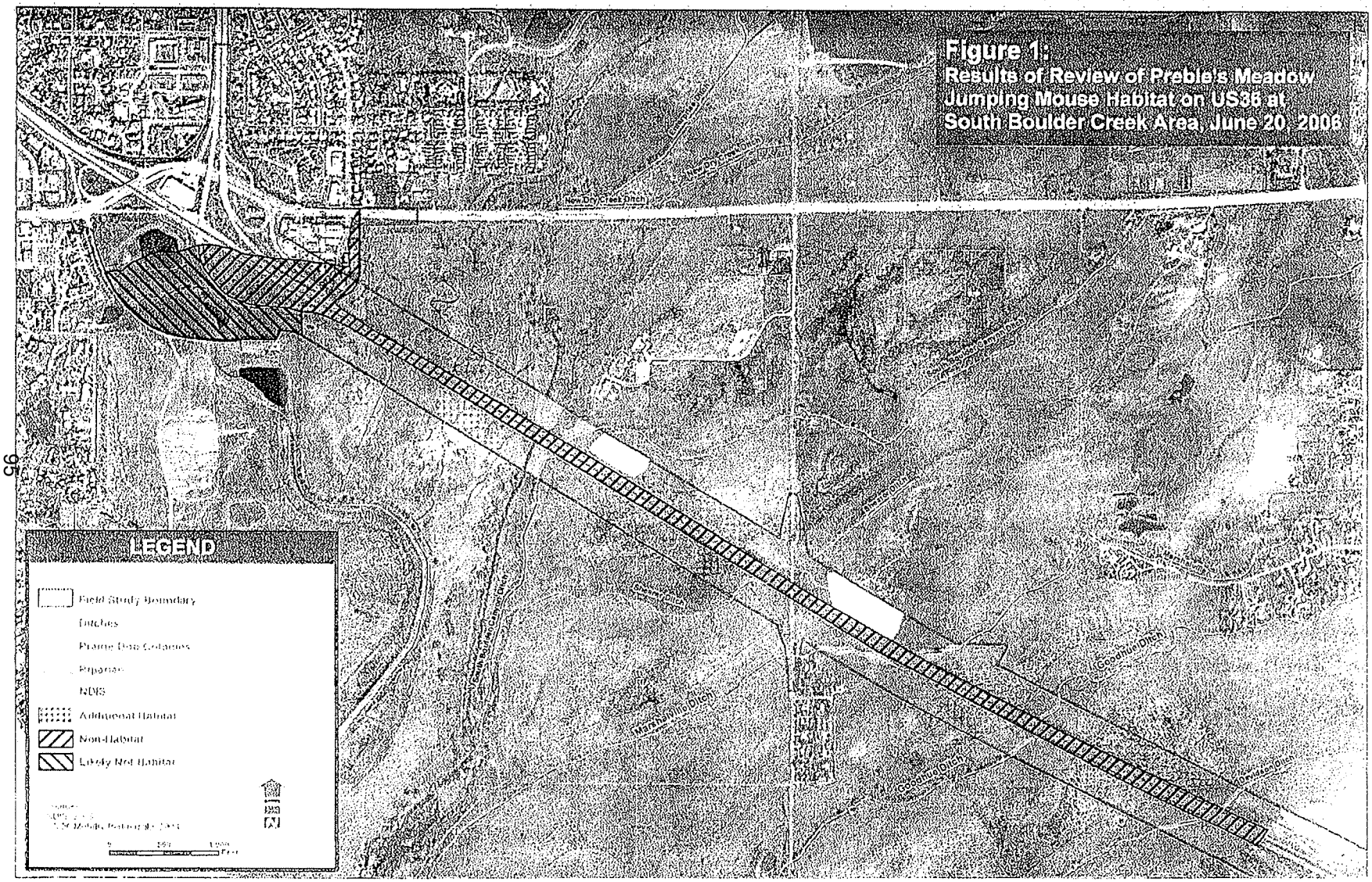


Figure 1:
Results of Review of Preble's Meadow Jumping Mouse Habitat on US36 at South Boulder Creek Area, June 20, 2006

United States Department of the Interior

FISH AND WILDLIFE SERVICE
Ecological Services
Colorado Field Office
P.O. Box 25486, DFC (65412)
Denver, Colorado 80225-0486

IN REPLY REFER TO:
ES/CO: T&E/CDOT
TAILS: 65412-2007-I-0020

OCT 2 6 2006

David Nicol
Division Administrator,
Federal Highway Administration
12300 West Dakota Avenue, Suite 310
Lakewood, Colorado 80228

Dear Mr. Nicol:

On October 10, 2006, the Service received your October 4, 2006, letter requesting our concurrence on a Preble's meadow jumping mouse (*Zapus hudsonius preblei*, Preble's) habitat delineation within the South Boulder Creek floodplain adjacent to US36. The Colorado Department of Transportation (CDOT) is currently preparing a Programmatic Biological Assessment for the US36 Environmental Impact Statement (EIS) on behalf of the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), and delineated the habitat in order to accurately calculate impacts from the project.

We have reviewed the habitat map provided with your letter and agree that the Preble's habitat boundaries it depicts are accurate at this time. Please be aware that habitat conditions may change prior to the commencement of the project and that a re-evaluation may be necessary.

If the Service can be of further assistance, please contact Alison Deans Michael of my staff at 303 236-4758.

Sincerely,

Susan C. Linner
Colorado Field Supervisor

pc: Michael
CDOT (Jeff Peterson, Chuck Attardo)

Ref:H:\My Documents\CDOT 2004\Region 6\US36\Preble's hab OK.doc

Section 106 Consultation

US 36 EIS Section 106 Potential Consulting Party List

Adams County Historical Society
9601 Henderson Rd.
Brighton, CO 80601
Attn: Dixie Pierce

Adams County
Planning and Development Department
ATTN: Historic Preservation Planner/Architectural Historian
450 South Fourth Avenue
Brighton, CO 80601
303.659.2120
800.824.7842 (Colorado only)

Boulder Historical Society
1206 Euclid Ave
Boulder, CO 80302-7224
Nancy Geyer, Executive Director
(303) 449-3464 Phone
(303) 938-8322 Fax
http://www.boulderhistorymuseum.org/

Historic Boulder, Inc.
646 Pearl Street
Boulder, CO 80302
Contact: Margaret Hansen
303.444.5192
Fax: 303.444.5309
http://www.historicboulder.org/

Boulder Landmark Preservation Advisory Board (CLG)
Boulder Planning Department
P.O. Box 791
Boulder, CO 80306
Contact: Bohdy Hedgcock

The City and County of Broomfield
Community Development Department
One Descombes Drive
Broomfield, CO 80020
ATTN: Kevin Standbridge
303.438.6389

Broomfield Depot Museum
2201 W 10th Ave
Broomfield, CO 80020
Peggy (303) 466-3663 or
Mabel (303) 466-9520

Colorado Preservation, Inc.
1900 Wazee Street, Suite 360
Denver, CO 80202
Mark Rodman, Executive Director
303.893.4260 phone
303.893.4333 fax
info@coloradopreservation.org
www.coloradopreservation.org

Denver Landmark Preservation Commission (CLG)
201 West Colfax Avenue
Denver, CO 80202-5304
Contact: Carolyn Erickson

Historic Denver, Inc.
1536 Wynkoop
Suite 400A
Denver, CO 80202
Ira C. Selkowitz, Director of Preservation Services
303-534-5288
Fax: 303-534-5296
http://historicdenver.org/

Louisville Historic Preservation Commission
City Hall
749 Main Street
Louisville CO 80027
Contact: Meredyth Muth

Louisville Historical Museum
1001 Main Street
Louisville, Colorado
303-665-9048

Superior Historic Preservation Commission
124 E. Coal Creek Drive
Superior, CO 80027
Contact: Errol Waligorski
303.499.1657

City of Westminster (address?)
Westminster Area Historical Society & Museum
P. O. Box 492
Westminster, CO 80036-0492
303.430.7929
http://www.ci.westminster.co.us/city/history/whs.htm

Westminster Historic Landmark Board (CLG)
4800 West 92nd Avenue
Westminster, CO 80030
Attn: Joan Carpenter, Director
Note: Already requested consulting party status via mail 8/12/04

National Trust for Historic Preservation
Mountains/Plains Regional Office
535 16th Street, Suite 750
Denver, CO 80202
303-623-1504
FAX 303-623-1508

Boulder County Railroad Historical Society
Attn: Jason Midyette
1936 14th Street
Boulder, CO 80302

Jefferson County Planning and Zoning Department
Attn: Janet Bell, Long Range Planning Coordinator
100 Jefferson County Parkway
Suite 3550
Golden, CO 80419-3550

City of Broomfield Historic Landmark Board
Tonya Haas, Assistant City and County Manager
One Descombes Drive
Broomfield, CO 80020

Colorado Preservation, Inc.
Mark Rodman
333 W. Colfax Avenue
Suite 300
Denver, CO 80202

COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

October 30, 2003

Rick Pilgrim
URS Corporation
8181 East Tufts Avenue
Denver, Colorado 80237

RE: Heritage Tourism

Dear Mr. Pilgrim:

Thanks for your work on the US 36 Corridor project. Enclosed is a copy of The Economic Benefits of Historic Preservation in Colorado that includes a section on heritage tourism commencing on page 16.

Let me know if you desire additional copies.

Very truly yours,

Dan W. Corson
Intergovernmental Services Director
(303) 866-2673
dan.corson@chs.state.co.us

Enclosure

The Economic Benefits of Historic Preservation in Colorado

Prepared for the Colorado Historical Foundation and funded by a State Historical Fund grant from the Colorado Historical Society

U.S. Department
of Transportation

Federal Transit Administration
Region VIII
216 Sixteenth St., Suite 650
Denver, Colorado 80202
(303) 844-3242

Federal Highway Administration
Colorado Division
555 Zang St., Room 250
Lakewood, Colorado 80228
(303) 969-6730

December 23, 2003

Ms. Georgianna Contiguglia
State Historic Preservation Officer
1300 Broadway
Denver, CO 80203

Re: US 36 EIS
Request to Merge Section 106 Process with NEPA Process

Dear Ms. Contiguglia:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT) Region 6 and the Regional Transportation District (RTD), are initiating an Environmental Impact Statement process to cover highway and transit improvements between Denver and Boulder. As a part of this process, pursuant to Section 800.8(c), we would like to request that the State Historic Preservation Officer agree to merge the Section 106 review process with the NEPA process. We anticipate that this will include:

1. Consultation with the SHPO in establishing the area of potential effect
2. Consultation with the SHPO in the identification of historic properties
3. Consultation with the SHPO in the development of alternatives
4. Consultation with the SHPO in the assessment of effects of the undertaking
5. Including Section 106 information in regular NEPA public involvement meetings
6. Once the DEIS and the FEIS are signed, copies will be submitted to the SHPO and Advisory Council for review
7. If there is a finding of adverse effect, any mitigation measures that would typically be found in a Memorandum of Agreement will be included in the Record of Decision.

We foresee the consultation taking the form of active involvement and meetings. Please let us know if you concur with this request. If you have any questions or would like to discuss the project or our agencies respective roles and responsibilities during the preparation of this EIS, please contact Mr. Shaun Cutting at (FHWA), (303) 969-6730 x 369 or Mr. Dave Beckhouse at (FTA), (303) 844-4266.

BUCKLE UP AMERICA

We look forward to working with you on this project.

Sincerely,

William C. Jones
Division Administrator
Federal Highway Administration
Colorado Division

for Lee O. Waddleton
Regional Administrator
Federal Transit Administration
Region VIII

cc: Ms. Lisa Schoch, CDOT EP
Mr. Jeff Wassenaar, CDOT Region 6
Mr. Scott Weeks, RTD

COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

January 9, 2004

William C. Jones
Division Administrator
Federal Highway Administration
Colorado Division
555 Zang Street, Room 250
Lakewood, CO 80228

Lee O. Waddleton
Regional Administrator
Federal Transit Administration
Region VIII
216 Sixteenth Street, Suite 650
Denver, CO 80202

Re: US 36 and North I-25 Front Range Environmental Impact Statements (CHS #42345 and #42346)

Dear Mr. Jones and Mr. Waddleton,

Thank you for your correspondences regarding the North I-25 Front Range EIS process dated December 16, 2004 and the US 36 EIS process dated December 23, 2004.

Our office has reviewed the submitted information and agrees to "merge" the Section 106 and NEPA review processes with the condition that the Section 106 review process be completed before a finding of no significant impact (FONSI) or record of decision (ROD) is issued. Also, please note that we may require an action that can be a categorical exclusion under NEPA to be reviewed under the Section 106 review process.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at 303/866-4678.

Sincerely,

for Georgianna Contiguglia
State Historic Preservation Officer

WESTMINSTER

April 13, 2004

Robert J. Mutaw, PhD
URS Corporation
8181 East Tufts Avenue
Denver, Colorado 80237

City of Westminster
Office of the
City Attorney

4800 West 92nd Avenue
Westminster, Colorado
80031

303-430-2400
FAX 303-650-0158

Richard Starzak
Jessica B. Feldman
Myra L. Frank Jones & Stokes
811 West 7th Street, Suite 800
Los Angeles, California 90017

Re: Archeological and Historic Structure Surveys in U.S. 36 Corridor

Ladies and Gentlemen:

In order to assist you in the development of the Area of Potential Effect (APE) determination in the U.S. 36 corridor EIS, City of Westminster Staff has assembled the following information for your consideration. You can contact me for further information about these sites, or contact Lynn Wodell or Kandi McKay, as indicated below.

Rail Corridor

Reviewing the BNRR corridor from southeast to northwest Westminster, here are sites that may be of interest to your analysis:

Atlas Page	Potential archeological or historical resources
46	There are neighborhood rumors of prehistoric burials in the area around Little Dry Creek just west of Federal Boulevard.
44	The railroad crosses Bradburn, 72nd Avenue and Lowell at the location of the original Harris Park (later Westminster) townsite. Three National Register properties and one locally landmarked building are close to the tracks, including the Bowles House, the Despain School, Union High School, and the Westminster Grange Hall. The former location of the historic Westminster train depot is on the north side of the tracks between Bradburn and Osceola.

Printed on recycled paper

44 There are several historic homes on Bradburn north of 72nd that are close to the railroad corridor.

38 Residential subdivisions > 40 years old

38 Abandoned Niver Canal may have archeological potential. Owned by City of Westminster as open space (contact Open Space Manager Lynn Wodell, 303-430-2400 x2142).

35 Semper townsite. The only remnants include the Semper homestead at the northwest corner of West 92nd Avenue and Pierce Street, and a small 1890s house on the west side of the railroad tracks south of 92nd Avenue. There was a school, roadhouse, general store and railroad loading dock, but the sites of these structures have been substantially disturbed. The school site is the triangular parcel northeast of the tracks and south of 92nd Avenue. A home that was reputedly a roadhouse was on the parcel at the SWC of 92nd and Pierce. The railroad tracks cross Pierce Street, which was the Overland Wagon Road Company wagon road and the Cherokee Trail. Semper was on the Denver & Interurban line and was also a loading dock for farm products.

35 The Farmers Highline Canal (which is currently used) and the Niver Canal (abandoned) cross the railroad tracks. There may be historic irrigation structures on the Niver at this location (contact Open Space Manager Lynn Wodell, 303-430-2400 x2142).

35 Wadsworth Wetlands Irrigation Pond and Old Wood Shed (contact Open Space Manager Lynn Wodell, 303-430-2400 x2142)

30, 32 Mollie Bott log cabin (contact Open Space Manager Lynn Wodell, 303-430-2400 x2142)

30, 32 Church Ranch (contact Kandi McKay for further historic structure information for Atlas Page 32, 303-469-1873)

30, 32 1923 Mandalay schoolhouse; site of original Church's Crossing stage coach stop (contact Kandi McKay for further historic structure information for Atlas Page 32, 303-469-1873)

31, 33 Walnut Creek and Big Dry Creek (Open Space Manager Lynn Wodell is concerned that there may be archeological sites along the creeks, contact her at 303-430-2400 x2142)

32 Historic House on Zephyr Street; The Nature Conservancy Chamber's Preserve with Endangered Plant (contact Open Space Manager Lynn Wodell, 303-430-2400 x2142)

30 City of Westminster open space north of Lower Church Lake (the reservoir is controlled by the City of Thornton) was formerly owned by the Church family and has a brick barn, brick silo and two houses that are over 50 years old

U.S. 36 Corridor

38 Neighborhoods >40 years of age on both sides of the highway. A number of 19th Century homes, including the Harris House at the SEC of Bradburn Boulevard and Turnpike Drive. Bradburn on the east and west sides of US 36 was the Denver & Interurban spur from the Westminster train depot to Westminster University (now Pillar of Fire) on the hill between Lowell and Federal Boulevards.

39 Neighborhoods > 40 years old

40 Neighborhoods > 40 years old

34 The atlas page shows the intersection of the Niver Canal, the Farmers Highline Canal and US 36. The Niver is abandoned and is owned as City open space. Both canals are historic. (Contact Lynn Wodell, 303-430-2400 x2142)

31, 33 Walnut Creek and Big Dry Creek (Open Space Manager Lynn Wodell is concerned that there may be archeological sites along the creeks, contact her at 303-430-2400 x2142)

Very truly yours,

Victoria M. Bunsen, jis

Victoria M. Bunsen
Assistant City Attorney
Staff to Historic Landmark Board, City of Westminster

cc: Amy Pallante, Colorado Historical Society
Joe Saldibar, Colorado Historical Society
Ralph Tahran, Otak
Renee Martinez-Stone, Perspective 3

"Molly E. Barnett" <mbarnett@mediate.com>
06/04/2004 04:22 PM

To: <Tim_Baldwin@URSCORP.COM>, <robert_mutaw@URSCORP.COM>
cc: "Meghana Shah" <mshah@mediate.org>, "Jonathan Bartsch" <jbartsch@mediate.org>
Subject: Historic Harris House in Westminster

Dear Tim and Bob,

At the recent US 36 EIS May Public Workshops, we received a few comments regarding an historic property, the Harris House at 7996 Bradburn Blvd. in Westminster. We are forwarding you these specific comments as an FYI (see below). Please call with any questions. Thanks!

Sincerely,
Molly Barnett
CDR Associates
303-442-7367
mbarnett@mediate.org

"My partners and I own the historic Harris House at 7996 Bradburn Blvd. we are very happy to see that the major part of the highway widening will be to the north in our area. The north side appears to be open fields and should be more condusive to accomodate this. Again, we are very happy to see that this will not adversely affect this historic structure. Thank you."
(DenverAdamsTBL, **Bill Teter**, Westminster Historical Society, Westminster 80030, 5/11/2004)

"Be aware of Bradburn streets' renovation and historic status. If US 36 is widened, widen it to the north between Lowell and 80th."
(DenverAdamsTBL, **Pat McIntire,** Westminster 80030, 5/11/2004)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

June 8, 2004

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Area of Potential Effects and Survey Methodology for US 36 Corridor Environmental Impact Statement (EIS), Denver and Boulder Counties

Dear Ms. Contiguglia:

This letter and the attached documentation constitute the request for concurrence regarding a general Area of Potential Effects (APE) and historic survey methodology associated with the CDOT project referenced above. The information presented in this letter was discussed during a consultation with your staff on March 17, 2004, as specifically discussed below. Since the March meeting some changes to the methodology have occurred, and these modifications are outlined herein.

The project area is an approximately 25-mile long corridor between downtown Denver and Boulder, and includes both road and rail alternatives. The study corridor includes the existing US Highway 36 alignment, the Burlington Northern and Santa Fe (BNSF) rail line, State Highway 157 (Foothills Parkway) in Boulder, and a portion of State Highway 119 northeast of Boulder. The Federal Highway Administration (FHWA), CDOT, and the Regional Transportation District (RTD) are preparing an Environmental Impact Statement (EIS) to identify multi-modal transportation improvements designed to reduce congestion and travel time and provide increased reliability and transportation options for commuters between Boulder and Denver. The EIS study will develop and evaluate alternatives such as highway improvements, Bus Rapid Transit (BRT) and commuter rail transit along the US 36 Corridor. The EIS will consider a range of reasonable alternatives, including no action.

Survey Methodology

On March 17, 2004, representatives from federal, state and local governmental agencies, as well as the US 36 Corridor cultural resources contractor and subcontractor, met at your office to discuss the proposed APE and methodology for the project. The following individuals were in attendance:

Amy Pallante and Joseph Saldibar (OAHP)
Monica Pavlik (Federal Highway Administration)
Carol Duecker (Regional Transportation District)
Everett Shigeta (City and County of Denver)
Vicky Bunsen (City of Westminster)
Ralph Tahran (Otak Inc.)
Robert Mutaw (URS Corporation)
Jessica Feldman and Richard Starzak (Myra Frank/Jones & Stokes)
Robert Autobee (CDOT Environmental Programs Branch)
Sandi Kohrs and Jeff Wassenaar (CDOT Region 6)

The OAHP, FHWA, and CDOT representatives agreed to set the age criterion for historical properties at 40 years, thereby requiring evaluation of historic buildings and structures constructed in the year 1964 or earlier. Regarding methodology, the identification and evaluation of historic buildings and structures will be phased in accordance with 36 CFR 800.4(b)(2) and merged with the National Environmental Policy Act (NEPA) process in accordance with 36 CFR 800.8. Two phases are proposed, as follows:

Phase One:

- Consultation with SHPO on historic property identification, and establishment and mapping of a broad study area (the General APE);
- Records search, field reconnaissance, and research adequate to establish the location of properties that are listed, determined eligible for listing, or likely candidates for listing on the National Register of Historic Places. (These properties will be evaluated on standard OAHP site forms and submitted to SHPO for review and concurrence prior to circulation of the Draft EIS);
- Preliminary research and reconnaissance surveys of properties located within subdivisions built c. 1950 to 1970;
- Preliminary identification of potential effects and mitigation measures for properties listed on, previously determined eligible for, or found eligible to the NRHP;
- Completion of a reconnaissance report for submittal to SHPO.

These activities and the report will be completed before distribution of the Draft EIS. Enclosed for your review are sample maps indicating the general APE for the project as of May 2004.

Phase Two:

- Delineation and detailed mapping of a Project APE in consultation with the SHPO that meets the definition in 36 CFR 800.16(d);
- An intensive-level survey as defined by OAHP guidelines, including the completion of OAHP site forms for historic properties within the APE;
- Determinations of eligibility and effects for historic properties within the APE;
- Development of mitigation measures for adverse effects.

Properties documented in the second phase will result from consultation with the SHPO based on the results of the Phase I survey and analyses prepared for the concurrent NEPA studies, including: engineering drawings, property acquisition, construction, visual and aesthetic and noise and vibration. The final results of the second phase will be completed and submitted to SHPO in a letter before circulation of the Final EIS and concurrence reached prior to the NEPA Record of Decision (ROD).

Archaeological Resources: At the March 17, 2004 meeting, it was agreed that US 36 between Interstate 25 and Federal Boulevard has been intensively developed and the CDOT right-of-way (ROW) totally disturbed. Therefore, an archaeological survey of the ROW along that corridor will not be required; this stipulation also applies to adjacent properties if new ROW is required. The area between Federal and Sheridan Boulevard is similarly developed, but does contain some undisturbed highway ROW that requires survey (again excluding adjacent developed parcels). The area between Sheridan and Table Mesa Road in Boulder will require survey, including the US 36 ROW and all adjacent undeveloped lands extending 400 feet from edge of pavement on each side of the road.

For the railroad ROW, the area from the southern rail terminus in Denver to Burns Junction at the west edge of Broomfield will be surveyed for archaeological remnants of railroad related features as identified through archival research (i.e., historic railroad maps and other sources). From Burns Junction to the

northern rail terminus, the ROW will be systematically surveyed for all types of potential archaeological resources except in those areas where the entire ROW has been previously disturbed by railroad activities. However, these disturbed areas will be inspected in locations where archival research indicates the potential presence of former railroad related features.

If any new ROW is required for curve flattening, enlarging the roadbed, or any other reasons, these areas will be systematically surveyed for archaeological resources. Proposed transit station locations, and locations of other features such as construction staging areas and detention ponds, will be systematically surveyed for archaeological resources.

Architectural and Historical Resources: The proposed Phase I General APE (Study Area) and Phase II Project APE (as defined in 36 CFR 800.16[d]) for architectural and historical resources includes the proposed project limits for both US 36 and the BNSF and each legal parcel of land immediately adjacent to those limits. It also includes proposed transit station locations, park and ride facilities, transfer power substations and locations of other project facilities. Unless otherwise determined by the initial field reconnaissance/constraints analysis, exceptions to this APE include:

- Parcels separated from the proposed project by existing sound walls where NEPA studies indicate there is no potential for increased noise, vibration, or visual effects; and

- Large properties where no land acquisition is required and where buildings and structures on the property are beyond any reasonable range of visual, noise, or vibration effects. The reasonable range of effects may vary among different properties, depending on the nature and use of buildings constructed in 1964 or earlier, the change from existing conditions caused by the undertaking, topographical conditions, and the presence of intervening buildings and structures constructed after 1964.

We hereby request your concurrence with the survey methodology discussed above and represented on the enclosed maps. We also request your review of the general APE as described above. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosure: APE maps

cc: File/RF/CF
Sandi Kohrs (CDOT Region 6)
Monica Pavlik (FHWA)
Dave Beckhouse (FTA)
Carol Duecker/Dave Shelley (RTD)
Jessica Feldman/Richard Starzak (Myra Franks/Jones & Stokes)
Robert Mutaw (URS Corporation)

COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

June 18, 2004

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
~~Department of Transportation~~
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: Area of Potential Effects and Survey Methodology for US 36 Corridor Environmental Impact Statement (EIS), Denver and Boulder Counties. (CHS #42345)

Dear Mr. Beckham,

Thank you for your correspondence dated June 8, 2004 and received by our office on June 10, 2004 regarding the above-mentioned project.

We enjoyed meeting with CDOT and the project consultants on March 17, 2004 regarding the US 36 project. At that meeting, we discussed the complex issues of how to establish an Area of Potential Effect (APE) and survey methodology for the proposed project. After reviewing your June 8, 2004 letter discussing the proposed changes to the agreed-upon survey methodology from the March 17, 2004 meeting, we are not clear on how the proposed phases of survey will be executed.

Due to the complexity of the project, we would like to schedule a meeting to discuss with CDOT and the project consultants the proposed changes. We are most concerned with how the cultural resources survey and determinations of eligibility will be conducted in Phase One. We are also concerned with how the APE will be established within the proposed changes to the survey methodology.

Please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678 to schedule a time for a meeting, or if you have any questions.

Sincerely,

Georgianna Contiguglia
State Historic Preservation Officer

cc: Lisa Schoch/CDOT

Post-it® Fax Note	7671	Date 6-24-04	# of pages ▶ 1
To Sandi Kohrs		From Lisa Schoch	
Co./Dept. Region 6		Co. HQ - EP	
Phone #		Phone # 303 512-4258	
Fax # 303-757-9907		Fax # 757-9945	

WESTMINSTER

August 12, 2004

Mr. Jeff Wassenaar, P.E.
State of Colorado
Department of Transportation
2000 S. Holly Street
Denver, Colorado 80222

Mr. Cal Marsella, Executive Director
RTD
1600 Blake
Denver, CO 80202

City of Westminster
Department of
Community Development

4800 West 92nd Avenue
Westminster, Colorado
80031

303-430-2400
FAX 303-426-5857

Dear Mr. Wassenaar and Mr. Marsella:

This letter is to notify you that the City of Westminster was recently approved as a Certified Local Government by the Colorado Historical Society.

The City also requests "consulting party" status concerning the US 36 Corridor portion of the FasTracks project. The City wishes to ensure that it has the opportunity to share views, receive and review pertinent information, and consider possible solutions to challenges involved in the FasTracks project.

Very truly yours,

John Carpenter
Director of Community Development

cc: Colorado Historical Society, State Historic Preservation Officer
1300 Broadway, Denver, CO 80203
National Trust for Historic Preservation (Attn: Jim Lindberg)
535 16th Street, Suite 750, Denver, CO 80202
Advisory Council on Historic Preservation
12136 West Bayaud Avenue, Suite 330, Lakewood, CO 80228
Westminster Historical Society, Attn: Linda Cherrington
3924 W. 72nd Avenue, Westminster, CO 80030
Bill Christopher, RTD Director
1600 Blake Street, Denver, CO 80202

Copy MUSCATELL
PAULMEAD
ANDERSON
KONIGS
US 36 EIS COLS TEAM
FILE

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

October 20, 2004

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

Dear Ms. Contiguglia:

SUBJECT: Archaeological Site Eligibility Determinations, CDOT Project NH 0361-070, US 36 Corridor EIS

Enclosed for your review is a copy of the archaeological resources survey report for the CDOT corridor project referenced above. The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT) and Regional Transportation District (RTD), are studying potential improvements to the US Highway 36 corridor between Denver and Boulder, and are documenting this action in an Environmental Impact Statement (EIS). The project area generally follows the existing US 36 corridor, and also includes the present Burlington Northern & Santa Fe railroad alignment, which begins at Denver Union Station and generally parallels Interstate 25 north to its intersection with US 36, whereupon it veers to the northwest and extends to Boulder (refer to enclosed project location map).

URS Corporation, under contract to CDOT, conducted an intensive archaeological reconnaissance of the study corridor in April and May 2004. Thirty-two sites and seven isolated finds were newly recorded during the survey, and two previously recorded sites were reevaluated. Not surprisingly, based on the developed nature of the corridor, only two sites are prehistoric Native American resources, whereas the remainder date from the historic era and are comprised largely of railroad and irrigation features. Of the total number of documented archaeological sites and isolates, one buried hearth (5BF99) requires additional research in the form of test excavations prior to completion of a final National Register eligibility evaluation. All of the remaining localities are assessed as not eligible for listing on the National Register, and no further work is recommended. However, one historic site (5BF46), which consists of a domestic canine grave site located within the existing US 36/Wadsworth Parkway interchange, was previously determined eligible for the State Register of Historic Places, an evaluation with which CDOT concurs.

Detailed information concerning the survey and all recorded resources is found in the accompanying document. We request your concurrence with the eligibility determinations outlined above and in the survey report. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist and Cultural Resource Section Manager Dan Jepson at (303)757-9631.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures

cc: CF

DJ.

COLORADO HISTORICAL SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

October 27, 2004

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project NH 0361-070, US 36 Corridor EIS (CHS #41960)

Dear Mr. Beckham,

Thank you for your correspondence dated October 20, 2004 and received by our office on October 21, 2004 regarding the above-mentioned project.

After review of the submitted information, we concur with the finding of not eligible for the resources listed below.

- 5BF.97.1
- 5JF.3751.1
- 5JF.3758
- 5BL.9474.1
- 5BL.9476.1
- 5BL.9477.1
- 5BL.9478.1
- 5DV.9165
- 5DV.9166
- 5JF.3756
- 5JF.3757
- 5JF.3759.1
- 5JF.3763
- 5BF.74/5BL.7163
- 5AM.1731.1
- 5AM.1732.1
- 5BF.93
- 5BF.94
- 5BF.95
- 5BF.96
- 5BF.101
- 5BL.374.9
- 5BL.374.10
- 5BL.3119.6
- 5BL.9473.1
- 5AM.1735
- 5AM.1736
- 5BL.9472
- 5BL.9479
- 5JF.3753
- 5JF.3754
- 5JF.3755
- 5BF.46

After review of the submitted information, we are not able to concur with the finding of eligibility for the resources listed below.

- 5AM.464.10/Burlington Northern Santa Fe Railroad siding
  - The siding appears to be intact and features loading docks. How did the siding and loading docks historically function? Did the siding and loading docks play a significant role in the local development of the area? Can the resources convey the local developmental history of the area? Are the siding and concrete loading docks good

developmental history of the area? Are the siding and concrete loading docks good representative examples of these types of resources within this area? How many other sidings with loading docks remain in the area? When evaluating a resource under Criterion A, it is important to keep in mind to evaluate the resource on whether or not it is associated with events that have made a significant contribution to the broad patterns of our history at the local, state, or national level (context).

When evaluating a resource under Criterion C, it is important to remember that a resource is not evaluated on whether or not it is "architecturally important," as stated in the survey form. A resource under Criterion C is evaluated on whether or not it embodies the distinctive characteristics of a type, period, or method of construction or that represents the work of a master, or that possesses high artistic values, or that represents a significant and distinguishable entity whose components may lack individual distinction. The resource must be evaluated within a level of significance (context): local, state, or national.

- 5BF.47.5/Burling Northern Santa Fe spur.
  - The survey form only has one photograph of the resource. Please provide photographs of the where the spur is covered with the parking lot, as described in the survey form. Also please re-evaluate the resource under Criteria A and C as described under resource 5AM.464.10/Burlington Northern Santa Fe Railroad siding.

- 5BL.374.10
  - Please refer to the discussion on evaluation under resource 5AM.464.10/Burlington Northern Santa Fe Railroad siding. The removal of ties and rails do not automatically result in the spur being not eligible. If the structure of the railroad bed is still intact, it must be evaluated for eligibility.

- 5DV.5243.3/Abadoned Burlington Northern Santa Fe siding
  - The survey form states that the siding served businesses. Are any remaining extant historic buildings associated with these businesses? Can the siding illustrate the significant use of sidings within a transportation and commercial context (Criterion A) at the local level of significance?

- 5BF.98.1 and 5JF.3752.1/Equity Ditch
  - Two small segments near the railroad have been evaluated in the survey forms. However, after review of the topographic map, there appears to be a segment of the ditch that connects the two ends identified in the survey forms. In order to determine if these two small segments are apart of a larger eligible ditch, please survey the ditch from the segment identified as 5BF.98.1 to the segment identified as 5JF.3752.1. These segments are not laterals off of a ditch, but part of a larger ditch.

- 5JF.3760.1
  - The survey states that the historic road is associated with a historic farm on Old Wadsworth Boulevard. Was the historic farm evaluated for National Register eligibility? If the historic farm is evaluated as eligible, is the historic road included within the potential National Register boundary for the historic farm? Would the edge of the proposed National Register boundary abut the railroad?

- 5BF.104.1 and 5BF.47.4/Denver & Interurban Railway
  - It appears from the topographic maps that these two segments are located along the same linear resource, the Denver & Interurban Railway. In order to determine if these two small segments are part of a larger eligible railroad, please survey the railroad alignment from the segment identified as 5BF.104.1 to the segment identified as 5BF.47.4. If these segments are not located on the same linear feature, please clarify their locations.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

for Georgianna Contiguglia
State Historic Preservation Officer

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

DEPARTMENT OF TRANSPORTATION

December 20, 2004

Adams County
Planning and Development Department
450 South Fourth Avenue
Brighton, CO 80601
ATTN: Historic Preservation Planner/Architectural Historian

SUBJECT: Section 106 Historic Properties Consultation, US Highway 36 Environmental Impact Statement

To Whom it May Concern:

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT) and Regional Transportation District (RTD), are coordinating an Environmental Impact Statement (EIS) for the US Highway 36 corridor between Denver and Boulder. As part of the EIS evaluation process, a review of historic properties is being conducted within the Area of Potential Effect (APE) depicted on the attached map.

This project is funded in large part by FHWA and FTA, and therefore it is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the Adams County Planning and Development Department the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Description of the Proposed Action

The agencies noted above, in addition to the Federal Railroad Administration and US Army Corps of Engineers, which are participating as cooperating agencies, have jointly initiated a project to prepare an EIS to identify multi-modal transportation improvements between Denver and Boulder. Transportation improvements are being considered along a roughly 25-mile corridor that includes both the existing highway and the Burlington, Northern and Santa Fe (BNSF) railroad alignment. The road alignment follows US 36 between the I-25 interchange in Denver and the Table Mesa/Foothills Parkway exit in Boulder. The alignment along the BNSF begins at Denver Union Station and will terminate north of the City of Boulder, possibly near Jay Road.

Historic Properties Identification

As part of our survey of the project area, we are identifying previously unrecorded historic properties in the Area of Potential Effects (APE), as well as known properties. The proposed APE for historic properties extends between downtown Denver and Boulder, a distance of approximately 30 miles, and includes all of the existing US 36 highway alignment, the BNSF rail line, State Highway 157/Foothills

Parkway in Boulder, and an area around the northern entry of State Highway 119 northeast of Boulder. The proposed project limits for both the US 36 and the BNSF rail corridor, and each legal parcel of land immediately adjacent to those limits, are included in the APE. Also included are proposed transit station locations, park and ride facilities, transfer power substations and locations of other project facilities. Please see the attached map showing the US 36 and BNSF rail corridors.

Section 106 Consultation

We are contacting local historical organizations to help identify any historic buildings, districts, sites, objects, or archaeological sites of significance within the APE. Additionally, we are conducting research on properties not previously evaluated for the National Register of Historic Places (NRHP) within the project area to determine their architectural and historical significance. Our assessment of significance will be based on the established NRHP eligibility criteria. Any information you can provide will help ensure that important historical resources are considered and protected.

If you are interested in participating as a consulting party for this project under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Lisa Schoch, CDOT Senior Staff Historian, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this project, as stipulated in the Section 106 regulation.

If you require additional information or have any questions about the Section 106 process, please contact Ms. Schoch at (303)512-4258.

Very truly yours,

Brad Beckham, Manager
Environmental Programs Branch

Enclosure: Map of Area of Potential Effects

cc: Monica Pavlik, FHWA Colorado Division
Sandi Kohrs, CDOT Region 6
Tricia Bernhardt, Senior Project Manager, URS Corp.
Bob Mutaw, Cultural Resources Team Leader, URS Corp.
Carol Legard, FHWA Liaison, Advisory Council on Historic Preservation
Georgianna Contiguglia, Colorado SHPO

Dixie Pierce
Adams County Historical Society
9601 Henderson Road
Brighton, CO 80601

Ms. Margaret Hansen
Historic Boulder
646 Pearl Street
Boulder, CO 80302

Errol Waligorski
Superior Historic Preservation Commission
124 E. Coal Creek Drive
Superior, CO 80027

Ira C. Selkowitz
Historic Denver, Inc.
1536 Wynkoop
Suite 400A
Denver, CO 80202

Broomfield Depot Museum
2201 W 10th Ave
Broomfield, CO 80020

Mark Rodman
Colorado Preservation, Inc.
1900 Wazee Street, Suite 360
Denver, CO 80202

Jason Midyette
Boulder County Railroad Historical Society
1936 14th Street
Boulder, CO 80302

Carolyn Erickson
Denver Landmark Preservation Commission
201 West Colfax Avenue
Denver, CO 80202-5304

Kevin Standbridge
City and County of Broomfield
Community Development Department
One DesCombes Drive
Broomfield, CO 80020

Barbara Pahl
National Trust for Historic Preservation
Mountains/Plains Regional Office
535 16th Street, Suite 750
Denver, CO 80202

Nancy Geyer
Boulder Historical Society
1206 Euclid Ave
Boulder, CO 80302-7224

Bohdy Hedgcock
Boulder Landmark Preservation Advisory Board
Boulder Planning Department
P.O. Box 791
Boulder, CO 80306

Louisville Historical Museum
1001 Main Street
Louisville, Colorado

Meredyth Muth
Louisville Historic Preservation Commission
City Hall
749 Main Street
Louisville, CO 80027

Linda Cherrington
Westminster Historical Society
P.O. Box 492
Westminster, CO 80036-0492

Preceding letter sent to each of the above.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

RECEIVED
MAY 31 2007
URS Corp.

December 21, 2004

Jason Midyette
Boulder County Railroad Historical Society
1936 14th Street
Boulder, CO, 80302

SUBJECT: Section 106 Historic Properties Consultation, US Highway 36 Environmental Impact Statement

Dear Mr. Midyette:

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT) and Regional Transportation District (RTD), are coordinating an Environmental Impact Statement (EIS) for the US Highway 36 corridor between Denver and Boulder. As part of the EIS evaluation process, a review of historic properties is being conducted within the Area of Potential Effect (APE) depicted on the attached map.

This project is funded in large part by FHWA and FTA, and therefore it is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA, FTA and CDOT would like to formally offer the Boulder County Railroad Historical Society the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Description of the Proposed Action

The agencies noted above, in addition to the Federal Railroad Administration and US Army Corps of Engineers, which are participating as cooperating agencies, have jointly initiated a project to prepare an EIS to identify multi-modal transportation improvements between Denver and Boulder. Transportation improvements are being considered along a roughly 25-mile corridor that includes both the existing highway and the Burlington, Northern and Santa Fe (BNSF) railroad alignment. The road alignment follows US 36 between the I-25 interchange in Denver and the Table Mesa/Foothills Parkway exit in Boulder. The alignment along the BNSF begins at Denver Union Station and will terminate north of the City of Boulder, possibly near Jay Road.

Historic Properties Identification

As part of our survey of the project area, we are identifying previously unrecorded historic properties in the Area of Potential Effects (APE), as well as known properties. The proposed APE for historic properties extends between downtown Denver and Boulder, a distance of approximately 30 miles, and includes all of the existing US 36 highway alignment, the BNSF rail line, State Highway 157/Foothills Parkway in Boulder, and an area around the northern entry of State Highway 119 northeast of Boulder.

The proposed project limits for both the US 36 and the BNSF rail corridor, and each legal parcel of land immediately adjacent to those limits, are included in the APE. Also included are proposed transit station locations, park and ride facilities, transfer power substations and locations of other project facilities. Please see the attached map showing the US 36 and BNSF rail corridors.

Section 106 Consultation

We are contacting local historical organizations to help identify any historic buildings, districts, sites, objects, or archaeological sites of significance within the APE. Additionally, we are conducting research on properties not previously evaluated for the National Register of Historic Places (NRHP) within the project area to determine their architectural and historical significance. Our assessment of significance will be based on the established NRHP eligibility criteria. Any information you can provide will help ensure that important historical resources are considered and protected.

If you are interested in participating as a consulting party for this project under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Lisa Schoch, CDOT Senior Staff Historian, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this project, as stipulated in the Section 106 regulation.

If you require additional information or have any questions about the Section 106 process, please contact Ms. Schoch at (303)512-4258.

Very truly yours,

Brad Beckham, Manager
Environmental Programs Branch

Enclosure: Map of Area of Potential Effects

cc: Monica Pavlik, FHWA Colorado Division
Sandi Kohrs, CDOT Region 6
Tricia Bernhardt, Senior Project Manager, URS Corp.
Bob Mutaw, Cultural Resources Team Leader, URS Corp.
Carol Legard, FHWA Liaison, Advisory Council on Historic Preservation
Georgianna Contiguglia, Colorado SHPO

Town of Superior

January 3, 2005

Lisa Schoch
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

RE: Section 106 Historic Properties Consultation, US Highway 36 Impact Statement

Dear Ms. Schoch,

The Town of Superior and the Superior Historical Commission is interested in participating as a consulting party. We are particularly interested in preserving the Superior Historical Cemetery that is located along US Highway 36 and is a registered historic landmark with Boulder County. Please let me know what additional information you need regarding the cemetery. You can contact me at (303) 554-9005 or a jenniferd@townofsuperior.com.

Sincerely,

Jennifer J. Dunn

Jennifer S. Dunn
Recreation Supervisor- Community Services

CELEBRATING 35 YEARS

HISTORIC DENVER, INC.
1536 Wynkoop Street
Suite 400 A
Denver, CO 80202-1182
ph. (303) 534-5288
fx. (303) 534-5296
www.historicdenver.org

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Daniel M. Mintzer
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January 4, 2005

Ms. Lisa Schoch
Environmental Programs Branch
Colorado Department of Transportation
4201 East Arkansas Ave.
Denver, CO 80222

RE: Section 106 Historic Properties Consultation, US Highway 36 EIS

Dear Ms. Schoch:

I am in receipt of Brad Beckham's December 21, 2004 letter concerning the Section 106 consultation for the US Highway 36 corridor. Historic Denver, Inc. hereby accepts CDOT's invitation to participate as a consulting party for the Section 106 compliance process.

Historic Denver's mission is metro-wide and for the past 35 years, we have advocated the preservation of the historic built environment. Thus, we clearly have a strong interest in the historic properties that are associated with the multi-modal transportation improvements projects along the Denver-Boulder US Highway 36 corridor.

I look forward to hearing from you regarding the consultation process. Thank you.

Sincerely,

Ira C. Selkowitz
Director of Preservation Services

JAN. 8-05

DEPARTMENT OF TRANSPORTATION,

THE HISTORIC PROPERTIES I'M INTERESTED IN:

"SHEP"
THE LORAINE SCHOOL
CHURCH RANCH

INFORMATION ABOUT THESE PLACES WILL BE FINE.

PEGGY ATKINSON
DIRECTOR OF
BROOMFIELD DEPOT MUSEUM
212 AGATE WAY
BROOMFIELD, CO. 80020
303-466-3663

Historic Boulder Inc.
PRESERVATION IN ACTION

January 10, 2005

Ms Lisa Schoch, CDOT Senior Staff Historian
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

re: Section 106 Historic Properties Consultation
US Highway 36 and BNSF railroad alignment

Dear Ms Schoch:

Yes, Historic Boulder will be pleased to participate as a consulting party for the Section 106 compliance process.

Historic Boulder has already been involved in identifying historic resources along both these routes:

- Arapahoe Road between 63rd and 75th Streets.
- McKensie oil well near the tracks at 47th Street and Highway 119.
- Superior area, both coal mine sites and a survey of historic Old Town Superior under a State Historic fund grant.

We also have members whose professional skills include determining National Register eligibility.

We look forward to working with you.

With best wishes,

Margaret A. Hansen

Margaret A. Hansen, Preservation Committee Chair
303-448-7659

City of Louisville
Office of the City Manager

January 18, 2005

Ms. Lisa Schoch
CDOT Senior Staff Historian
Environmental Programs Branch
4201 East Arkansas Avenue
Denver CO 80222

Ms. Schoch:

Thank you for your invitation to take part in the Section 106 process for the US 36 EIS. I would be happy to participate in the process. I am the staff liaison for both the Louisville Historic Preservation Commission and the Louisville Historical Commission and would therefore be the appropriate staff member to participate from Louisville. Both of these entities have an interest in any historical properties in Louisville that may be affected by the proposed changes to the corridor.

Please let me know if you need any additional information. You can contact me by phone at 303.335.4536 or by email at muthm@ci.louisville.co.us.

Sincerely,

Meredyth Muth
Community Facilitator

1984-2004 *Celebrates 20 Years of Protecting Colorado's Historic Places*

COLORADO PRESERVATION, INC.

January 21, 2005

Lisa Schoch
CDOT Senior Staff Historian
4201 East Arkansas Avenue
EP B-400
Denver, CO 80222

Re: US Highway 36 EIS

Dear Lisa:

Colorado Preservation, Inc. is interested in the Environmental Impact Statement being developed along US Highway 36 and BNSF Railroad alignment between Denver and Boulder for multi-modal transportation improvements and its effects on historic properties in this Area of Potential Effect. We understand that consultation has been initiated under Section 106 of the National Historic Preservation Act (NHPA). Colorado Preservation, Inc. would like to participate actively in the review process, as a "consulting party" under Section 106 of the NHPA, pursuant to 36 C.F.R. § 800.2(c)(6).

Colorado Preservation, Inc.'s mission to advance and promote historic preservation throughout Colorado. Because of our organization's knowledge and concern about historic properties potentially affected by the project, we believe we can provide important information and a valuable perspective as a consulting party under Section 106. Please include Colorado Preservation, Inc. in your distribution list for public notices of any meetings, and for the circulation of any documents for comment.

We look forward to participating as the review and consultation process moves forward for these proposed transportation improvements between Denver and Boulder.

Sincerely,

Mark A. Rodman
Executive Director

cc: Advisory Council on Historic Preservation
Colorado Historical Society
National Trust for Historic Preservation, Mountains/Plains Office

1900 Wazee Street, Suite 360, Denver, Colorado 80202 • Phone: 303-893-4260 • Fax: 303-893-4333

CITY AND COUNTY OF DENVER
LANDMARK PRESERVATION COMMISSION

JOHN W. HICKENLOOPER
Mayor

201 W. Colfax Ave.
2nd Floor, Dept. 209
Denver, Colorado 80202
Phone: 720-865-2915
Fax: 720-865-3056
TDD: 720-865-3055

8 February 2005

Brad Beckham, Manager
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

8 February 2005

Subject: Section 106 Historic Properties Consultation, US Highway 36 EIS

Dear Brad Beckman:

We have not identified any previously unrecorded historic properties for the short portion of the APE north of Denver Union Station that lies within the boundaries of the City and County of Denver.

Very Truly,

Everett Y. Shigeta
City of Denver Preservation Architect

cc: Lisa Schoch, Senior Staff Historian

F

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

DEPARTMENT OF TRANSPORTATION

March 2, 2005

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

RE: Additional Archaeological Site Information, Project NH 0361-070, US 36 Corridor Environmental Impact Statement

Dear Ms. Contiguglia:

This letter and the attached materials constitute FHWA and CDOT's response to your request for additional information regarding seven linear resources associated with the project referenced above. Our direct responses to your questions are provided below. When necessary, revised site forms were prepared and are included as part of this submittal.

5AM464.10/BNSF Railroad Siding (Westminster Loading-Freight Dock): Railroad loading docks were used for passenger service or freight. Passenger service required a "low" platform (level with, or just a few inches above, the top of the rail) to reduce injuries. A "high" platform was built to match the floor of a railroad car and used to load or off-load freight. By these definitions, the recorded dock, whose top is 50 inches above grade, was clearly used as a freight dock.

Additional historic research on this site revealed that produce (fruit and grain) from local farms was shipped from a railroad loading dock near 72nd Avenue and Bradburn Boulevard, just west of the recorded loading dock, near the original location of DeSpain Junction (after 1911, Westminster) Depot, which was built ca. 1881 and torn down in the late 1960s. A 1918 map of the Denver & Interurban (D&I) Railway shows three tracks between Lowell Boulevard and 72nd Avenue, including the Colorado & Southern (C&S) mainline, the D&I tracks, and a siding that accesses a freight dock and two buildings of unknown function. This early loading dock measures 150 ft. long and 15 ft. wide, which is longer and narrower than the recorded dock (75 ft. long and 25 ft. wide). The latter dock replaced the original dock sometime after 1930 (based on surplus rails used to support the sides of the loading dock embossed with dates of 1897, 1924, 1927, 1929, and 1930). Historic photographs from the Western History Department of the Denver Public Library corroborate the map data. On July 6, 1938, a photo looking west was taken from the top of a building or platform and shows three tracks, indicating that the third track was not removed (and the present loading dock built) until after 1938.

Therefore, the Westminster Loading-Freight Dock was probably built after 1938 and is not associated with the period of significance for this segment of the former C&S railroad line (1881-1911). It does not appear to be directly related to any locally important personages, such as Pleasant DeSpain or Edward Bowles. It is a utilitarian railroad feature, built to load and off-load locally produced freight from railroad cars. Thus, we support our original determination that this site is **not eligible** for listing on the National Register of Historic Places (NRHP).

5BF47.5/Burlington Northern-Santa Fe Spur (Broomfield Siding): Additional photographs were taken of this site, and are attached to the revised site forms. The grade for the Denver, Marshall & Boulder (DM&B) Railway was constructed in 1886. The Union Pacific, Denver & Gulf (UPD&G)

Railway incorporated the DM&B in 1887, and the Colorado & Southern (C&S) Railway acquired the tracks in 1898. The C&S operated the line until 1981, when it merged with the Burlington Northern, which in turn merged with the Atchison, Topeka & Santa Fe in 1996 to form the BNSF.

A 1944 U.S. Geological Survey (USGS) map (Lafayette Quadrangle, 1:31,680 scale) shows one siding in this area, but it is located north of where the present siding diverges from the main (C&S) tracks. No buildings are present in this area at this time, and a small pond is located where the present siding diverges from the mainline. The 1965 (photorevised 1971) Lafayette USGS topographic quadrangle (1:24,000 scale) shows no siding at this location, but new roads and new buildings are scattered throughout the area. The new roads include Alter Street, Abbot Avenue, Burbank Street, and Midway Boulevard. These roads service a large complex of industrial and commercial buildings, which data from the City and County of Broomfield Assessor's Office indicate were built in 1980. The Broomfield Siding was constructed between 1965 and 1980. The site is not historic, and we therefore affirm our original determination that the site is **not eligible** for the NRHP.

5BL374.10/Nonpareil Coal Mine Spur: The site is a spur off the BNSF mainline, which retains ballast, ties and rails within the project right-of-way. Where the spur intersects the existing railroad ROW, the ties and rails have been removed. This spur probably leads to the Nonpareil (also known as the Brooks or Brooks Harrison) Coal Mine, which operated from 1907 to 1925. The spur itself was built sometime between 1907 and 1925 when the mine was in operation. The 1944 Lafayette USGS topographic quadrangle shows a berm but no tracks along the spur. Tracks and berm are also not depicted on the 1965 Lafayette USGS topographic quadrangle map. Use of the Nonpareil Coal Mine Spur ceased sometime between 1925, when the mine closed, and 1944. It is one of many railroad spurs that serviced the numerous coal mines in the region. The Nonpareil Coal Mine is not associated with any local historic personages, and the spur does not embody characteristics of a type, period, or method of construction. We affirm our original determination that the site is **not eligible** for listing on the NRHP.

5DV5243.3/Denver Siding: The site is an abandoned siding off the BNSF tracks. It retains ties and rails, but is overgrown with vegetation. The C&S Railway operated the main line from 1898 until 1981. This siding leads to a historic property (5DV9173), which was purchased by the Texas Oil Company (Texaco) in 1911. This building was clearly serviced by the railroad, and is associated with the history of the railroad in that context. The City and County of Denver Assessor's records indicate that buildings were present on the property by 1912. Texaco used the property as an oil distribution station until at least 1951 (as documented by the Sanborn Fire Insurance Map). The present building on the property has recently been refurbished as an equipment rental business. This site was recorded and found eligible for listing in the NRHP under Criterion c because it is a good example of an early twentieth century Commercial style structure. The appropriate documentation will be forwarded with the historic resources survey report at a later date for your official review. However, we have attached a draft review copy with this submittal to address your questions about businesses associated with the railroad.

The railroad siding is one of many sidings that serviced local businesses and our research did not indicate that it had an unusual or particularly significant role in the history of transportation or the development of commercial businesses in the area. We did not uncover associations with any significant individuals in the local area. In addition, this abandoned siding is no longer connected to the main line and there are no associated right-of-way structures or other rail-related features aside from the tracks. Although the ties and rails and the general alignment of the siding remain intact, the railroad does not exemplify specific design elements or construction methods associated with rail complexes. For these reasons, we affirm our original determination that the railroad siding is **not eligible** to the NRHP.

5BF98.1 and 5JF3752.1/Equity Ditch: Two discrete segments of the Equity Ditch were recorded because they fall within the survey right-of-way for the US 36 project. CDOT's consultant (URS Corporation) documented the portion of the ditch that lies between these segments. On November 17, 2004, two URS archaeologists surveyed the middle section, which is approximately 3,000 ft. long. This

newly-recorded segment was evaluated under site number 5BF98.1 and the revised site form is attached for your review. In this stretch, four features were documented, including three wooden bridges (two for pedestrians and one for vehicles) and a concrete drop structure.

The Equity Ditch was built in 1877 and first used in 1878, and was originally known as the Graves and Dollison Ditch. It provided irrigation water for farms and orchards in the Broomfield area. We have determined that the Equity Ditch itself, including the recorded segment, is not associated with any significant historical events or people, nor does it embody the distinctive characteristics of a type, period, of method of construction, and is therefore **not eligible** for listing on the NRHP.

5JF3760.1: This site is an access road associated with a historic farm (5JF3772) located at 10850 Wadsworth Boulevard. Appropriate documentation will be included in the historic resources survey report and submitted to your office at a later date for official comment. For your information, the estimated date of construction for the farm is 1900-1904. We have determined that this farm is **not eligible** for listing in the NRHP, because it is just one of several farms built in the Broomfield area at the beginning of the twentieth century. Its original owner is recorded as Eleanor Tucker, who is not a locally important personage, and it is a rather pedestrian vernacular cottage. The access road is within the historic boundary for the farm, but was recorded individually under a separate site number as part of our initial submittal before its relationship to the farm was known. The road will be addressed as a feature of the historic farm and not evaluated for individual eligibility at this time.

5BF104.1 and 5BF47.4/Denver & Interurban Railway: Two discrete segments of the Denver & Interurban (D&I) Railway, with respective lengths of 3,600 ft. and 1,500 ft., were documented. In the approximately 4000 ft. section between the two segments, the D & I grade is no longer visible and is paralleled by an upgraded and more recent railroad set of tracks (C&S and BNSF), which will be recorded and evaluated for significance as part of the history survey for the project.

Construction on the D&I Railway began in 1906 and was completed in 1908. The line used a tandem track next to the C&S (incorporated in 1898) from Broomfield to Boulder. By 1927, the entire line had been abandoned and all trackage removed or de-electrified. The D&I Railway was one of the few electric railway lines along the Colorado Front Range, which serviced Denver and outlying communities. For this reason, the entire linear resource is potentially eligible for listing in the NRHP under Criterion a, but the entire resource was not recorded for this project. The recorded segments in the project area lack sufficient integrity to support the potential eligibility of the larger linear resource of which they are a part. Segments 5BF104.1 and 5BF47.4 were recorded as part of the original work and the forms were included with the original submittal. No new segments were recorded in addressing your comments so there is not a revised site form.

If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours

for Brad Beckham, Manager
Environmental Programs Branch

Enclosure

cc: Sandi Kohrs, CDOT Region 6
Monica Pavlik, FHWA
Bob Mutaw, URS Corporation

COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

March 18, 2005

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project NH 0361-070, US 36 Corridor EIS (CHS #41960)

Dear Mr. Beckham,

Thank you for your correspondence dated March 2, 2005 and received by our office on March 4, 2005 regarding the above-mentioned project. Additional information was also requested via a phone conversation between Amy Pallante and Lisa Schoch of your staff on March 16, 2005.

5BF.98.1/5JF.3752.1/Equity Ditch

Under item 17 of the linear components forms which indicates the National Register eligibility for the entire linear resource, the field for *not eligible* is marked. However, the survey forms only discuss a segment of the overall linear resource of Equity Ditch. According to our files and database, no field or official determination of eligibility has been made for the entire linear resource. Was the entire ditch evaluated for National Register eligibility? If so, please provide the evaluation for our review.

According to the Agriculture chapter of the *Preliminary Historic Contexts 1999-2000 Cultural Resource Survey for Unincorporated Jefferson County* (OAHP resource number MC.SHF.R106), Equity Ditch is identified on page 35 as a primary ditch for this area of Broomfield County, which was historically a part of Jefferson County. According to the context study, widespread use of irrigation ditches occurred on the Front Range and eastern plains during the early 1870s. Equity Ditch was built in 1877 and was one of the early primary ditches in this area. With the early construction of the ditch, the area was opened up for agricultural use and eventual settlement. In our opinion, Equity Ditch is significant in the National Register areas of significance for Agriculture, Settlement, and Engineering.

After review of the submitted survey forms, it is our opinion that the segment represented in the two forms does maintain historic integrity and can convey the historic areas of significance of the Equity Ditch. As described in the historic context cited above, primary ditches feature alignments

that followed the contours of the land and are often lined with mature trees/cottonwoods. According to the context study: "ditches are frequently the only remaining physical evidence of the agricultural activity that once was prominent in east Jefferson County." In our opinion, Equity Ditch is a good representative example of the type of significant ditch described by the context study featuring a channel with its historic alignment following the contours of the topography as well as mature cottonwood trees along the edge of ditch. Much of the earthern construction is still intact and clearly discernable.

Therefore, in our opinion, the Equity Ditch is eligible under National Register Criterion A at the local level for its significant historical associations to the National Register areas of significance for Agricultural and Settlement. We also feel that the ditch is eligible under National Register Criterion C at the local level in the National Register significant area of Engineering as a good representative example of the type of ditch built in this region.

After phone conversations with your staff, we understand that additional information regarding the historic context of the area and additional survey forms are going to be submitted to our office for review. To better understand the remaining linear resources identified in the Archaeological Survey Report, we require the additional information that is being supplied in the historic context and additional survey forms.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

Georgianna Contiguglia
State Historic Preservation Officer

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MEMORANDUM

DEPARTMENT OF TRANSPORTATION

4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9011

DEPARTMENT OF TRANSPORTATION

TO: Sandi Kohrs

FROM: Lisa Schoch, Environmental Programs

DATE: April 1, 2005

RE: SHPO Response, US 36 Archaeological Survey, US 36 Corridor EIS

The State Historic Preservation Officer (SHPO) has reviewed our recent submittal of additional information for the following seven historic archaeological resources associated with the project referenced above:

5AM464.10, BNSF Railroad Siding
5BF47.5, BNSF Spur
5BL374.10, Nonpareil Coal Mine Spur
5DV5243.3, Denver Siding
5BF98.1 and 5JF3752.1, Equity ditch
5JF3760.1, Access Road
5BF104.1 and 5BF47.4, Denver & Interurban Railway

The SHPO disagreed with FHWA and CDOT's finding that the segment of the Equity Ditch (5BF98.1/5JF3752.1) is not eligible to the National Register of Historic Places. SHPO believes the ditch segment is *eligible* under both Criterion A and Criterion C. Please refer to the attached SHPO response for their full explanation.

The SHPO did not comment on the additional information for the access road (5JF3760.1) because upon further evaluation, it was found to extend within the boundary of a historic farm site (5JF3772) that will be evaluated and reviewed as part of the historic architectural survey report. The access road should be included in the evaluation of the historic farm property.

The SHPO also postponed comment on all of the railroad segments pending receipt of the historic architectural survey report, which includes historical context information concerning the railroads in the project area, and also includes additional site forms for the rail corridor.

I have attached a copy of the SHPO response for your file.

cc: Robert Mutaw/Tricia Bernhardt, URS
Monica Pavlik, FHWA
File/CF/RF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

February 7, 2006

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

Subject: CDOT Project NH 0361-070, US 36 Corridor Environmental Impact Statement, Adams, Denver, Boulder, Broomfield and Jefferson Counties; Area of Potential Effects and Eligibility Determinations for Architectural Properties and Irrigation Facilities

Dear Ms. Contiguglia:

This letter and the enclosed documents constitute a request for concurrence on Determinations of Eligibility for the CDOT project referenced above. We also request your review of the Area of Potential Effects (APE) established for the undertaking. As previously arranged with your compliance staff, **this submittal is specific only to historic architectural properties and irrigation features evaluated as eligible for inclusion on the National Register of Historic Places (NRHP)**. A subsequent letter will address eligible highway segments, railroad grades and bridges, and yet another will deal entirely with the non-eligible properties. Please note that the enclosed survey report is comprehensive and includes all eligible and non-eligible sites associated with the US 36 Corridor project. As noted above, however, at this time please focus your review only on the eligible architectural and irrigation resources. We consulted with you regarding the eligibility of archaeological properties in October 2004 and again in March 2005.

Project Background

The purpose of the proposed project is to improve east-west mobility in the US 36 corridor between Boulder and Denver for the benefit of local as well as inter-regional travel. Specific objectives identified to meet this purpose include:

- Improve transportation mobility through and within the US 36 Corridor
- Minimize adverse impacts to the socioeconomic and natural environments, and foster positive environmental impacts
- Support the land-use vision and future development patterns in the DRCOG vision plan and local plans and polices
- Provide a cost-effective and efficient transportation investment strategy

Capacity improvements in the US 36 corridor are needed to enhance east-west mobility and serve future demand in the rapidly growing north metro area. The project area is located in Adams, Boulder, Broomfield, Denver and Jefferson Counties along the US 36 and Burlington Northern Santa Fe (BNSF) Railroad corridors (see Figure 1-1 in the enclosed report), and traverses state, county and local lands. The US 36 corridor includes 17.5 miles from Interstate 25 in Adams County west to the Table Mesa interchange in Boulder County, and the BNSF corridor extends 33.25 miles from Denver Union Terminal to Jay Road in Boulder County. The present four-lane US 36 facility is inadequate to handle current traffic and will suffer congestion failure for 2025-projected traffic. The traffic analysis indicates that

without improvements, traffic along several sections of US 36 in 2025 will be below CDOT's Level of Service D and will exceed what the system can accommodate, resulting in traffic backups on local streets.

In addition to a no build alternative, the Draft EIS is considering four alternative packages, each of which includes some or all of the following features: general-purpose lanes, express toll lanes, High-Occupancy Vehicle (HOV) lanes, Bus Rapid Transit (BRT) with stations, commuter rail on the existing BNSF corridor, and bike paths.

APE and Methodology

The proposed APE for the historic architectural survey varies depending on the specific area, the nature of the proposed work, and the density of possible historic resources within any given segment of the survey area. Areas with a low density of historic properties are sparsely developed rural areas and these have a different APE range than the high-density areas found, for example, in the historic core of Louisville. In addition, the APE was expanded to allow for any related transportation actions, such as interchange reconstruction, transit station locations, alignment shifts, and potential for visual, cumulative, and auditory impacts.

The APE was established in a March 17, 2004 meeting involving the CDOT and FHWA project team, members of your staff, and consulting party representatives. The APE was identified as an area extending for two legal parcels on both sides of the US 36 and BNSF Railroad corridors. We officially consulted with your office regarding the proposed APE in correspondence dated June 8, 2004, and additional data related to this subject was provided to your staff on several subsequent occasions. Copies of the aerial maps depicting the APE are enclosed herewith; we request your review of and comments on the APE.

Survey Results

Historical consultants from Myra L. Frank & Associates/Jones & Stokes and URS Corporation surveyed the project for historical resources between May and July 2004. Of the total number of historic resources documented within the APE, sixty architectural and irrigation properties are evaluated as NRHP eligible, of which 36 were newly documented and 24 were reevaluations. The following tables summarize these results, as presented in the accompanying report.

Seven previously recorded properties currently listed on the NRHP are described in Table 1. These resources were reevaluated, and there are no changes to their National Register status.

Table 1 - Properties Listed on the NRHP

Smithsonian No.	Name	Address	Date of Listing
5AM.64	Bowles House	3924 West 72nd Ave., Westminster	11/3/1988
5BL.948	Petrelli-Del Pizzo House	1016 Main St., Louisville	2/14/1986
5BL.950	LaSalla House/ Wilson House	1124 Main St., Louisville	2/1986
5BL.952	Stolns House	616 Front St., Louisville	2/1986
5BL.8928	Lackner's Tavern/Germania House/Track Inn/Pine St. Jct.	1006 Pine St., Louisville	2/1986
5BL.8929	Louisville Milling & Elevator Co. Elevator	Tract 712, Louisville	2/1986
5DV.114	Denver Union Station	17th Street and Wynkoop Street, Denver	11/20/1974

Table 2 lists five previously recorded properties that were officially determined *NRHP eligible* for past projects. CDOT concurs with those determinations.

Table 2 - Previously Determined Officially NRHP Eligible				
Smithsonian No.	**Name**	**Address**	**Determination Made By**	**Date**
5BF.2	7585 W. 120th Avenue	7585 W. 120th Ave., Broomfield	OAHP	5/9/2001
5BF.9	8375 W. 120th Avenue	8375 W. 120th Avenue, Broomfield	OAHP (under Ornamental Concrete Block Buildings in Colorado, 1900-1940 MPL)	2/18/2003
5BL.9024	Harburg Property	6775 Arapahoe Rd., Boulder	OAHP	3/22/02
5BL.9029	Arthur Debacker-Tenenbaum Property	7280 Arapahoe Rd., Boulder	OAHP	3/27/02
5BF.180 (formerly 5JF.969)	Colorado Milling and Elevator Company	11986 Wadsworth Blvd., Broomfield	OAHP	3/24/1994

Seven previously recorded properties were recommended as field eligible during previous studies. These properties (Table 3) were reevaluated and assessed as *eligible*.

Table 3 - Previously Recommended Field NRHP Eligible				
Smithsonian No.	**Name**	**Address**	**Evaluation Made By**	**Date**
5BL.799	Valmont Electric Generation Station	Boulder	Barbara Norgren, field eligible, Boulder Co. Historical Sites Survey	4/3/1981; 7/2001
5BL.951	Steinbaugh House/ Grasser House/ Zedrick House	945 Front St., Louisville	Carl McWilliams, field eligible, Old Town Louisville Historic Building Survey	1/13/2000
5BL.8036	Old Louisville Inn	740 Front St., Louisville	Carl McWilliams, Colorado Cultural Resource Survey	7/28/1985; 1/13/2000
5BL.8211	Mrs. Downer's Cabin	801 Lee Ave., Louisville	Carl McWilliams, field eligible, Old Town Louisville Historic Building Survey	1/13/2000
5BL.8212	Mrs. Downer's Cabin	809 Lee Ave., Louisville	Carl McWilliams, field eligible, Old Town Louisville Historic Building Survey	1/13/2000
5BL.9110	Louisville Rod and Gun Club	1101 South St., Louisville	Carl McWilliams	10/2002
5BF.87	The Crescent Grange #136	7901 W. 120th Avenue, Broomfield	Manual Weiss, Boulder County Historic Sites Survey	1/2/1981

Table 4 lists 12 newly-recorded standing structures that are recommended *NRHP eligible*.

Table 4 – Newly Recorded Properties Recommended NRHP Eligible			
Smithsonian No.	**Name or Structure Type**	**Address**	**Build Date**
5BL.9531	Dwelling	1004 Griffith Street, Louisville	1900
5BF.106	Dwelling	7780 W. 116th Avenue, Broomfield	Ca. 1910
5BF.108	Dwelling, former Broomfield School building	11975 Vance Street, Broomfield	1885
5BF.109	Dwelling	11415 Wadsworth Boulevard, Broomfield	1943
5BF.110	Barn	11605 Wadsworth Boulevard, Broomfield	1920
5DV.9174	Commerce City Electric Co. Building	4101 Inca Street, Denver	1935
5DV.9175	Dwelling	4461 Inca Street, Denver	1891
5DV.9176	Dwelling	4467 Inca Street, Denver	1891
5DV.9173	Wagner Rents/Wagner Equip.	705 W. 38th Avenue	1912
5AM.1744	Perlmack Auto Service Center	3750 W. 72nd Avenue, Westminster (Adams County)	Est. 1927
5AM.1746	Dwelling	7635 Stuart Place, Westminster (Adams County)	1927
5JF.3771	Dwelling	9300 Wadsworth Boulevard, Westminster (Jefferson) County	1915

Twenty-nine segments of irrigation ditches and canals were newly recorded or reevaluated and determined *eligible*. Tables 5 and 6 list the segments crossed by the BNSF Railroad and US 36, respectively.

Table 5 – NRHP Eligible Ditches Along the BNSF Railroad			
Smithsonian No./ Temp. No.	**Ditch Name**	**County, Water Division, District, and Water Source**	**Quad Map and Legal Location**
5BL.859.42/ BO.BNSF.D1a	Boulder & Whiterock Ditch (1)	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 70 W, Sec. 16 S ½ of NW ¼ of NW ¼ of SE ¼
5BL.859.43/ BO.BNSF.D1b	Boulder & Whiterock Ditch (2)	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 70 W, Sec. 16 NW ½ of SW ¼ of SE ¼ of SW ¼
5BL.859.44/ BO.BNSF.D1c	Boulder & Whiterock Ditch (3)	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 70 W, Sec. 20 N½ of SE ¼ of NE¼ of SE ¼
5BL.9538.1/ BO.BNSF.D2	Boulder & Lefthand Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 70 W, Sec. 29 N ½ of SE ¼ of SW ¼ of NE ¼

Table 5 – NRHP Eligible Ditches Along the BNSF Railroad			
Smithsonian No./ Temp. No.	**Ditch Name**	**County, Water Division, District, and Water Source**	**Quad Map and Legal Location**
5BL.4489.1/ BO.BNSF.D5	New Dry Creek Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 70 W, Sec. 36 SW ¼ of SE ¼ of NW ¼ NW ¼ of NE ¼ of SW ¼
5BL.4165.2/ BO.BNSF.D6	McGinn Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 69 W, Sec. 31 S ½ of SW ¼ of SE ¼ of NW ¼
5BL.5041.1/ BO.BNSF.D7	South Boulder Canyon Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 69 W, Sec. 31 SW ½ of NW ¼ of SW ¼ of SE ¼
5BL.9539.1/ BO.BNSF.D8	Burke Reservoir Feeder Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 69 W, Sec. 32 N ½ of SW ¼ of NW ¼ of SW ¼
5BL.2730.1/ BO.BNSF.D9	Highline Lateral	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 69 W, Sec. 5 N ½ of NE ¼ of SW ¼ of SE ¼
5BF.67.12/ BR.BNSF.D11	Community Ditch	Broomfield Div. 1 Dist. 6 Boulder Creek	Lafayette T 1 S, R 69 W, Sec. 34 SE½ of SW ¼ of SW ¼ of NE ¼
5BF.98.2/ BR.BNSF.D12	Equity Ditch	Broomfield Div. 1 Dist. 6 Boulder Creek	Lafayette T 2 S, R 69 W, Sec. 2 N ½ of NW ¼ of SW ¼ of NE ¼
5JF.250.3/ JE.BNSF.D13	Farmers Highline Canal	Jefferson Div. 1 Dist 7. Clear Creek	Arvada T 2 S, R 69 W, Sec. 23 NE ½ of NE ¼ of NW ¼ of SE ¼
5JF.1762.2/ JE.BNSF.D15	Allen Ditch (1)	Jefferson Div. 1 Dist 7. Clear Creek	Arvada T 2 S, R 69 W, Sec. 24 NE ½ of NW ¼ of SW ¼ of SW ¼
5AM.1748.1/ AD.BNSF.D16	Fisher Ditch	Adams Div. 1 Dist 7. Clear Creek	Arvada T 3S, R 68 W, Sec. 9 NE ½ of SW ¼ of NW ¼ of SW ¼
5AM.1749.1/ AD.BNSF.D17	Rocky Mountain Ditch	Adams Div. 1 Dist 7. Clear Creek	Arvada T 3S, R 68 W, Sec. 9 SE ½ of SW ¼ of SE ¼ of SE ¼
5BL.2719.40/ BO.BNSF.D18	Goodhue Lateral	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1S R 69W, Sec. 8 N ½ of NW ¼ of NE ¼ of NE ¼

Table 5 – NRHP Eligible Ditches Along the BNSF Railroad			
Smithsonian No./ Temp. No.	**Ditch Name**	**County, Water Division, District, and Water Source**	**Quad Map and Legal Location**
5BL.9576.1/ BO.BNSF.D20	Leggett-Valmont Inlet Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1N R 70W, Sec. 27 S ½ of SW ¼ of SW ¼ of SE ¼
5BL.1985.2/ BO.BNSF.D21	Dry Creek #2 Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1N R 70W, Sec. 27 S ½ of SE ¼ of SW ¼ of SW ¼
5BL.4488.1/ None	Cottonwood Ditch No. 2	Boulder Div. 1 Dist. 6 South Boulder Creek	Niwot T 1N R 70W, Sec. 36 SW ¼ of NE ¼ of NW ¼

Table 6 - NRHP Eligible Ditches Along US 36			
Smithsonian No./ Temp. No.	**Ditch Name**	**County, Water Division, District, and Water Source**	**Quad Map and Legal Location**
5BL.750.51/ BO.36.D1	South Boulder Canyon Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 70 W, Sec. 10 NE ½ of SW ¼ of SW ¼ of NW ¼
5BL.2719.38/ BO.36.D2	Goodhue Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 70 W, Sec. 10 NE ½ NE ¼ SW ¼ SE ¼
5BL.5040.1/ BO.36.D16	Shearer Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 70 W, Sec. 10 SE ¼ NE ¼ SW ¼
5BL.453.2/ BO.36.D3	Davidson Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 70 W, Sec. 14 SE ½ of NE ¼ of NW ¼ of NW ¼
5BL.5042.1/ BO.36.D15	Marshallville Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 70 W, Sec. 10 NE ¼ of SW ¼ of SE ¼
5JF.250.4/ JE.36.D6	Farmers Highline Canal	Jefferson Div. 1 Dist 7. Clear Creek	Arvada T 2 S, R 69 W, Sec. 24 S ½ of NE ¼ of NW ¼ of NE ¼
5AM.1132.3/ AD.36.D9	Allen Ditch (2)	Adams Div. 1 Dist 7. Clear Creek	Arvada T 2 S, R 68 W, Sec. 30 NW ½ of NW ¼ of SW ¼ of SE ¼
5AM.1132.4/ AD.36.D10	Allen Ditch (3)	Adams Div. 1 Dist 7. Clear Creek	Arvada T 2 S, R 68 W, Sec. 31 SE ½ of NW ¼ of NE ¼ of NE ¼

Table 6 - NRHP Eligible Ditches Along US 36			
Smithsonian No./ Temp. No.	**Ditch Name**	**County, Water Division, District, and Water Source**	**Quad Map and Legal Location**
5BF.7.2/ BR.36.D13	Dry Creek Valley Ditch	Broomfield Div. 1 Dist. 6 Boulder Creek	Lafayette T 1 S, R 69 W, Sec. 34 SW ½ of SW ¼ of SE ¼ of SE ¼
5BL.9577.1/ BO.36.D14	Louisville Reservoir Inlet	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 70 W, Sec. 10 NE ½ of NE ¼ of SW ¼ of SE ¼

The survey report and eligibility determinations have been sent to the following Section 106 consulting parties identified for the project: City and County of Denver Landmark Preservation Commission, City of Louisville, Colorado Preservation, Inc., Broomfield Depot Museum, Historic Boulder, Historic Denver, Town of Superior, and the City of Westminster. We will forward to you responses from these groups when received.

We request your concurrence with these Determinations of Eligibility and your comments on the Area of Potential Effects. Your response is necessary for the Federal Highway Administration to comply with Section 106 of the National Register Preservation Act (as amended) and with the Advisory Council on Historic Preservation regulations.

If you have questions or require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures:

Historic Architectural Survey Report
Site Forms for eligible architectural and irrigation properties
APE Aerial Maps

cc: Sandi Kohrs, CDOT Region 6
Monica Pavlik, FHWA
~~Ricka Pilgram~~ Tricia Bernhardt/Bob Mutaw, URS

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

DEPARTMENT OF TRANSPORTATION

February 15, 2006

Ms. Margaret A. Hansen
Historic Boulder Inc.
646 Pearl Street
Boulder, CO 80302

Subject: CDOT Project NH 0361-070, US 36 Corridor Environmental Impact Statement, Adams, Denver, Boulder, Broomfield and Jefferson Counties; Area of Potential Effects; Eligibility Determinations for Archaeological Resources, and Historic Architectural Properties and Irrigation Facilities

Dear Ms. Hansen:

Per your request to participate as a Section 106 consulting party, we request your comments on Determinations of Eligibility for the CDOT project referenced above. We also request your review of the Area of Potential Effects (APE) established for the undertaking. This submittal includes separate reports for archaeological and historic properties, summaries of which are provided below.

Project Background

The purpose of the proposed project is to improve east-west mobility in the US 36 corridor between Boulder and Denver for the benefit of local as well as inter-regional travel. Specific objectives identified to meet this purpose include:

- Improve transportation mobility through and within the US 36 Corridor
- Minimize adverse impacts to the socioeconomic and natural environments, and foster positive environmental impacts
- Support the land-use vision and future development patterns in the DRCOG vision plan and local plans and polices
- Provide a cost-effective and efficient transportation investment strategy

Capacity improvements in the US 36 corridor are needed to enhance east-west mobility and serve future demand in the rapidly growing north metro area. The project area is located in Adams, Boulder, Broomfield, Denver and Jefferson Counties along the US 36 and Burlington Northern Santa Fe (BNSF) Railroad corridors (see Figure 1-1 in the enclosed report), and traverses state, county and local lands. The US 36 corridor includes 17.5 miles from Interstate 25 in Adams County west to the Table Mesa interchange in Boulder County, and the BNSF corridor extends 33.25 miles from Denver Union Terminal to Jay Road in Boulder County. The present four-lane US 36 facility is inadequate to handle current traffic and will suffer congestion failure for 2025-projected traffic. The traffic analysis indicates that without improvements, traffic along several sections of US 36 in 2025 will be below CDOT's Level of Service D and will exceed what the system can accommodate, resulting in traffic backups on local streets.

In addition to a no build alternative, the Draft EIS is considering four alternative packages, each of which includes some or all of the following features: general-purpose lanes, express toll lanes, High-Occupancy Vehicle (HOV) lanes, Bus Rapid Transit (BRT) with stations, commuter rail on the existing BNSF corridor, and bike paths.

Archaeological Survey Report
The enclosed archaeology report addresses a total of forty-one resources: thirty-two sites and seven isolated finds that were newly recorded, and two previously recorded sites that were reevaluated. Based on the developed nature of the corridor, only two sites contain prehistoric Native American materials, whereas the remainder date from the historic era and are comprised largely of railroad and irrigation features. Of the total archaeological sites and isolates, one buried hearth (5BF99) requires additional research in the form of test excavations prior to a completion of a final National Register eligibility evaluation. All of the remaining localities are assessed as not eligible for listing on the National Register, with the exception of the Equity Ditch (5BF98.1/5JF3752.1), which was determined *eligible* in consultation with the State Historic Preservation Officer (SHPO). The SHPO requested additional information about several other properties identified as not eligible in this report: 5AM464.10 (BNSF railroad siding), 5BF47.5 (BNSF railroad spur), 5BL374.10 (Nonpareil Coal Mine Spur), 5DV5243.3 (abandoned BNSF siding), 5JF3760.1 (access road), and 5BF104.1/5BF47.4 (Denver & Interurban Railway). Please see the attached report, site forms, and correspondence with SHPO to aid in your review.

Historic Architectural Survey Report
The submittal for historic properties is specific only to architectural properties and irrigation features evaluated as eligible for inclusion on the NRHP. A subsequent letter will address eligible highway segments, railroad grades and bridges, and yet another will deal entirely with the non-eligible properties. Please note that the enclosed survey report is comprehensive and includes all eligible and non-eligible sites associated with the US 36 Corridor project. As noted above, however, at this time please focus your review only on the eligible architectural and irrigation resources.

APE and Methodology
The proposed APE for the historic architectural survey varies depending on the specific area, the nature of the proposed work, and the density of possible historic resources within any given segment of the survey area. Areas with a low density of historic properties are sparsely developed rural areas and these have a different APE range than the high-density areas found, for example, in the historic core of Louisville. In addition, the APE was expanded to allow for any related transportation actions, such as interchange reconstruction, transit station locations, alignment shifts, and potential for visual, cumulative, and auditory impacts.

The APE was established in a March 17, 2004 meeting involving the CDOT and FHWA project team, members of SHPO staff, and consulting party representatives. The APE was identified as an area extending for two legal parcels on both sides of the US 36 and BNSF Railroad corridors. Copies of the aerial maps depicting the APE are enclosed herewith; we request your review of and comments on the APE.

Survey Results
Historical consultants from Myra L. Frank & Associates/Jones & Stokes and URS Corporation surveyed the project for historical resources between May and July 2004. Of the total number of historic resources documented within the APE, sixty architectural and irrigation properties are evaluated as NRHP eligible, of which 36 were newly documented and 24 were reevaluations. The following tables summarize these results, as presented in the accompanying report.

Seven previously recorded properties currently listed on the NRHP are described in Table 1. These resources were reevaluated, and there are no changes to their National Register status.

Table 1 - Properties Listed on the NRHP			
Smithsonian No.	**Name**	**Address**	**Date of Listing**
5AM.64	Bowles House	3924 West 72nd Ave., Westminster	11/3/1988
5BL.948	Petrelli-Del Pizzo House	1016 Main St., Louisville	2/14/1986
5BL.950	LaSalla House/ Wilson House	1124 Main St., Louisville	2/1986
5BL.952	Stolns House	616 Front St., Louisville	2/1986
5BL.8928	Lackner's Tavern/Germania House/Track Inn/Pine St. Jct.	1006 Pine St., Louisville	2/1986
5BL.8929	Louisville Milling & Elevator Co. Elevator	Tract 712, Louisville	2/1986
5DV.114	Denver Union Station	17th Street and Wynkoop Street, Denver	11/20/1974

Table 2 lists five previously recorded properties that were officially determined *NRHP eligible* for past projects. CDOT concurs with those determinations.

Table 2 - Previously Determined Officially NRHP Eligible				
Smithsonian No.	**Name**	**Address**	**Determination Made By**	**Date**
5BF.2	7585 W. 120th Avenue	7585 W. 120th Ave., Broomfield	OAHP	5/9/2001
5BF.9	8375 W. 120th Avenue	8375 W. 120th Avenue, Broomfield	OAHP (under Ornamental Concrete Block Buildings in Colorado, 1900-1940 MPL)	2/18/2003
5BL.9024	Harburg Property	6775 Arapahoe Rd., Boulder	OAHP	3/22/02
5BL.9029	Arthur Debacker-Tenenbaum Property	7280 Arapahoe Rd., Boulder	OAHP	3/27/02
5BF.180 (formerly 5JF.969)	Colorado Milling and Elevator Company	11986 Wadsworth Blvd., Broomfield	OAHP	3/24/1994

Seven previously recorded properties were recommended as field eligible during previous studies. These properties (Table 3) were reevaluated and assessed as *eligible*.

Table 3 - Previously Recommended Field NRHP Eligible				
Smithsonian No.	**Name**	**Address**	**Evaluation Made By**	**Date**
5BL.799	Valmont Electric Generation Station	Boulder	Barbara Norgren, field eligible, Boulder Co. Historical Sites Survey	4/3/1981; 7/2001
5BL.951	Steinbaugh House/ Grasser House/ Zedrick House	945 Front St., Louisville	Carl McWilliams, field eligible, Old Town Louisville Historic Building Survey	1/13/2000
5BL.8036	Old Louisville Inn	740 Front St., Louisville	Carl McWilliams, Colorado Cultural Resource Survey	7/28/1985; 1/13/2000
5BL.8211	Mrs. Downer's Cabin	801 Lee Ave., Louisville	Carl McWilliams, field eligible, Old Town Louisville Historic Building Survey	1/13/2000

Table 3 - Previously Recommended Field NRHP Eligible				
Smithsonian No.	**Name**	**Address**	**Evaluation Made By**	**Date**
5BL.8212	Mrs. Downer's Cabin	809 Lee Ave., Louisville	Carl McWilliams, field eligible, Old Town Louisville Historic Building Survey	1/13/2000
5BL.9110	Louisville Rod and Gun Club	1101 South St., Louisville	Carl McWilliams	10/2002
5BF.87	The Crescent Grange #136	7901 W. 120th Avenue, Broomfield	Manual Weiss, Boulder County Historic Sites Survey	1/2/1981

Table 4 lists 12 newly-recorded standing structures that are recommended *NRHP eligible*.

Table 4 – Newly Recorded Properties Recommended NRHP Eligible			
Smithsonian No.	**Name or Structure Type**	**Address**	**Build Date**
5BL.9531	Dwelling	1004 Griffith Street, Louisville	1900
5BF.106	Dwelling	7780 W. 116th Avenue, Broomfield	Ca. 1910
5BF.108	Dwelling, former Broomfield School building	11975 Vance Street, Broomfield	1885
5BF.109	Dwelling	11415 Wadsworth Boulevard, Broomfield	1943
5BF.110	Barn	11605 Wadsworth Boulevard, Broomfield	1920
5DV.9174	Commerce City Electric Co. Building	4101 Inca Street, Denver	1935
5DV.9175	Dwelling	4461 Inca Street, Denver	1891
5DV.9176	Dwelling	4467 Inca Street, Denver	1891
5DV.9173	Wagner Rents/Wagner Equip.	705 W. 38th Avenue	1912
5AM.1744	Perlmack Auto Service Center	3750 W. 72nd Avenue, Westminster (Adams County)	Est. 1927
5AM.1746	Dwelling	7635 Stuart Place, Westminster (Adams County)	1927
5JF.3771	Dwelling	9300 Wadsworth Boulevard, Westminster (Jefferson) County	1915

Twenty-nine segments of irrigation ditches and canals were newly recorded or reevaluated and determined *eligible*. Tables 5 and 6 list the segments crossed by the BNSF Railroad and US 36, respectively.

Table 5 – NRHP Eligible Ditches Along the BNSF Railroad			
Smithsonian No./ Temp. No.	**Ditch Name**	**County, Water Division, District, and Water Source**	**Quad Map and Legal Location**
5BL.859.42/ BO.BNSF.D1a	Boulder & Whiterock Ditch (1)	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 70 W, Sec. 16 S ½ of NW ¼ of NW ¼ of SE ¼

Table 5 – NRHP Eligible Ditches Along the BNSF Railroad			
Smithsonian No./ Temp. No.	**Ditch Name**	**County, Water Division, District, and Water Source**	**Quad Map and Legal Location**
5BL.859.43/ BO.BNSF.D1b	Boulder & Whiterock Ditch (2)	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 70 W, Sec. 16 NW ½ of SW ¼ of SE ¼ of SW ¼
5BL.859.44/ BO.BNSF.D1c	Boulder & Whiterock Ditch (3)	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 70 W, Sec. 20 N½ of SE ¼ of NE¼ of SE ¼
5BL.9538.1/ BO.BNSF.D2	Boulder & Lefthand Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 70 W, Sec. 29 N ½ of SE ¼ of SW ¼ of NE ¼
5BL.4489.1/ BO.BNSF.D5	New Dry Creek Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 70 W, Sec. 36 SW ¼ of SE ¼ of NW ¼ NW ¼ of NE ¼ of SW ¼
5BL.4165.2/ BO.BNSF.D6	McGinn Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 69 W, Sec. 31 S ½ of SW ¼ of SE ¼ of NW ¼
5BL.5041.1/ BO.BNSF.D7	South Boulder Canyon Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 69 W, Sec. 31 SW ½ of NW ¼ of SW ¼ of SE ¼
5BL.9539.1/ BO.BNSF.D8	Burke Reservoir Feeder Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1 N, R 69 W, Sec. 32 N ½ of SW ¼ of NW ¼ of SW ¼
5BL.2730.1/ BO.BNSF.D9	Highline Lateral	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 69 W, Sec. 5 N ½ of NE ¼ of SW ¼ of SE ¼
5BF.67.12/ BR.BNSF.D11	Community Ditch	Broomfield Div. 1 Dist. 6 Boulder Creek	Lafayette T 1 S, R 69 W, Sec. 34 SE½ of SW ¼ of SW ¼ of NE ¼
5BF.98.2/ BR.BNSF.D12	Equity Ditch	Broomfield Div. 1 Dist. 6 Boulder Creek	Lafayette T 2 S, R 69 W, Sec. 2 N ½ of NW ¼ of SW ¼ of NE ¼
5JF.250.3/ JE.BNSF.D13	Farmers Highline Canal	Jefferson Div. 1 Dist 7. Clear Creek	Arvada T 2 S, R 69 W, Sec. 23 NE ½ of NE ¼ of NW ¼ of SE ¼
5JF.1762.2/ JE.BNSF.D15	Allen Ditch (1)	Jefferson Div. 1 Dist 7. Clear Creek	Arvada T 2 S, R 69 W, Sec. 24 NE ½ of NW ¼ of SW ¼ of SW ¼

Table 5 – NRHP Eligible Ditches Along the BNSF Railroad			
Smithsonian No./ Temp. No.	**Ditch Name**	**County, Water Division, District, and Water Source**	**Quad Map and Legal Location**
5AM.1748.1/ AD.BNSF.D16	Fisher Ditch	Adams Div. 1 Dist 7. Clear Creek	Arvada T 3S, R 68 W, Sec. 9 NE ½ of SW ¼ of NW ¼ of SW ¼
5AM.1749.1/ AD.BNSF.D17	Rocky Mountain Ditch	Adams Div. 1 Dist 7. Clear Creek	Arvada T 3S, R 68 W, Sec. 9 SE ½ of SW ¼ of SE ¼ of SE ¼
5BL.2719.40/ BO.BNSF.D18	Goodhue Lateral	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1S R 69W, Sec. 8 N ½ of NW ¼ of NE ¼ of NE ¼
5BL.9576.1/ BO.BNSF.D20	Leggett-Valmont Inlet Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1N R 70W, Sec. 27 S ½ of SW ¼ of SW ¼ of SE ¼
5BL.1985.2/ BO.BNSF.D21	Dry Creek #2 Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Niwot T 1N R 70W, Sec. 27 S ½ of SE ¼ of SW ¼ of SW ¼
5BL.4488.1/ None	Cottonwood Ditch No. 2	Boulder Div. 1 Dist. 6 South Boulder Creek	Niwot T 1N R 70W, Sec. 36 SW ¼ of NE ¼ of NW ¼

Table 6 - NRHP Eligible Ditches Along US 36			
Smithsonian No./ Temp. No.	**Ditch Name**	**County, Water Division, District, and Water Source**	**Quad Map and Legal Location**
5BL.750.51/ BO.36.D1	South Boulder Canyon Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 70 W, Sec. 10 NE ½ of SW ¼ of SW ¼ of NW ¼
5BL.2719.38/ BO.36.D2	Goodhue Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 70 W, Sec. 10 NE ½ NE ¼ SW ¼ SE ¼
5BL.5040.1/ BO.36.D16	Shearer Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 70 W, Sec. 10 SE ¼ NE ¼ SW ¼
5BL.453.2/ BO.36.D3	Davidson Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 70 W, Sec. 14 SE ½ of NE ¼ of NW ¼ of NW ¼
5BL.5042.1/ BO.36.D15	Marshallville Ditch	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 70 W, Sec. 10 NE ¼ of SW ¼ of SE ¼

Table 6 - NRHP Eligible Ditches Along US 36			
Smithsonian No./ Temp. No.	**Ditch Name**	**County, Water Division, District, and Water Source**	**Quad Map and Legal Location**
5JF.250.4/ JE.36.D6	Farmers Highline Canal	Jefferson Div. 1 Dist 7. Clear Creek	Arvada T 2 S, R 69 W, Sec. 24 S ½ of NE ¼ of NW ¼ of NE ¼
5AM.1132.3/ AD.36.D9	Allen Ditch (2)	Adams Div. 1 Dist 7. Clear Creek	Arvada T 2 S, R 68 W, Sec. 30 NW ½ of NW ¼ of SW ¼ of SE ¼
5AM.1132.4/ AD.36.D10	Allen Ditch (3)	Adams Div. 1 Dist 7. Clear Creek	Arvada T 2 S, R 68 W, Sec. 31 SE ½ of NW ¼ of NE ¼ of NE ¼
5BF.7.2/ BR.36.D13	Dry Creek Valley Ditch	Broomfield Div. 1 Dist. 6 Boulder Creek	Lafayette T 1 S, R 69 W, Sec. 34 SW ½ of SW ¼ of SE ¼ of SE ¼
5BL.9577.1/ BO.36.D14	Louisville Reservoir Inlet	Boulder Div. 1 Dist. 6 Boulder Creek	Louisville T 1 S, R 70 W, Sec. 10 NE ½ of NE ¼ of SW ¼ of SE ¼

As a local preservation organization with a potential interest these archaeological and historic properties, we welcome your comments regarding our determinations of eligibility. Should you elect to respond, we request that you do so within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures:

Historic Architectural Survey Report
Site Forms for eligible architectural and irrigation properties
Archaeological Survey Report
Site Forms for archaeological properties
APE Aerial Maps

cc: Sandi Kohrs, CDOT Region 6
Monica Pavlik, FHWA
Rick Pilgrim/Tricia Bernhardt/Bob Mutaw, URS

Ms. Joan Carpenter
City of Westminster
Dept. of Community
Development
4800 W. 92nd Avenue
Westminster, CO 80031

Ms. Peggy Atkinson
Broomfield Depot Museum
212 Agate Way
Broomfield, CO 80020

Ms. Jennifer Dunn
Town of Superior
124 E. Coal Creek Drive
Superior, CO 80027

Meredyth Muth
Louisville Historic
Preservation Commission
City Hall
749 Main Street
Louisville, CO 80027

Mark Rodman
Colorado Preservation
Incorporated
333 W. Colfax Avenue, #300
Denver, CO 80202

Robert Atkinson
Denver Landmark
Preservation Commission
201 West Colfax Avenue
Denver, CO 80202-5304

Ira C. Selkowitz
Historic Denver, Inc.
1536 Wynkoop Street
Suite 400A
Denver, CO 80202-1182

Preceding letter sent to each of the above.

COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

February 20, 2006

Brad Beckham
Environmental Programs Branch
Colorado Department of Transportation
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project NH 0361-070, US 36 Corridor Environmental Impact Statement, Adams, Denver, Boulder, Broomfield and Jefferson Counties; Area of Potential Effects and Eligibility Determinations of Architectural Properties and Irrigation Facilities. (CHS #42345)

Dear Mr. Beckham,

Thank you for your correspondence dated February 7, 2006 and received by our office on February 8, 2006 regarding the above-mentioned project.

After review of the submitted information regarding the Area of Potential Effects (APE), we agree with the proposed boundaries for the APE.

After review of the submitted inventory forms, we concur with the determination of eligible for the National Register of Historic Places for the resources listed below.

- 5BL.5040.1/segment of Shearer Ditch
- 5BL.5042.1/segment of Marshallville Ditch
- 5BL.5041.1/segment of South Boulder Canyon Ditch/South Boulder Ditch
- 5BL.4489.1/segment of New Dry Creek Ditch/Dry Creek-Davidson Ditch
- 5BL.2719.38/segment of Goodhue Ditch
- 5BL.750.51/segment of South Boulder Canyon Ditch
- 5AM.1132.3/segment of Allen Ditch
- 5AM.1132.4/segment of Allen Ditch
- 5AM.1748.1/segment Fisher Ditch
- 5AM.1749.1/segment of Rocky Mountain Ditch
- 5BF.7.2/segment of Dry Creek Valley Ditch
- 5BF.67.12/segment of Community Ditch
- 5BF.98.2/segment of Equity Ditch
- 5BL.453.2/segment of Davidson Ditch
- 5BL.859.42/segment of Boulder & Whiterock Ditch

- 5BL.859.43/segment of Boulder & Whiterock Ditch
- 5BL.859.44/segment of Boulder & Whiterock Ditch
- 5BL.1985.2/segment Dry Creek #2 Ditch
- 5BL.2719.40/segment Goodhue Lateral
- 5BL.2730.16/segment Highline Lateral (Note: This was originally recorded as 5BL.2730.1. That point number was previously assigned.)
- 5BL.4165.2/segment McGinn Ditch
- 5BL.9538.1/segment Boulder & Lefthand Ditch
- 5BL.9539.1/segment of Burke Reservoir Fedder Ditch
- 5BL.9576.1/segment Leggett-Valmont Inlet Ditch
- 5BL.9577.1/segment Louisville Reservoir Inlet
- 5JF.250.3/segment Farmers Highline Canal
- 5JF.250.4/segment Farmers Highline Canal
- 5JF.1762.2/segment Allen Ditch
- 5AM.64/Bowles House
- 5BF.2/7585 W. 120th Avenue/Longmont Farmers Milling & Elevator Company
- 5BF.9/8375 W. 120th Avenue
- 5BF.87/Crescent Grange
- 5BF.180/11986 Wadsworth Blvd/Colorado Milling & Elevator Company
- 5BL.799/Valmont Steam Electric Generating Station
- 5BL.948/Petrelli-Del Pizzo House
- 5BL.950/1124 Main Street/Lasalla House
- 5BL.951/Steinbaugh House/Grasser House/Zedrick House
- 5BL.952/Stoins House
- 5BL.8036/Old Louisville Inn
- 5BL.8211/Mrs. Downer's Cabin
- 5BL.8212/Mrs. Downer's Cabin
- 5BL.8928/Lackner's Tavern
- 5BL.8929/Louisville Milling & Elevator Co.
- 5BL.9024/Harburg
- 5BL.9020/Arthur Debacker/Tenenbaum Property
- 5BL.9110/Louisville Rod and Gun Club Building
- 5DV.114/Denver Union Station
- 5BF.108/11975 Vance Street
- 5BF.109/11415 Wadsworth Blvd.
- 5BL.9531/1004 Griffith Street
- 5DV.9173/Texas Company
- 5DV.9174/Commerce City Electric Co.
- 5DV.9175/4461 Inca Street
- 5DV.9176/4467 Inca Street
- 5JF.3771/9300 Wadsworth Blvd
- 5AM.1744/Perlmack Auto Service
- 5BF.110/11605 Wadsworth Blvd.

After review of the submitted inventory forms, we were unable to concur with the proposed eligibility. Please see comments below regarding additional information needs for these resources.

- 5BL.4488.1/segment of Cottonwood Ditch No.2.
  The submitted inventory form does not include current photographs of the resource. The inventory form states that the condition of the resource has not changed since the 1994 survey, but we request current photographs to confirm that the resource retains enough integrity to support the overall eligibility of the linear resource.

- 5BF.106/7780 116th Avenue and 5AM.1746/7635 Stuart Street
  Both of the inventory forms describe these resources as being good examples of vernacular style buildings. However, the inventory forms do not include the character-defining features of the type or style being cited. Was this type or style of vernacular architecture built throughout Broomfield and Westminster? How do these two resources convey the character-defining features of the type or style? What elements of the type or style do they convey?

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

Mark Wolfe

for Georgianna Contiguglia
State Historic Preservation Officer

March 15, 2006

1131 Spruce Street
Louisville, CO, 80027

Lisa Schoch
CDOT
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Dear Ms Schoch,

My letter is concerning the important historical properties along the proposed Fastracks line in Louisville, Colorado. I certainly appreciate the concern for these properties which may be effected by Fastracks. As you are probably aware, Louisville was built up along the railroad and, thus, many of our historic buildings are located very near the tracks. All our registered or historic locations have value, but the three properties that are dear to my heart are as follows:

- 801 Lee Avenue (aka Mrs. Downer's Cabin or Miner's Cabin)
- 809 Lee Avenue (aka Mrs. Downer's Cabin or Miner's Cabin)
- 1101 South Street (Rod & Gun Club)

The first two cabins are not as close to the railroad as the Rod & Gun Club is. I have researched the history of the cabins and have not found anything like them in town. They really need to be preserved on site. The Rod & Gun Club is very close to the proposed train station. One of my ideas is to turn it into a very unique ticket station or coffee shoppe while preserving the outside structure.

These three buildings have been in my neighborhood the whole time I have lived in the Miners' Field Neighborhood for thirty-five years -- and long before that. They are wonderful buildings holding our local history. Thank you for your interest in preserving them.

Sincerely yours,

Jean Morgan

Jean Morgan

WESTMINSTER

March 22, 2006

Brad Beckham, Manager
Environmental Programs Branch
Colorado Department of Transportation
4201 East Arkansas Avenue
Denver, Colorado 80222

City of Westminster
Department of
Community Development

4800 West 92nd Avenue
Westminster, Colorado
80031

303-430-2400
FAX 303-426-5857

Re: CDOT Project NH 0361-070, US 36 Corridor Environmental Impact Statement
Adams, Denver, Boulder, Broomfield and Jefferson Counties
Area of Potential Effects, Eligibility Determinations for Archaeological Resources, and Historic Architectural Properties and Irrigation Facilities

Dear Mr. Beckham:

Thank you for your February 21, 2006, package of information concerning the preliminary Determinations of Eligibility (DOE) and Area of Potential Effects (APE) for the CDOT project referenced above. Please note that your contact information should be for Mr. John Carpenter rather than Ms. Joan Carpenter. I am responding on behalf of Mr. Carpenter.

Area of Potential Effects

With regard to establishing the APE by defining two legal parcels from the project area, we do not agree that this methodology makes sense. The potential effects of a project are more likely to be based on proximity, i.e. a particular distance, to a project area. Whether a parcel is small or large is a random criterion and results in nearby properties not being included in the APE and large tracts being included, portions of which are quite distant from the project

There were apparently other criteria applied to the APE decision in addition to the "two-parcel" rule. For example, several City of Westminster open space parcels were not included in the APE even though they were immediately adjacent to the projects. We would like to receive an explanation for this as well. In a number of places, the "two-parcel" rule was not observed and the APE is only one parcel deep along the project corridor.

In reviewing the impacts of CDOT's current APE designation, we have looked at a number of omitted properties from the perspective of whether they will be adversely affected, as defined in 36 C.F.R. section 800.5(a)(1). Where the potential exists for such impacts, we have listed specific properties that should be brought into the APE and reviewed.

Map 9

a. Note that the northwest quadrant of US 36 and 104th Avenue/Church Ranch Boulevard has changed substantially since the date of the aerial photo. The aerial shows the multiple rural residential parcels that existed prior to redevelopment of this area.

b. Why is Lower Church Lake omitted from the APE (west of US 36 and Church Ranch Boulevard interchange)?

Map 9a

a. Why are the City open space parcels on either side of US 36 omitted from the APE?

b. Why does the APE extend from US 36 west along a long narrow strip of property between Jay Street and Otis Street?

Map 10

a. Although the APE was defined by two legal parcels from the project, Map 10 seems not to conform to this rule. The APE seems to cover only one parcel from the BNSF tracks in most areas. Why is this?

b. Why is the City open space west of the tracks and north of 103rd Avenue omitted from the APE?

c. Why is the City open space north of 92nd Avenue, between State Highway 121 and the railroad tracks omitted from the APE?

b. The APE excludes a City-owned triangular parcel east of the tracks and south of West 92nd Avenue that was the site of the Semper School from the 1880s to the 1980s and was purchased to be a City park. Why is it excluded from the APE?

Map 11

a. Why are the parcels on either side of US36 south of West 96th Avenue excluded from the APE?

b. Why is the park east of US 36 between Quigley Street and Oakwood Drive excluded from the APE?

c. Maps 11 and 12a do not match well, actually excluding a small area of the APE.

d. The APE excludes houses northeast of US 36 between Bradburn Boulevard and LaPlace that should be included. An 1880s four-square home that was associated with Westminster University, as well as other locally significant adjacent properties, may potentially be impacted by visual, cumulative and auditory effects.

Map 12

a. The two-parcel rule seems to result in an odd definition of the APE on Map 12. On the northeast side of the tracks east of Federal Boulevard, one large developed parcel is included and another large parcel is excluded. Why?

b. Does the APE between Federal and Lowell Boulevards take into account the full extent of contemplated rail-related improvements, including station and parking?

c. The APE along the railroad tracks from West 72nd to 76th Avenues does not seem to follow the two-parcel rule. There are a number of properties that are adjacent to railroad right-or-way or one parcel away that are not included in the APE and which may be eligible, including:

7215 Bradburn Boulevard
7313 Bradburn Boulevard
4140 West 74th Avenue
4301 West 76th Avenue

d. The commercial area on the north side of West 73rd Avenue, within the first block east of Bradburn, comprises Westminster's original downtown. This area will be impacted significantly by visual, cumulative and auditory effects and should be included in the APE.

Map 12a

a. Map 12a does not match with Map 11 at the southwest corner of Bradburn Boulevard and Turnpike Drive. One of these maps should be modified to include this area.

b. The house at 7996 Bradburn Boulevard is a locally significant historic site and should be included in the APE.

Archaeology

1. The former Church's Crossing stage stop, dating from the 1860s, was located on a parcel within the APE east of the tracks where Old Wadsworth passes under the tracks. The original well remains on the site. Has this site been assessed for archaeological value?

2. A City-owned triangular parcel east of the tracks and south of West 92nd Avenue is the site of the Semper School from the 1880s to the 1980s. Has the site been assessed for archaeological value?

3. Immediately southeast along the tracks from the Semper School site were Semper homes and the train depot. Have these sites been assessed for archaeological value?

4. The historic Cherokee Trail followed and crossed the railroad tracks at some point. Inspection of maps shows it to have traveled west of Pierce Street, possibly following the east side of the tracks or crossing the tracks in the vicinity of Semper. Does CDOT have any further information on the Cherokee Trail and whether the project will impact any remnants or artifacts?

5. The train depot for Harris, which later was incorporated as Westminster, was located on the northeast side of the tracks just east of Bradburn. Has this site been assessed for archaeological value?

6. The vicinity of Little Dry Creek southwest of the tracks and west of Federal has been reputed to be a prehistoric burial site. Was this evaluated?

7. Have local Native American Tribes been consulted with regard to this project?

Determinations of Eligibility

a. The house at 7010 West 92nd Drive (within the APE) is believed to be a town of Semper house dating from the 1890s. Was this house reviewed for eligibility?

b. Why is the Niver Canal considered to be not eligible?

c. On Map 10, the property north of the City open space omitted from the APE, due west of the intersection of Old Wadsworth and the railroad tracks, has a building that appears to be over 100 years old with good integrity. Why was it not considered National Register eligible?

d. The homes along Stuart Place between West 78th and 80th Avenues are a unique California-style ranch design. Was this neighborhood reviewed for eligibility?

e. Page 5-31 (within section 5.2.2) seems to have a typo – 5AM.1790 needs to have the address corrected (200 W. 72nd does not exist in Westminster). Please let us know which property this is.

f. If your next report will discuss the reasons for findings of non-eligibility, we will wait for that report in order to get further information on your findings. What we need to see is the reasons for the findings of non-eligibility for the properties listed in Table 5-12 within Westminster.

We look forward to the further information requested in this letter.

Very truly yours,

Vicky Bunsen

Vicky Bunsen
Community Development
Programs Coordinator

cc: Amy Pallante, Colorado Historical Society – OAHP

City of Louisville

Office of the Mayor

March 22, 2006

Mr. Brad Beckham
Manager
Environmental Programs Branch
CDOT
4201 East Arkansas Avenue
Denver CO 80222

Ms. Lisa Schoch
Senior Staff Historian
CDOT
4201 East Arkansas Avenue
Denver CO 80222

Dear Mr. Beckham and Ms. Schoch:

The City of Louisville appreciates the opportunity to be a consulting party for the Section 106 process as it regards the US 36 corridor and we submit the following comments on the Determinations of Eligibility.

It is worth noting that, of the communities considered within the context of the historic resource review, Louisville may feel the greatest impact. This is because, within the Area of Potential Effect, perhaps the largest number of National Register eligible historic structures are located in Louisville.

The results of the architectural survey identified eleven (11) Louisville properties that are either already listed on the National Register of Historic Places, or are eligible for listing. The report recommendations on pages viii-ix give a recommendation of "preserve/avoid" for all eleven sites.

The City of Louisville City Council and Historic Preservation Commission have reviewed the report and agree strongly with the recommendation that all eleven structures should be preserved. Each of these properties is also eligible for local landmarking, and the loss of any of these structures would be a loss to our community.

In addition, we want to clearly state that we are requesting timely notification of all plans that may jeopardize any of these eleven structures so that we may have time to work with the property owners and discuss alternatives as well as comprehensively document the sites.

Please feel free to contact Meredyth Muth in the City Manager's Office at 303.335.4536 or muthm@ci.louisville.co.us should you have any questions about the above comments or to discuss any additional information.

Again, thank you for allowing us the chance to comment on the architectural survey report.

Sincerely,

Charles L. Sisk
Mayor

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

August 17, 2006

Vicki Bunsen
Westminster Historic Landmark Board
4800 West 92nd Avenue
Westminster, CO 80030

SUBJECT: Response to request for additional information, CDOT Project NH 0361-070, US 36 Corridor Environmental Impact Statement

Dear Ms. Bunsen:

Thank you for your response dated March 22, 2006 regarding determinations of eligibility for archaeological and historic properties associated with this project. We also appreciate your attendance at a meeting held on May 19, 2006 to discuss your concerns about the APE. The meeting was attended by you, CDOT Senior Staff Historian Lisa Schoch, and URS Corporation cultural resources consultants Bob Mutaw and Justin Fariello. This letter is intended to formalize the discussions in that meeting. We apologize for the delay in this correspondence, but hope that the May 19th meeting was useful in providing the clarification and information you requested in your letter.

Area of Potential Effects

Your letter expressed disagreement with the methodology used to develop the Area of Potential Effects (APE) boundary and requested an additional explanation for the decision to generally extend the boundary two parcels on either side of US 36. You also expressed concerns that open space parcels were not included in the boundary.

As we discussed at the meeting on May 19, 2006, the APE was defined based on location, the nature of the improvements in those locations, and the density of historic properties within a segment of the survey area. As we indicated in our initial letter, we also expanded the APE to account for areas where there are related transportation actions such as interchange reconstruction, transit station locations, alignment shifts, and the potential for indirect effects. Conversely, in areas where the density of historic properties was low and the planned improvements were minor, we moved the boundary closer to the road right-of-way. We did not base the boundary strictly on the "two parcel rule"; instead we tried to consider a number of factors in the development of that boundary. We have responded to your specific concerns about the APE below. For your convenience, we've reproduced your initial comment followed by our response.

For your information, since we met with you in May, the transit option has been separated from this project, so any concerns about the APE as it relates to the railroad corridor should be directed to the Regional Transportation District (RTD), since they will be handling the Section 106 for any transit-related improvements. We did not provide responses to your comments regarding properties on Maps 10 and 12 on pp. 2-3 of your March 22, 2006 letter, or questions 1-6 regarding archaeology on the final page of your letter since all of these concern properties along the railroad corridor.

Map 9: a
Westminster Comment: Note that the northwest quadrant of US 36 and 104th Avenue/Church Ranch Boulevard has changed substantially since the date of the aerial photo. The aerial shows the multiple rural residential parcels that existed prior to redevelopment of this area.

CDOT response: This was offered as a point of information by the City of Westminster so no official response from CDOT was necessary.

Map 9: b
Westminster Comment: Why is Lower Church Lake omitted from the APE (west of US 36 and Church Ranch Boulevard interchange)?

CDOT Response: We have confirmed that Lower Church Lake meets the minimum age requirement for evaluation as a historic property. We will assess the project alternatives to determine if they will have an effect to this property. If we find that any of the alternatives will directly affect it, we will include it in the APE and formally record and evaluate it for NRHP eligibility.

Map 9a (a)
Westminster Comment: Why are the City open space parcels on either side of US 36 omitted from the APE?

CDOT Response: The City open space parcels were not included in the APE because no historic standing structures are located on the property and it was determined that no historic properties would be affected.

Map 9a: (b)
Westminster Comment: Why does the APE extend from US 36 west along a long narrow strip of property between Jay Street and Otis Street?

CDOT Response: These properties were included in the APE because they are close to the highway and have an unobstructed view of the highway through an adjacent open space parcel. It was uncertain if these parcels would have secondary visual or auditory impacts and so they were included in the APE.

Map 11: a
Westminster Comment: Why are the parcels on either side of US 36 south of West 96th Avenue excluded from the APE?

CDOT Response: No historic standing structures were located on these parcels at the time the survey. The parcel to the west has recent development and a Wal-Mart is located on the other parcel.

Map 11: b
Westminster Comment: Why is the park east of US 36 between Quigley Street and Oakwood Drive excluded from the APE?

CDOT Response: This is a modern park that we believe was initially set aside for detention purposes. It does not contain any historic structures. The park will be evaluated for Section 4(f) impacts but was not included in the APE for evaluation under Section 106.

Map 11: c
Westminster Comment: Maps 11 and 12a do not match well, actually excluding a small area of the APE.

CDOT Response: This discrepancy is a function of map assembly. As we indicated in our meeting, the maps nearly match up, but there is a small triangle missing in the middle of US 36, where the three maps converge. However, there are no properties of concern located on the portion that is missing.

Map 11: d
Westminster Comment: The APE excludes houses northeast of US 36 between Bradburn Boulevard and LaPlace that should be included. An 1880s four-square home that was associated with Westminster University, as well as other locally significant adjacent properties, may potentially be impacted by visual, cumulative and auditory effects.

CDOT Response: The property in question is located beyond the APE and will not be subject to direct impacts. Because this property is on a hill overlooking the highway, the construction/engineering plans will be examined to determine if it will be subject to any secondary visual or auditory impacts. If so, the APE boundary will be amended to include this property and it will be evaluated.

Map 12a: a
Westminster Comment: Map 12a does not match with Map 11 at the southwest corner of Bradburn Boulevard and Turnpike Drive. One of these maps should be modified to include this area.

CDOT Response: This is another issue of map assembly. We agree that there is a small triangle missing in the middle of US 36, where the three maps converge. However, we have determined there are no properties of concern located on the portion that is missing.

Map 12a: b
Westminster Comment: The house at 7996 Bradburn Boulevard is a locally significant historic site and should be included in the APE.

CDOT Response: The house at 7996 Bradburn Boulevard was examined and recorded as a part of the project and is within the two-parcel APE for the highway. So although the property does not appear in the APE boundary in the mapping by error, it was evaluated and is considered within the APE boundary for this project.

Archaeology
With the exception of your final question about Native American consultation, all of the questions regarding archaeology concerned resources along the railroad corridor. As we indicated earlier in this letter, the transit option has been separated from this project and all questions concerning properties along the BNSF railroad corridor should be directed to RTD.

Question 7.
Westminster Comment: Have local Native American Tribes been consulted with regard to this project?

CDOT Response: As part of standard CDOT procedures, Native Americans have been consulted for this project. The relevant details concerning this consultation will be presented in the EIS.

Thank you again for your comments and participation in the Section 106 process for this project. We will continue to consult with you as further information is available and as additional documentation is finalized. If you have any questions or require additional information, please contact CDOT Senior Staff Historian, Lisa Schoch, at (303) 512-4258.

Very truly yours,

FOR Brad Beckham, Manager
Environmental Programs Branch

cc: Sandi Kohrs, CDOT Region 6
Monica Pavlik, FHWA
Rick Pilgrim/Tricia Bernhardt/Bob Mutaw, URS
Georgiana Contiguglia, Colorado SHPO
F/CF/RF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Region 6
Planning & Environmental
2000 S. Holly Street
Denver CO 80222

303-757-9372; FAX: 303-757-9907

August 29, 2006

Ms. Tonya Haas
Assistant City and County Manager
City and County of Broomfield
One DesCombes Drive
Broomfield, Colorado 80020

RE: Historic Landmark Board request regarding "Shep's Grave"

Dear Ms. Haas:

Thank you for making CDOT aware of the City and County of Broomfield's Historic Landmark Board's interest in Shep's Grave, located in the intersection of the Wadsworth Interchange with US 36. We understand that the grave and its history are important to the Landmark Board.

As you know we are in the NEPA process for the US 36 corridor which includes study of the Wadsworth Interchange. As the plans for reconstruction of US 36 and the Wadsworth Interchange are developed, options for addressing the Shep grave site will be examined, and information will be presented in the Draft Environmental Impact Statement (DEIS) for your formal consideration and comment.

The NEPA process includes a public hearing on the DEIS. Careful consideration will be given to those comments in the preparation of the Final Environmental Impact Statement (FEIS) and design modifications can be made, if necessary, during that phase. The final step is the Record of Decision (ROD) which can be signed by the Federal agencies once funding for the project is identified.

We will continue to work directly with Debra Baskett, of the City and County, to keep you apprised of our progress and look forward to working with you on a mutually acceptable outcome.

Sincerely,

Sandi Kohrs, CDOT
US 36 EIS Co-Project Manager

3.9.6 Environmental

F

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

October 2, 2006

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

Subject: CDOT Project NH 0361-070, US 36 Corridor Environmental Impact Statement, Adams, Denver, Boulder, Broomfield and Jefferson Counties; Eligibility Determinations and Additional Information (CHS #42345)

Dear Ms. Contiguglia:

This letter and the enclosed materials constitute a request for concurrence on Determinations of Eligibility for the CDOT project referenced above. We previously consulted with your office in October 2004, March 2005, and February 2006. This submittal contains eligibility determinations for irrigation features, highway segments, bridges, and architectural properties within the US 36 APE that have been evaluated as not eligible. Please refer to the comprehensive survey report submitted to you in February 2006 as you review these forms. We have also provided the additional information you requested in your February 20, 2006 letter.

Since we last consulted with you, the project scope has changed and the transit alternatives, including bus rapid transit (BRT) and commuter transit, have been severed from the project. All Section 106 consultation for resources along the BNSF railroad corridor (which was previously identified in our project APE) will be addressed separately by the Regional Transportation District (RTD).

Survey Results

Historical consultants from Myra L. Frank & Associates/Jones & Stokes and URS Corporation surveyed the project for historical resources between May and July 2004. The following tables are arranged by property type.

Six irrigation features are described in Table 1. As noted in the table, three of the properties were re-evaluated; of these only one was determined eligible for the National Register of Historic Places (NRHP) in its entirety (5BL3935), but the associated segment in the project area lacks integrity. Three ditches were newly recorded for the project, of which two were determined eligible in their entirety (5AM80.6, 5AM81.3) with associated segments that *lack* integrity. The remaining ditches were determined not eligible, and their associated segments were found to lack sufficient integrity.

Irrigation Ditches and Canals			
Resource No.	Resource Name	Entire Ditch	Segment
5AM80.6	Lower Clear Creek Canal	Eligible	Lacks integrity
5AM81.3	Colorado Agricultural Canal	Eligible	Lacks integrity
*5AM1132.1	Allen Ditch	Not Eligible	Lacks integrity

Table 1: Irrigation Ditches and Canals			
*5BF67.5	Community Ditch	Not Eligible	Lacks integrity
*5BL3935	Anderson Ditch	Eligible	Lacks integrity
5JF3787.2	Niver Canal	Not Eligible	Lacks integrity

*Denotes irrigation ditches recorded on re-evaluation forms

Six segments of US Highway 36 are described in Table 2. The entire highway is considered NRHP eligible but only one segment retains sufficient integrity (5BL7529.3) to support the overall eligibility of the highway.

Please note that each of the highway segment site forms includes an attachment that lists the highway bridges and structures along that particular highway segment. Individual eligibility for sixteen of the bridges was determined during consultation on the 2000 Statewide Historic Bridge Inventory and is noted on each attachment. The site forms for these bridges were not included for review since their eligibility was already established in the bridge survey. Any bridges or culverts that met the age requirement and were not evaluated in the 2000 Statewide Historic Bridge Inventory were recorded on separate forms and are identified below in Table 3. Table 3 also includes a list of the bridges that were officially determined not eligible in the 2000 survey.

Table 2: Highway Segments			
Resource #	Resource Name	Entire Highway	Highway Segment
5AM1760.1	Denver-Boulder Turnpike	Eligible	Lacks integrity
*5BF50.1	US Highway 36	Eligible	Lacks integrity
5BF50.2	Denver-Boulder Turnpike	Eligible	Lacks integrity
5BL7529.3	Denver-Boulder Turnpike	Eligible	Retains Sufficient Integrity
5BL7529.4	Denver-Boulder Turnpike	Eligible	Lacks integrity
5JF2243.2	Denver-Boulder Turnpike	Eligible	Lacks integrity

*Denotes highway segments recorded on re-evaluation forms

Sixteen bridge structures are identified in Table 3. Note that a total of 32 bridge and culvert structures were identified along US 36 in the APE. Of these, fifteen structures were previously evaluated for eligibility as part of the 2000 Colorado Historic Bridge Inventory and were determined officially *not eligible*; one of these structures (5BL7936) was re-evaluated for this project due to changes to the structure since the past survey. Another structure (5BL5664.33) was newly-evaluated for the project. The remaining 16 structures located along the highway were not recorded because they were constructed in the years between 1971 and 1999; these are not listed in the table below. *All* of the bridges along the corridor are listed in the attachments to the highway segment forms as noted above. Only two site forms (5BL5664.33 and 5BL7936) were included in this submittal since the fifteen previously evaluated bridges from the 2000 Colorado Bridge Inventory were already determined not eligible in consultation with your office.

Table 3: Bridges and Culverts		
Resource #	Resource Name	Eligibility Determination
*5AM1359	Bridge E-16-FP	Not Eligible
*5AM1360	Bridge E-16-FR	Not Eligible
*5AM1361	Bridge E-16-Q	Not Eligible
*5BF48	Bridge E-16-af	Not Eligible

Table 3: Bridges and Culverts		
5BL5664.33	Bridge E-16-FT	Not Eligible
*5BL7935	Bridge E-16-FK	Not Eligible
**5BL7936	Rock Creek Culvert	Not Eligible
*5BL7929	Bridge E-16-FB	Not Eligible
*5BL7931	Bridge E-16-FE	Not Eligible
*5BL7932	Bridge E-16-FG	Not Eligible
*5BL7933	Bridge E-16-FH	Not Eligible
*5BL7934	Bridge E-16-FI	Not Eligible
*5BL7937	Bridge E-16-FV	Not Eligible
*5JF2242	Bridge E-16-FL	Not Eligible
*5JF2244	Bridge E-16-FS	Not Eligible
*5JF2243	Bridge E-16-FO	Not Eligible

*Denotes bridges that were evaluated as part of the 2000 Colorado Historic Bridge Inventory and were officially determined not eligible as part of the consultation for that survey.
**Denotes bridge evaluated in 2000 Colorado Historic Bridge Inventory, but was re-evaluated for this project

Twenty-five architectural properties are listed in Table 4. Of these, twenty-three properties were newly-recorded for the project and were determined *not eligible*. Two properties (5BL441 and 5JF520) were re-evaluated as *not eligible*.

Table 4: Architectural Properties		
Resource #	Resource Name/Address	Eligibility
5AM1780	210 W. 72nd Avenue	Not Eligible
5AM1785	7480 Zuni Street	Not Eligible
5AM1786	7790 Lowell Boulevard	Not Eligible
5AM1790	200 W. 72nd Avenue	Not Eligible
5AM1796	3950 Turnpike Drive	Not Eligible
5AM1797	7903 Meade Street	Not Eligible
5AM1799	7998 Bradburn Drive	Not Eligible
5AM1802	3944 Turnpike Drive	Not Eligible
5AM1803	3920-3930 Turnpike Drive	Not Eligible
5AM1804	7905 Meade Street	Not Eligible
5AM1805	7990 Newton Street	Not Eligible
5AM1806	7979 Meade Street	Not Eligible
5AM1811	3798 W. 80th Avenue	Not Eligible
5AM1865	7996 Bradburn Boulevard	Not Eligible
5BF139	8520 W. 120th Avenue	Not Eligible
5BF142	8325 W. 120th Avenue	Not Eligible
5BF154	11420 Wadsworth Boulevard	Not Eligible
5BF166	11375 Wadsworth Blvd.	Not Eligible
5BF168	11395 Wadsworth Blvd.	Not Eligible
5BF176	8357 W. 120th Avenue	Not Eligible
*5BL441	Superior Cemetery	Not Eligible
5BL9775	6051 Mesa Drive	Not Eligible
*5JF520	Centennial Farm/Tucker Home	Not Eligible
5JF3825	9595 Sheridan Boulevard	Not Eligible
5JF3830	5417 W. 96th Avenue	Not Eligible

*Denotes properties re-evaluated for this project

The eligibility determinations described above will be submitted to the following Section 106 consulting parties identified for the project: City and County of Denver Landmark Preservation Commission, City

of Louisville, Colorado Preservation, Inc., Broomfield Depot Museum, Historic Boulder, Historic Denver, Town of Superior, and the City of Westminster. We will forward to you responses from these groups when received.

Additional Information
Also enclosed is additional information you requested in your February 20, 2006 correspondence, including current photographs of segment 5BL4488.1 of the Cottonwood Ditch No. 2 and revised site forms for architectural properties 5BF106 and 5AM1746. In our February submittal, we determined that 5BF106 and 5AM1746 were *eligible*; since then we have revised our determination to *not eligible*. The revised forms do not have attached photos; please see the photos attached to the original site forms.

We request your concurrence with these Determinations of Eligibility for the properties identified above, and your concurrence with the revised determinations for 5BF106 and 5AM1746. Your response is necessary for the Federal Highway Administration to comply with Section 106 of the National Register Preservation Act (as amended) and with the Advisory Council on Historic Preservation regulations.

If you have questions or require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures:

Site Forms for irrigation, highway, and architectural properties
Additional photos, Cottonwood Ditch #2
Revised site forms, 5BF106, 5BF1746

cc: Sandi Kohrs, CDOT Region 6
Monica Pavlik, FHWA
Rick Pilgrim/Tricia Bernhardt/Bob Mutaw, URS
File/CF

COLORADO HISTORICAL SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

October 24, 2006

Brad Beckham
Manager
Colorado Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project NH 0361-070, US 36 Corridor Environmental Impact Statement. (CHS #42345)

Dear Mr. Beckham,

Thank you for your correspondence dated October 2, 2006 and received by our office on October 4, 2006 regarding the above-mentioned project.

After review of the provided information, we concur that the resources listed below are not individually eligible for the National Register of Historic Places (NRHP). In regards to all of the Architectural Inventory Forms, item 45/Potential for Historic District was not discussed on any of the submitted site forms.

- 5AM.1780/210 W. 72nd Avenue
- 5AM.1785/7480 Zuni Street
- 5AM.1790/200 W. 72nd Ave. Original photographs were not submitted with this survey form. We request that original photographs for this property be submitted.
- 5AM.1769/3950 Turnpike Drive
- 5AM.1797/7930 Meade Street
- 5AM.1799/7998 Bradburn Street
- 5AM.1802/3914 Turnpike Drive
- 5AM.1803/3920-3930 Turnpike Drive
- 5AM.1805/7990 Newton Street
- 5AM.1811/3798 W. 80th Ave
- 5AM.1865/7996 Bradburn Blvd/Harris House
- 5AM.139/8520 W. 120th Ave
- 5AM.142/8325 W. 120th Ave
- 5BF.154/11420 Wadsworth Ave
- 5BF.166/11375 Wadsworth Ave. Original photographs were not submitted with this survey form. We request that original photographs for this property be submitted.
- 5BF.168/11395 Wadsworth Blvd. Original photographs were not submitted with this survey form. We request that original photographs for this property be submitted.
- 5BF.176/8357 W. 120th Ave
- 5BL.9776/6051 Mesa Drive
- 5BL.520/Tucker Farm
- 5JF.3825/9595 Sheridan Blvd
- 5JF.3830/5417 W. 96th Ave
- 5BL.7936/Rock Creek Culvert
- 5BF.106/1180 116th Ave
- 5AM.1746/7635 Stuart Street

After review of the provided information, we are not able to concur with the finding of NRHP eligibility for the resources listed below.

- 5AM.1786/7790 Lowell Boulevard. The picture attached to the site form is taken from a distance and a tree is blocking the view of the house. We are not able to concur that the resource is not a good example of the Craftsman style without a better photograph. We request additional photographs that clearly show the property. Item 45 is marked as having no potential for a National Register district, but no discussion is provided to justify this finding. Please provide a justification of why there is no historic district in the area.
- 5BL.441/Superior Cemetery. We do not agree with item 13. According to National Register Bulletin 41: Guidelines for Evaluating and Registering Cemeteries and Burial Places, the types of cemeteries that might qualify for the NRHP include several different types of burials, as well as "town cemeteries and burial grounds whose creation and continuity reflect the broad spectrum of the community's history and culture (pg. 3)." Also, on pg 10, the Bulletin advises that, "Depending on the history of an area, the age required of a cemetery to represent early exploration, settlement, and development will vary." According to the site form, early pioneers and their descendents are buried in Superior Cemetery. In our opinion, the cemetery has the potential to be eligible under National Register Criterion A for exploration/settlement for the earlier pioneers buried in the cemetery and under National Register Criterion D for the information that can be gathered from the site in regards to the early pioneers.
- 5BL.3935/Anderson Extension Ditch. The entire ditch was determined eligible August 30, 1993. The submitted Cultural Resource Re-evaluation Form is not clear on whether or not the entire ditch or just a segment is being evaluated. Item 13 states that "this segment no longer retains sufficient integrity…," but no segment number is assigned. The original survey form is for the entire ditch and not a segment.
- 5BL.5664.33/segment of Coal Creek Ditch. Please note that the survey information was provided on a form called "Bridge Inventory Form." Since the feature is a pipe associated with a linear feature, we request that a Management Data Form (OAHP 1400) and Linear Component Form (OAHP 1418) be completed for this linear resource.
- 5BF.106/7780 116th Avenue. No photographs were attached to the site form for review. Please provide original photographs.
- 5AM.1746/7635 Stuart Street. No photographs were attached to the site form for review. Please provide original photographs.
- 5AM.1804/7905 Meade Street. After accessing the Adams County Tax Assessor website, the correct address for this property is 7903 Meade Street. The site form states that the resource has lost integrity of design, setting, materials, workmanship, association, and feeling; however, the form lists the only alteration to the resource as the addition of dormers. No date is given for the addition and many quonset-type buildings originally featured dormers. Please confirm if the dormers are original. If the dormers are not original, please clarify how the addition of dormers can cause the loss of integrity in terms of design, setting, materials, workmanship, association, and feeling. Also, the picture is taken from a distance and it is difficult to evaluate the building using the provided photograph.
- 5AM.1806/Advent Evangelical Lutheran Church. According to the Adams County Tax Assessor website, the date of construction for this resource is 1955 and not 1960 as suggested on the site form. In our opinion, this property is an early and good example of the A-Frame type in Colorado. The site form states that the resource "appears to be unaltered and retains all aspects of integrity." However, the form continues by stating that this resource does not posses the character-defining features of the A-Frame type. These statements are confusing. If a property is

significant for a type or style and retains the elements of integrity for that type or style, it is considered eligible. Please clarify the statement of significance (item 42) for this resource.

After review of the provided information, we concur with the finding that the linear resources below do not support the overall NRHP eligibility of their respective overall linear resources.

- 5AM.80.6/segment of Lower Clear Creek Canal
- 5AM.81.3/segment of Colorado Agricultural Canal
- 5AM.1132.1/segment of Allen Ditch
- 5BF.67.5/segment of Community Ditch
- 5JF.3878.2/segment of Niver Canal. We do not concur that the entire Niver Canal is not eligible for the NRHP. In our opinion, not enough information was provided for an evaluation and concurrence.
- 5AM.1760.1/segment of Denver-Boulder Turnpike/US 36
- 5BF.50.1/segment of US 36
- 5BF.50.2/segment of US 36
- 5BL.7529.4/segment of Denver-Boulder Turnpike/US 36
- 5JF.2243.2/segment of Denver-Boulder Turnpike/US 36

After review of the provided information, we concur with the finding that the linear resources below support the overall NRHP eligibility of their respective overall linear resources.

- 5BL.7529.3/segment of Denver-Boulder Turnpike/US 36

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

for Georgianna Contiguglia
State Historic Preservation Officer

Date	11/30/06
File Code:	NWR-326
DCN:	
Distribution:	NWR-E&S
Add Distrib:	
Action Item:	☐ Y To:
	Action:
	Due Date:
Confidential:	☐ Y

November 27, 2006

Mr. Dave Shelly, Project Manager
RTD FasTracks US 36 Corridor
1560 Broadway, Suite 700
Denver, CO 80202

Re: Section 106 Consulting Parties Request for US 36 FasTracks Corridor

Dear Mr. Shelly:

The National Trust is concerned about the proposed US 26 FasTracks Corridor between Denver, Table Mesa and Longmont and its potential effects on historic properties. We understand that consultation has been initiated under Section 106 of the National Historic Preservation Act (NHPA) for the US 36 Corridor, which will include rail and BRT and go from Denver through several historic northwest communities including Louisville, Niwot and Longmont. The National Trust would like to participate actively in the review process, as a "consulting party" under Section 106 of the NHPA, pursuant to 36 C.F.R. § 800.2(c)(5).

The National Trust has a long-standing interest in the preservation of our nation's irreplaceable historic resources. In 1949, Congress chartered the National Trust as a private charitable, educational, and nonprofit organization to "facilitate public participation" in historic preservation, and to further the purposes of federal historic preservation laws (16 U.S.C. §§ 461, 468). Congress intended that the National Trust "mobilize and coordinate public interest and participation in the preservation and interpretation of sites and buildings from voluntary resources" (S. Rep. No. 1110, 81st Cong., 1st Sess. 4 (1949), *reprinted in* 1949 U.S. Code Cong. & Ad. News 2285, 2288). With the support of more than 270,000 individual members nationwide including 4,000 in Colorado, the National Trust works with federal, state, and local agencies, as well as other non-profit organizations, to effectively resolve issues affecting historic resources. The National Trust has eight regional offices around the country, including the Mountains/Plains Office in Denver that is responsive to preservation issues in Colorado.

Because of the National Trust's knowledge and concern about historic properties potentially affected by the project, we believe we can provide important information and a valuable perspective as a consulting party under Section 106. Please include us in your distribution list for public notices of any meetings, and for the circulation of any documents for comment. We look forward to participating as the review and consultation process moves forward.

Sincerely,

Amy Cole

Amy Cole
Sr. Program Officer & Regional Attorney

cc: Amy Pallante, CO SHPO
Steve Turner, Historic Denver
Mark Rodman, Colorado Preservation

Recipient of the National Humanities Medal

MOUNTAINS / PLAINS OFFICE
535 16TH STREET, SUITE 750 • DENVER, CO 80202
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NATIONAL TRUST
for HISTORIC PRESERVATION®

November 27, 2006

Lisa Schoch
Staff Historian
Colorado Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: Section 106 Consulting Parties Request for US 36 Highway Corridor

Dear Lisa:

The National Trust is concerned about the proposed highway improvement project on US 36 between Denver and Boulder and its potential effects on historic properties. We understand that consultation has been initiated under Section 106 of the National Historic Preservation Act (NHPA) for the US 36 Highway Corridor. The National Trust would like to participate actively in the review process, as a "consulting party" under Section 106 of the NHPA, pursuant to 36 C.F.R. § 800.2(c)(5).

The National Trust has a long-standing interest in the preservation of our nation's irreplaceable historic resources. In 1949, Congress chartered the National Trust as a private charitable, educational, and nonprofit organization to "facilitate public participation" in historic preservation, and to further the purposes of federal historic preservation laws (16 U.S.C. §§ 461, 468). Congress intended that the National Trust "mobilize and coordinate public interest and participation in the preservation and interpretation of sites and buildings from voluntary resources" (S. Rep. No. 1110, 81st Cong., 1st Sess. 4 (1949), *reprinted in* 1949 U.S. Code Cong. & Ad. News 2285, 2288). With the support of more than 270,000 individual members nationwide including 4,000 in Colorado, the National Trust works with federal, state, and local agencies, as well as other non-profit organizations, to effectively resolve issues affecting historic resources. The National Trust has eight regional offices around the country, including the Mountains/Plains Office in Denver that is responsive to preservation issues in Colorado.

Because of the National Trust's knowledge and concern about historic properties potentially affected by the project, we believe we can provide important information and a valuable perspective as a consulting party under Section 106. Please include us in your distribution list for public notices of any meetings, and for the circulation of any documents for comment. We look forward to participating as the review and consultation process moves forward.

Sincerely,

Amy Cole
Sr. Program Officer & Regional Attorney

cc: Amy Pallante, CO SHPO
Steve Turner, Historic Denver
Mark Rodman, Colorado Preservation

Recipient of the National Humanities Medal

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STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Bldg.
Denver, Colorado 80222
(303) 757-9259

December 13, 2006

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Additional Information, CDOT Project NH 0361-070, US 36 Corridor Environmental Impact Statement (CHS #42345)

Dear Ms. Contiguglia:

In your October 24, 2006, response to our prior letter regarding eligibility determinations for the project referenced above, you did not concur with our findings of eligibility for the following sites: 5AM1786 (7790 Lowell Boulevard); 5BL441 (Superior Cemetery); 5BL3935.4 (segment of the Anderson Extension Ditch); 5BL5664.33 (segment of the Coal Creek Ditch); 5AM1804 (7905 Meade Street), and 5AM1806 (the Advent Evangelical Lutheran Church). Information specific to each of these resources follows. In addition, original photographs are enclosed for 5AM1786, 5AM1804, 5BF106 (7780 116th Avenue), and 5AM1746 (7635 Stuart Street).

5AM1786, 7790 Lowell Boulevard: You requested additional information addressing why 5AM1786 does not contribute to a potential National Register of Historic Places (NRHP) district. 5AM1786 does not contribute to a potential district as it is surrounded by other properties representing various styles and ages of construction. There is no potential for a district since the structures near 5AM1786 do not represent a unified theme or style.

5BL441, Superior Cemetery: You disagreed with our findings under Item 13 (Boundary Description and Justification) of the Architectural Inventory Form. You also stated that the cemetery has the potential to be eligible under NRHP Criterion "a" for the exploration/settlement associated with the pioneers buried in the cemetery, and under Criterion "d" for the potential historic archaeology information that might come from the site regarding these pioneers. After review of the available information, CDOT agrees and recommends that 5BL441 is *eligible* to the NRHP.

5BL3935.4, segment of Anderson Extension Ditch: The entire ditch was determined eligible on August 30, 1993. The previously submitted reevaluation form was not clear whether the entire ditch or just a segment was evaluated. Enclosed herewith is a revised form with a specific site number (5BL3935.4) and a recorded length of 2,165 feet.

5BL5664.33, 200-foot segment of Coal Creek Ditch: We previously submitted survey information on a "Bridge Inventory Form." Since the ditch in the recorded segment is a pipe associated with the linear feature, you requested survey information on Management Data and Linear Component Forms, which are enclosed.

2006

5AM1804, 7905 Meade Street: The Adams County Tax Assessor gives the correct address of the property as 7903 Meade Street. However, the field survey found the building's address as 7905. Enclosed is a revised site form that includes both house numbers.

You also asked us to confirm if the dormers are original to the Quonset-type building, and if they are not to clarify how the addition of dormers could cause a loss of integrity to the building. We have re-assessed the structure and believe that the dormers are original. However, the field survey noted that the addition of a vertical wall truncated the building's south façade. Currently, the structure does not form a complete arc as is typical for Quonset-type structures, and CDOT therefore continues to maintain that the property is *not eligible*. Enclosed is a revised Architectural Inventory Form for your consideration.

5AM1806, Advent Evangelical Lutheran Church: We concur with Adams County Tax Assessor records that the date of construction for 5AM1806 is 1955 and not 1960 as suggested on the site form. You also indicated that the property is an early and good example of the A-frame type in Colorado, but found the statement of significance confusing regarding the site's integrity. Upon further evaluation, CDOT recognizes this property as a good example of an A-frame type and that it retains its character defining features, and we now believe the property is *eligible* to the NRHP under Criterion "c."

We request your concurrence with the determinations of eligibility outlined herein. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Acting Staff Historian Robert Autobee at (303) 757-9758.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures: Site Forms and Photographs

cc: Sandi Kohrs, CDOT Region 6
Monica Pavlik, FHWA
Rick Pilgrim/Tricia Bernhardt/Bob Mutaw, URS
File/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

DEPARTMENT OF TRANSPORTATION

December 18, 2006

Ms. Janet Bell
Long Range Planning Coordinator
Jefferson County Planning and Zoning Department
100 Jefferson County Parkway, Suite 3550
Golden, CO 80419-3550

Subject: Eligibility Determinations and Additional Information, CDOT Project NH 0361-070, US 36 Corridor Environmental Impact Statement, Adams, Boulder, Broomfield, Denver and Jefferson Counties

Dear Ms. Bell:

This letter and the enclosed materials constitute a request for comment on Determinations of Eligibility for the CDOT project referenced above. We previously consulted with the State Historic Preservation Officer (SHPO) in October 2004, March 2005, and February 2006 regarding this undertaking. This correspondence contains eligibility determinations for irrigation features, highway segments, bridges, and architectural properties within the US 36 Area of Potential Effect (APE) that have been evaluated as not eligible for listing on the National Register of Historic Places (NRHP). Please refer to the comprehensive survey report submitted to you in February 2006 as you review these forms. We have also provided the additional information requested by SHPO in a letter dated February 20, 2006.

Since we last consulted with SHPO the project scope has changed and the transit alternatives, including bus rapid transit (BRT) and commuter transit, have been severed from the project. All Section 106 consultation for resources along the BNSF railroad corridor (which was previously identified in our project APE) will be addressed separately by the Regional Transportation District (RTD).

Survey Results

Historical consultants from Myra L. Frank & Associates/Jones & Stokes and URS Corporation surveyed the project for historical resources between May and July 2004. The following tables are arranged by property type.

Six irrigation features are described in Table 1, of which three were re-evaluated; of these only one was determined NRHP eligible in its entirety (5BL3935), but the associated segment in the project area lacks integrity. Three ditches were newly recorded for the project, of which two were determined eligible in their entirety (5AM80.6, 5AM81.3) with associated segments that *lack* integrity. The remaining ditches were determined not eligible, and their associated segments were found to lack sufficient integrity.

Table 1: Irrigation Ditches and Canals			
Resource #	Resource Name	Entire Ditch	Segment
5AM80.6	Lower Clear Creek Canal	Eligible	Lacks integrity
5AM81.3	Colorado Agricultural Canal	Eligible	Lacks integrity
*5AM1132.1	Allen Ditch	Not Eligible	Lacks integrity

*5BF67.5	Community Ditch	Not Eligible	Lacks integrity
*5BL3935	Anderson Ditch	Eligible	Lacks integrity
5JF3787.2	Niver Canal	Not Eligible	Lacks integrity

*Denotes irrigation ditches recorded on re-evaluation forms

Six segments of US Highway 36 are described in Table 2. The entire highway is considered NRHP eligible but only one segment retains sufficient integrity (5BL7529.3) to support the overall eligibility of the highway.

Please note that each of the highway segment site forms includes an attachment that lists the bridges and structures along that particular segment. Individual eligibility for sixteen of the bridges was determined during consultation on the 2000 Statewide Historic Bridge Inventory and is noted on each attachment. The site forms for these bridges were not included for review since their eligibility was already established in the bridge survey. Any bridges or culverts that met the age requirement and were not evaluated in the 2000 Statewide Historic Bridge Inventory were recorded on separate forms and are identified in Table 3. Table 3 also includes a list of the bridges that were officially determined not eligible in the 2000 survey.

5AM1760.1	Denver-Boulder Turnpike	Eligible	Lacks integrity
*5BF50.1	US Highway 36	Eligible	Lacks integrity
5BF50.2	Denver-Boulder Turnpike	Eligible	Lacks integrity
5BL7529.3	Denver-Boulder Turnpike	Eligible	Retains Sufficient Integrity
5BL7529.4	Denver-Boulder Turnpike	Eligible	Lacks integrity
5JF2243.2	Denver-Boulder Turnpike	Eligible	Lacks integrity

*Denotes highway segments recorded on re-evaluation forms

Sixteen bridge structures are identified in Table 3. Note that a total of 32 bridge and culvert structures were identified along US 36 in the APE. Of these, fifteen structures were previously evaluated for eligibility as part of the 2000 Colorado Historic Bridge Inventory and were determined officially *not eligible*; one of these structures (5BL7936) was re-evaluated for this project due to changes to the structure since the past survey. Another structure (5BL5664.33) was newly-evaluated. The remaining 16 structures were not recorded because they were constructed in the years between 1971 and 1999 and therefore do not meet the minimum age criterion; these are not contained in Table 3. *All* of the bridges along the corridor are listed in the attachments to the highway segment forms as noted above. Only two site forms (5BL5664.33 and 5BL7936) were included in this submittal since the fifteen previously evaluated bridges from the 2000 Bridge Inventory were already determined not eligible in consultation with SHPO.

*5AM1359	Bridge E-16-FP	Not Eligible
*5AM1360	Bridge E-16-FR	Not Eligible
*5AM1361	Bridge E-16-Q	Not Eligible
*5BF48	Bridge E-16-af	Not Eligible

5BL5664.33	Bridge E-16-FT	Not Eligible
*5BL7935	Bridge E-16-FK	Not Eligible
**5BL7936	Rock Creek Culvert	Not Eligible
*5BL7929	Bridge E-16-FB	Not Eligible
*5BL7931	Bridge E-16-FE	Not Eligible
*5BL7932	Bridge E-16-FG	Not Eligible
*5BL7933	Bridge E-16-FH	Not Eligible
*5BL7934	Bridge E-16-FI	Not Eligible
*5BL7937	Bridge E-16-FV	Not Eligible
*5JF2242	Bridge E-16-FL	Not Eligible
*5JF2244	Bridge E-16-FS	Not Eligible
*5JF2243	Bridge E-16-FO	Not Eligible

*Denotes bridges that were evaluated as part of the 2000 Colorado Historic Bridge Inventory and were officially determined not eligible as part of the consultation for that survey.
**Denotes bridge evaluated in 2000 Colorado Historic Bridge Inventory, but was re-evaluated for this project

Twenty-five architectural properties are listed in Table 4. Of these, twenty-three were newly-recorded for the project and were determined *not eligible*. One property (5JF520) was re-evaluated as *not eligible* and two other properties (5BL441 and 5AM1806) were re-evaluated as *eligible*.

5AM1780	210 W. 72nd Avenue	Not Eligible
5AM1785	7480 Zuni Street	Not Eligible
5AM1786	7790 Lowell Boulevard	Not Eligible
5AM1790	200 W. 72nd Avenue	Not Eligible
5AM1796	3950 Turnpike Drive	Not Eligible
5AM1797	7903 Meade Street	Not Eligible
5AM1799	7998 Bradburn Drive	Not Eligible
5AM1802	3944 Turnpike Drive	Not Eligible
5AM1803	3920-3930 Turnpike Drive	Not Eligible
5AM1804	7905 Meade Street	Not Eligible
5AM1805	7990 Newton Street	Not Eligible
*5AM1806	7979 Meade Street	Eligible
5AM1811	3798 W. 80th Avenue	Not Eligible
5AM1865	7996 Bradburn Boulevard	Not Eligible
5BF139	8520 W. 120th Avenue	Not Eligible
5BF142	8325 W. 120th Avenue	Not Eligible
5BF154	11420 Wadsworth Boulevard	Not Eligible
5BF166	11375 Wadsworth Blvd.	Not Eligible
5BF168	11395 Wadsworth Blvd.	Not Eligible
5BF176	8357 W. 120th Avenue	Not Eligible
*5BL441	Superior Cemetery	Eligible
5BL9775	6051 Mesa Drive	Not Eligible
*5JF520	Centennial Farm/Tucker Home	Not Eligible
5JF3825	9595 Sheridan Boulevard	Not Eligible
5JF3830	5417 W. 96th Avenue	Not Eligible

*Denotes properties re-evaluated for this project

As a consulting party for this project under Section 106 of the National Historic Preservation Act, we welcome your comments regarding our determinations of eligibility. Should you elect to respond, we

request that you do so within 30 days of receipt of this letter. If you have questions or require additional information, please contact Acting CDOT Staff Historian Robert Autobee at (303) 757-9758.

Very truly yours,

for

Brad Beckham, Manager
Environmental Programs Branch

Enclosures: Ineligible properties CD

cc: Sandi Kohrs, CDOT Region 6
Monica Pavlik, FHWA
Rick Pilgrim/Tricia Bernhardt/Bob Mutaw, URS
File/CF

COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

January 3, 2007

Brad Beckham
Manager
Colorado Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project NH 0361-070, US 36 Corridor Environmental Impact Statement.
(CHS #41960)

Dear Mr. Beckham,

Thank you for your additional information correspondence dated December 13, 2006 and received by our office on December 19, 2006 regarding the above-mentioned project.

After review of the provided information, we concur with the finding of not eligible for the National Register of Historic Places for the resources listed below.

- 5AM.1786
- 5AM.1804

After review of the provided information, we concur with the finding of eligible for the National Register of Historic Places for the resources listed below.

- 5BL.441
- 5AM.1806

After review of the provided information, we concur with the finding that the segments listed below do not support the overall eligibility of the entire linear resources.

- 5BL.3935.4
- 5BL.5664.33 – The site form does not contain enough information to determine if the irrigation laterals carried by the structure/pipe are not eligible for the National Register of Historic Places. However, we do concur that the structure/pipe does not support the overall eligibility of the irrigation laterals, if determined to be eligible.

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.

T:\04 Meetings - Correspondence, etc\413 Correspondence from Others\SHPO\Ltr to CDOT EP re eligibility 2007-0103.pdf

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

for Georgianna Contiguglia
State Historic Preservation Officer

Board of County Commissioners

Jim Congrove
District No. 1
J. Kevin McCasky
District No. 2
Kathy Hartman
District No. 3

January 19, 2007

Brad Beckham, Manager
Environmental Programs Branch
4201 E. Arkansas Avenue
Denver, Colorado 80222

Dear Mr. Beckham:

Subject: Determinations of Eligibility and Effects, CDOT Project NH 0361-070, US 36 Corridor Environmental Impact Statement, Jefferson County

On behalf of the Jefferson County Historical Commission, I would like to thank you for the opportunity to review and comment on the proposed US 36 Corridor project. This letter is in response to your request for review and comment on Determinations of Eligibility and review of the Area of Potential Effects (APE) pertaining to the above referenced project.

A portion of the Area of Potential Effects is located within unincorporated Jefferson County and subject to the recommendations found in the *North Plains Community Plan, and the Northeast Comprehensive Development Plan.*

The Reconnaissance Survey Report, 1999 – 2002, Cultural Resource Survey of Unincorporated Jefferson County list multiple properties within the APE and considered historically significant. These properties are located at 7000 W. 90th Drive, 7130 W. 90th Drive, 9300 Wadsworth Blvd., 10215 Zephyr Street, 7900 W. 102nd Place, 10415 Wadsworth Blvd., 10500 Wadsworth Blvd, and 10550 Wadsworth Blvd.

The *North Plains Community Plan* Historic Map also referenced abandoned railroad lines, and an old wagon road. To the southwest of W. 88th Avenue and Burlington Northern Santa Fe Railroad corridor the *Plan* shows that in 1882 there was a town, (Semper), station, or houses that have since been abandoned or removed located within the APA.

If these properties are impacted by the proposed US 36 Corridor improvements, please notify the Jefferson County Historical Commission to allow for documentation of these historic properties.

Please let me know if I could be of further assistance. You may call or email me at: 303-271-8734 or ddempsey@jeffco.us.

Sincerely,

Dennis Dempsey

Planner / Historical Commission Liaison
Planning and Zoning Division
Jefferson County

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

March 22, 2007

Ms. Tonya Haas
Assistant City and County Manager
City of Broomfield
Historic Landmark Board
One Descombes Drive
Broomfield, CO 80020

Subject: Determinations of National Register Eligibility, CDOT Project NH 0361-070, US 36 Corridor, Historic Architectural Survey of Post World War II Residential Developments, Adams, Denver, Boulder, Broomfield and Jefferson Counties (CHS #42345)

Dear Ms. Haas:

This letter and enclosed materials constitute a request for comment on Determinations of National Register of Historic Places (NRHP) Eligibility for the Colorado Department of Transportation (CDOT) project referenced above. The two compact discs included herewith contain a Historic Architectural Survey Report and site forms that supplement an earlier report entitled, *U.S. Highway 36 Environmental Impact Statement: Results of a Historic Architectural Survey of the Highway and Railroad Corridors; Adams, Boulder, Broomfield, Denver and Jefferson Counties, Colorado*, developed by URS Corporation in 2005.

Methodology and Survey Results

The enclosed report consists of an analysis of the NRHP eligibility of several Post-World War II residential developments abutting the US 36 highway corridor in the City of Westminster. As a result of an August 2006 discussion with staff of the Office of Archaeology and Historic Preservation and representatives from CDOT, the Federal Highway Administration (FHWA), URS and CH2M Hill, it was agreed the preparation of this survey report was necessary because a comprehensive evaluation of these areas was not included in the initial historic resources survey.

Field surveys of buildings within ten subdivisions were undertaken in two separate efforts. In May 2004, Jones and Stokes, Inc. conducted the initial field survey, which identified the original building types and models constructed in each relevant subdivision filing along the corridor; assessed the integrity of the individual subdivision filings; and documented through photography all buildings within the boundaries of the defined APE. In 2006, CH2MHill's architectural historians reevaluated the eligibility and integrity of the previously surveyed subdivisions and their constituent buildings and documented additional structures within the subdivisions that were added to the redefined APE. CH2MHill documented 504 structures within the APE constructed before 1965. Survey results were recorded on ten Architectural Inventory forms and included all buildings, structures, sites, objects and districts within the project APE. The ten subdivision site forms include an inventory with an address, photograph roll and number and other location information for each resource. Maps of each subdivision and photographs of every resource are also included. The surveyed subdivisions and years of construction are as follows:

- Appleblossom Lane (1955)

- Fairview (unknown)
- Les Lea Manor (1953-1957 or later)
- Perl Mack Manor (1955-1958)
- Rangeview Acres (1955)
- Shaw Heights (1953-1965 or later)
- Skyline Vista (1954-1956)
- Valley Vista (1956-1958 or later)
- Western Hills (1954)
- Westminster Hills (1954-1955 or later)

Determination of Eligibility

We have determined the individual structures, sites or historic districts in these subdivisions have no association with important events or significant historic patterns. In terms of significance, as referenced in the National Register Bulletin on Historic Residential Suburbs, the US 36 corridor subdivisions are not the earliest, largest or most successful examples of Denver's post-war suburban development. These subdivisions did not have a strong influence on the architectural direction or influence social trends for other suburbs across the metropolitan area. Therefore, CDOT has determined that these ten subdivisions and their constituent buildings are *not eligible* individually or as districts under NRHP Criterion A.

The individuals and corporations involved in developing each subdivision left little documentation to make a case for their historic importance. Available records do not indicate any historically important persons or groups associated with these buildings or the subdivisions as a whole. We recommend that the ten subdivisions and the respective buildings are *not eligible* under NRHP Criterion B either individually or as districts.

The architectural design of the houses in each of the ten subdivisions is utilitarian with minimal detail. Built during the 1950s and 1960s for low-to-middle income homeowners, these ten subdivisions are not architecturally significant as there are a large number of relatively intact subdivisions exhibiting the same types and designs from the mid-20th century across metropolitan Denver. Each subdivision does not appear to be a particularly intact or noteworthy example of mid-20th century residential construction or design. Therefore, the ten subdivisions surveyed are *not eligible* individually or as a district under NRHP Criterion C.

As a consulting party for this project under Section 106 of the National Historic Preservation Act, we welcome your comments regarding our determinations of eligibility. Should you elect to respond, we request that you do so within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures: Survey report and site forms

cc: Sandi Kohrs, CDOT Region 6
Monica Pavlik, FHWA
Bob Mutaw, URS
File/CF

Jefferson County Historical Commission
& Long Range Planning Section
Historic Properties Inventory Record

Date received: March 27, 2007
Deadline: April 30, 2007
Historic significance: no
Potential Historic District: no
Data needed: none

Case Number: NA
Date of JCHC/LR review: April 30, 2007
Owner/Applicant: Colorado Department of Transportation
Address of Property: US 36 Corridor

Proposal: Determinations of National Register Eligibility, CDOT Project NH 0361-070
P&Z case manager: NA

Historic case manager: Dennis Dempsey
Phone Number: (303) 271-8734
FAX: (303)271-8706
E-mail: ddempsey@jeffco.us

Comments:

The Jefferson County Historical Commission and I would like to thank you and the Colorado Department of Transportation for the opportunity to comment on this proposal.

According to County records, it does not appear that the Post World War II residential development subdivisions along the US 36 Corridor are within the unincorporated areas of Jefferson County. Therefore, municipalities in which they are located should determine the historic significance of the subject properties.

COLORADO HISTORICAL SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

March 30, 2007

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project NH 0361-070, US 36 Determination of Eligibility for Post World War II Residential Developments. (CHS #42345)

Dear Mr. Beckham,

Thank you for your correspondence dated March 21, 2007 and received by our office on March 22, 2007 regarding the above-mentioned project. After review of the survey report, *Historic Architectural Survey of Post World War II Residential Developments Abutting the US 36 Highway Corridor, Westminster, Adams County, Colorado*, and Architectural Inventory Forms for the ten surveyed subdivisions, we are unable to complete our review under 36 CFR 800.4/Identification of Historic Properties. In our opinion, not enough information is provided in the survey report and Architectural Inventory Forms to determine whether the subdivisions are eligible for the National Register of Historic Places. Due to the nature of our comments, we would prefer to schedule a project meeting instead of listing our information needs in this letter.

We also would like to request any comments received from other consulting parties that have reviewed this information, as stipulated in 36 CFR 800.3.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

Mark Wolfe

For Georgianna Contiguglia
State Historic Preservation Officer

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

DEPARTMENT OF TRANSPORTATION

April 13, 2007

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Determinations of Eligibility, Project NH 0361-070, US 36 Corridor EIS Bike Trail, Boulder County

Dear Ms. Contiguglia:

This letter and enclosed materials constitute a request for concurrence on Determinations of Eligibility for the project referenced above. The Colorado Department of Transportation (CDOT) plans to construct a recreational trail along segments of South Boulder and Cherryvale Roads in Boulder County. The project is a component of the US 36 Corridor Environmental Impact Statement (EIS).

SURVEY RESULTS

On March 7, 2007, CDOT Assistant Staff Historian Robert Autobee conducted a field survey of the project area, within which are five previously recorded historic properties: the Viele Farm (5BL5036); McGinn Ditch (4165.1); a segment of the South Boulder Canyon Ditch (5BL750.51); a segment of the Shearer Ditch (5040.1), and a segment of the Anderson Irrigation Ditch (5BL3935.11). These resources are within the Area of Potential Effects (APE) for the US 36 Environmental Impact Statement (EIS), and specifically in proximity to the proposed recreational trail.

ELIGIBITY DETERMINATIONS

5BL5036, Viele Homestead: The Viele homestead dates from the 1880s or 1890s. In 1995, Native Cultural Services surveyed 5BL5036 and recommended the site as *needs data* before recommending a determination of eligibility. CDOT's March 2007 field re-evaluation found there have been minimal alterations to the farm and its surrounding property since 1995. Based on its association with 19th Century Boulder County agriculture and the overall integrity of the farm structures built during the period of significance (1880s-1940s), this office believes that 5BL5036 is *eligible* under the National Register of Historic Places Criteria A and C.

5BL4165.1, 4,265-foot segment of the McGinn Ditch: The McGinn is one of the oldest irrigation features in Boulder County, dating from the 1860s. The ditch is still active, but many of the gates and gauging stations have been rebuilt since original construction. Native Cultural Services recommended this segment of ditch as NRHP *eligible* under Criterion A in 1993. Based on the 2007 reevaluation, CDOT concurs with the existing eligibility assessment and recommends that 5BL4165.1 is *eligible* under Criterion A.

5BL750.51, 2,225-foot segment of the South Boulder Canyon Ditch: Constructed in 1859, the 12.5-mile long South Boulder Canyon Ditch is one of the oldest irrigation features in the state of Colorado. Consultant Jones and Stokes, as part of the initial US 36 EIS report, recorded this 2,225-foot long segment in 2004. Later that year, 5BL750.51 was determined *eligible* for listing on the NRHP under Criterion A. CDOT's reevaluation found there have been no changes to this segment and recommends that it still supports the overall eligibility of the entire ditch under Criterion A.

5BL5040.1, 600-foot segment of the Shearer Ditch: Dug by Boulder County pioneers in 1860, the entire Shearer Ditch was documented by Native Cultural Services in 1995 and determined eligible to the NRHP under Criteria A. The 2007 field survey determined that this 600-foot segment contributes to the eligibility of the Shearer Ditch and recommends that the entire ditch remains NRHP eligible under Criterion A.

5BL3935.11, 0.5-mile segment of the Anderson Irrigation Ditch: Built in 1860 to irrigate farms and the new community of Boulder, most of this ditch has been channeled or is beneath buildings or streets. Initially recorded in 1996, the Anderson Irrigation Ditch was determined *eligible* under Criteria A-D. In 1999, under a State Historical Fund Grant, Michael Holleran found that this segment contributed to overall eligibility of the Anderson Irrigation Ditch. CDOT's 2007 survey agrees that the segment contributes to the overall eligibility of Anderson Irrigation Ditch and remains *eligible* under Criteria A-C.

We request your concurrence with the Determinations of Eligibility outlined herein. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act (as amended) and with the Advisory Council on Historic Preservation's regulations.

We have forwarded this request to the other consulting parties associated with the US 36 EIS for comment and will send their responses to you when received.

If you have questions or require additional information in order to complete your review, please contact Mr. Autobee at (303) 757-9758.

Very truly yours,

FOR Brad Beckham, Manager
Environmental Programs Branch

Enclosures

cc: Monica Pavlik, FHWA
Sandi Kohrs, CDOT Region 6
Bob Mutaw, URS
File/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259

April 24, 2007

Mr. Mark Rodman
Colorado Preservation, Inc.
333 W. Colfax Avenue
Suite 300
Denver, CO 80202

SUBJECT: Determinations of Eligibility, Project NH 0361-070, US 36 Corridor EIS Bike Trail, Boulder County

Dear Mr. Rodman:

This letter and enclosed materials constitute a request for comment on Determinations of Eligibility for the project referenced above. The Colorado Department of Transportation (CDOT) plans to construct a recreational trail along segments of South Boulder and Cherryvale Roads in Boulder County. The project is a component of the US 36 Corridor Environmental Impact Statement (EIS).

SURVEY RESULTS

On March 7, 2007, CDOT Assistant Staff Historian Robert Autobee conducted a field survey of the project area, within which are five previously recorded historic properties: the Viele Farm (5BL5036); McGinn Ditch (4165.1); a segment of the South Boulder Canyon Ditch (5BL750.51); a segment of the Shearer Ditch (5040.1), and a segment of the Anderson Irrigation Ditch (5BL3935.11). These resources are within the Area of Potential Effects (APE) for the US 36 Environmental Impact Statement (EIS), and specifically in proximity to the proposed recreational trail.

ELIGIBITY DETERMINATIONS

5BL5036, Viele Homestead: The Viele homestead dates from the 1880s or 1890s. In 1995, Native Cultural Services surveyed 5BL5036 and recommended the site as *needs data* before recommending a determination of eligibility. CDOT's March 2007 field re-evaluation found there have been minimal alterations to the farm and its surrounding property since 1995. Based on its association with 19th Century Boulder County agriculture and the overall integrity of the farm structures built during the period of significance (1880s-1940s), this office believes that 5BL5036 is *eligible* under the National Register of Historic Places Criteria A and C.

5BL4165.1, 4,265-foot segment of the McGinn Ditch: The McGinn is one of the oldest irrigation features in Boulder County, dating from the 1860s. The ditch is still active, but many of the gates and gauging stations have been rebuilt since original construction. Native Cultural Services recommended this segment of ditch as NRHP *eligible* under Criterion A in 1993. Based on the 2007 reevaluation, CDOT concurs with the existing eligibility assessment and recommends that 5BL4165.1 is *eligible* under Criterion A.

5BL750.51, 2,225-foot segment of the South Boulder Canyon Ditch: Constructed in 1859, the 12.5-mile long South Boulder Canyon Ditch is one of the oldest irrigation features in the state of Colorado. Consultant Jones and Stokes, as part of the initial US 36 EIS report, recorded this 2,225-foot long segment in 2004. Later that year, 5BL750.51 was determined *eligible* for listing on the NRHP under Criterion A. CDOT's reevaluation found there have been no changes to this segment and recommends that it still supports the overall eligibility of the entire ditch under Criterion A.

5BL5040.1, 600-foot segment of the Shearer Ditch: Dug by Boulder County pioneers in 1860, the entire Shearer Ditch was documented by Native Cultural Services in 1995 and determined eligible to the NRHP under Criteria A. The 2007 field survey determined that this 600-foot segment contributes to the eligibility of the Shearer Ditch and recommends that the entire ditch remains NRHP eligible under Criterion A.

5BL3935.11, 0.5-mile segment of the Anderson Irrigation Ditch: Built in 1860 to irrigate farms and the new community of Boulder, most of this ditch has been channeled or is beneath buildings or streets. Initially recorded in 1996, the Anderson Irrigation Ditch was determined *eligible* under Criteria A-D. In 1999, under a State Historical Fund Grant, Michael Holleran found that this segment contributed to overall eligibility of the Anderson Irrigation Ditch. CDOT's 2007 survey agrees that the segment contributes to the overall eligibility of Anderson Irrigation Ditch and remains *eligible* under Criteria A-C.

As a preservation organization with a potential interest in this project, we welcome your comments regarding our determination of eligibility and effects. Should you elect to respond, we request that you do so within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Staff Historian Robert Autobee at (303) 757-9758.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures

cc: Monica Pavlik, FHWA
Sandi Kohrs, CDOT Region 6
Bob Mutaw, URS
File/CF

COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

April 27, 2007

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: CDOT Project NH 0361-070, US 36 Determination of Eligibility for Post-World War II Residential Developments. (CHS #42345)

Dear Mr. Beckham,

After review of the provided information regarding the subdivisions along US 36, we are not able to concur with the findings provided in your submission. Please see our comments below in regards to each part of the submission. Our comments are representative of our concerns regarding the submission.

Historic Architectural Survey of Post World War II Residential Developments Abutting the US 36 Highway Corridor, Westminster, Adams Counties, Colorado.

- The Multiple Property Submission (MPS) *Historic Residential Suburbs in the United States, 1830--1960* by Linda Flint McClelland, David Ames, and Sarah Dillard Pope was not used. The submitted evaluation is primarily based on the use of the National Register Bulletin *Historic Residential Suburbs: Guidelines for Evaluation and Documentation for the National Register of Historic Places*. The MPS contains essential information needed in order to fully evaluate the National Register eligibility of post-World War II subdivisions. We recommend re-evaluating the resources using the MPS as the primary tool of evaluation.
- The MPS encourages "surveyors to document historic neighborhoods and subdivisions as cultural landscapes. Such a landscape approach calls upon surveyors to 1) examine each community's physical and social evolution as a series of layers imprinted on the land, and 2) identify the component landscape characteristics that define the suburban neighborhood's historic character." (Section number F page 46). We recommend that Section F of the MPS be more heavily relied upon for evaluating the subdivisions.
- The history of the development of US 36 is good, but only relates to the development of the highway. The history of the relationship between the development of US 36 and the development of the subdivisions is not provided. In our opinion, some additional questions need to be answered. How did the toll road/US 36 affect the locations of exits for the developments? How did the removal of the tolls also affect the locations of exits?

Did developers have a hand in determining the locations of those exits? More guidance on evaluating the relationship between highways and post-World War II subdivisions is provided in the MPS (Section F) in the section titled *Post-World War II and Early Freeway Suburbs, 1945 to 1960* (Subtype IV).

- In general, the context study mixes the concepts of significance and integrity in determining National Register eligibility. The context study frequently uses the evaluation that the subdivisions are not significant under National Register Criterion A because they lack integrity. Integrity is not a criterion for determining an area of significance (see NR Bulletin: *How to Apply the National Register Criteria for Evaluation* and MPS documentation). Significance must be established first in an evaluation and then the aspects of integrity are applied to determine if the area of significance can be conveyed by the resource.
- Little information is provided regarding the social history of the subdivisions. Who lived in the subdivisions, where did they work, did they commute by car or bus? Were all 10 subdivisions exclusively middle-class or were the subdivisions mixed in class? How did this influence the types of subdivisions and housing models built by the developers?
- There is little history regarding the influence of annexation and general services, such as water use (originally developers had to supply water because Denver Water would not), utilities, etc.
- Generally, the context states that a subdivision must be the biggest and best to be eligible for the National Register. In our opinion, these subdivisions were not evaluated within the local context of the development of Westminster, but evaluated against other different subdivisions outside Westminster. The social history is important in understanding the scale of development for these subdivisions.
- There is no overall map showing the locations of all 10 subdivisions.

Architectural Inventory Forms

- The forms discuss the different models, but the text is not keyed to photographic examples. It is difficult to get a sense of what the original models looked like, how many have been changed, and if the changes were significant. Providing percentages of properties intact and properties altered would also help in evaluating the subdivisions.
- Some of the maps are not clear in showing the overall boundary for the resource. In the case of Perl-Mack Manor Subdivision, it appears that the boundaries for the individual filings are shown but not one overall boundary for the entire subdivision.
- Some information in the different sections of the inventory form, such as the number of models in different subdivision filings, is contradictory.
- The forms do not provide much information on the history of the subdivisions after they were created.
- Very little social history of the residents is provided in the history sections of the forms.
- The subdivisions are evaluated as not significant due to a lack of integrity or better examples elsewhere. Integrity is not a criterion of significance, and these subdivisions are being compared to larger subdivisions outside the Westminster context.
- The registration requirements provided in the MPS were not used.

Again, the comments above are representative of our overall review of the submission. We would gladly meet with you regarding our comments and the overall review of the project.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

Georgianna Contiguglia
State Historic Preservation Officer

COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

May 1, 2007

Brad Beckham
Manager, Environmental Programs Branch
Colorado Department of Transportation
Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

Re: Project NH 0361-070, US 36 Corridor EIS Bike Trail, Boulder County.
(CHS #50023)

Dear Mr. Beckham,

Thank you for your correspondence dated April 13, 2007 and received by our on April 19, 2007 regarding the above-mentioned project.

After review of the provided information, we concur with the finding of eligible for the National Register of Historic Places (NRHP) for the resources listed below.

- 5BL.5036
- 5BL.5040.1
- 5BL.3935.11
- 5BL.4165.1
- 5BL.750.51

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

Mark Wolfe

for Georgianna Contiguglia
State Historic Preservation Officer

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION
Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9259

June 28, 2007

Ms. Georgianna Contiguglia
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Revised Eligibility Determination for Site 5BF99, Project NH 0361-070, US 36 Corridor EIS (CHS #41960)

Dear Ms. Contiguglia:

In a letter dated October 20, 2004, CDOT requested your concurrence with an eligibility determination for archaeological site 5BF99, which consists of a deeply buried hearth remnant exposed in the cut bank of Rock Creek adjacent to US Highway 36 in Broomfield County. 5BF99 was one of over three dozen archaeological properties included in that correspondence. At that time we evaluated the hearth as potentially eligible for listing on the National Register of Historic Places (NRHP) ("need data") contingent on the completion of test excavations. In your response of October 27, 2004, as well as in subsequent correspondence (March 2005) related to Section 106 compliance for archaeological resources, you failed to include specific reference to 5BF99. Consequently we did not receive official written concurrence with our initial eligibility assessment for the site, a fact we discovered only recently. Copies of our original letter and your response are included herewith for your reference.

In the interim, however, we have reevaluated the need data determination and now believe 5BF99 is eligible for the NRHP. Although isolated features can be difficult to assess, it is our opinion that the feature is eligible under Criterion D for the following reasons:

- it is deeply buried (1.5 meters below the surface) and therefore of almost certain prehistoric affiliation;
- the distinct potential for cultural materials in association with the hearth, a feature type that is commonly known in the archaeological record to be a focus of domestic, residential and/or other activities; and
- the relatively small number of absolute dates obtained from archaeological proveniences along the Plains/Foothills transition in Colorado; a radiocarbon dated sample from the hearth would provide much needed chronometric information and be an important addition to the regional database.

Enclosed for your review is a property reevaluation form for 5BF99 outlining the eligibility assessment discussed above. We request your concurrence with our revised determination. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson at (303)757-9631.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures

COLORADO
HISTORICAL
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

July 10, 2007

Brad Beckham, Manager
Environmental Program Branch
Colorado Department of Transportation
Shumate Building
4201 East Arkansas Avenue
Denver, CO 80222

Re: Revised Eligibility Determination for Site 5BF.99, Project NH 0361-070, US 36 Corridor EIS (CHS #41960)

Dear Mr. Beckham

Thank you for your correspondence dated June 28, 2007 and received by our office on July 2, 2007 regarding the review of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106). After review of the provided information, we concur with the finding of eligible for the National Register of Historic Places for resource 5BF.99.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

Mark Wolfe

For Georgianna Contiguglia
State Historic Preservation Officer

Aug. 22-07

Hi Lisa,

I wish you would consider letting the Brookfield Historical Society, moving Shep's grave to the Brookfield Depot Museum and Honey House Historical Location. We would be able to have his markers and fence so the school children and visitors could enjoy his Brookfield History!

The people could decorate his grave there, and we would protect his historical interest in the community.

Thank you

Peggy Atkinson

WESTMINSTER

August 27, 2007

Ms. Lisa Schoch
Senior Staff Historian
Colorado Department of Transportation
4201 East Arkansas Avenue
Denver, Colorado 80222

City of Westminster
Department of
Community Development

4800 West 92nd Avenue
Westminster, Colorado
80031

303-430-2400
FAX 303-706-3922

Re: CDOT Project NH 0361-070, US 36 Corridor Draft Enviornmental Impact Statement; Draft Section 4(f) Evaluation; Section 106 Determinations of Effect for Historic Properties and Notification of Section 4(f) *De Minimis*

Dear Ms. Schoch:

Thank you for your letter of August 1, 2007, and the digital copy of the US 36 Draft Environmental Impact Statement.

I was included in a meeting during the last year to discuss the Area of Potential Impact for this project through Westminster, but the City was not consulted pursuant to section 106 during the intensive survey of the properties within the APE. While the report states that the APE extends two legal parcels from the right of way, I do not see this represented on a map, so it is difficult to determine exactly what properties ended up being surveyed. If you could provide us with a map showing the APE within Westminster (roughly from Federal Boulevard to Church Ranch Boulevard) and copies of the inventory reports submitted to the SHPO for all of the properties that were surveyed, I would appreciate it. A digital copy on a CD or a print copy is fine. If a survey report was prepared for CDOT that analyzes the field-eligibility of these properties, I would appreciate also receiving a copy of that as well.

Thank you.

Very truly yours,

Vicky Bunsen

Vicky Bunsen
Community Development
Programs Coordinator

Cc: Historic Landmark Board
Amy Pallante, Colorado Historical Society

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6, Planning and Environmental
2000 South Holly Street
Denver, CO 80222
(303) 757-9385
(303) 757-9036 FAX

December 31, 2008

Ms. Vicky Bunsen
City of Westminster
Community Development Programs Coordinator
4800 W. 92nd Ave.
Westminster, CO 80031

SUBJECT: Determinations of Eligibility for Post-World War II Residential Developments, US36 Corridor EIS, CDOT Project NH 0361-070, Adams County (CHS #42345)

Dear Ms. Bunsen:

This letter and the enclosed Addendum Report and Architectural Inventory Forms constitute additional information for your comments on Determinations of Eligibility for the Colorado Department of Transportation (CDOT) project referenced above. These materials address issues raised from the previous submittal in March 2007, specifically in Ms. Georgianna Contiguglia's correspondence dated April 27, 2007 and correspondence dated November 16, 2007 to Terry J. Rosapep, Federal Transit Administrator (FTA) Acting Regional Administrator, from Ms. Linda McClelland, Historian, National Register of Historic Places. The report and site forms, prepared by CDOT Region 6 historian Dianna Litvak, provides historic context on the planning of the Denver-Boulder Turnpike and the development of subdivisions in Westminster and Adams County. The enclosed site forms are complete revisions providing more detail on architectural models, historical background, revised significance statements, integrity assessments, and updated photographs.

CDOT evaluated the 10 subdivisions within the project APE according to the guidelines in the Multiple Property Submission (MPS) *Historical Residential Suburbs in the United States, 1830-1960,* by Linda Flint McClelland, David Ames, and Sarah Dillard Pope. The eligibility determinations are based upon the National Register Criteria for Evaluating Residential Suburbs on pp. 58-61 of the MPS. In addition, CDOT used the MPS to focus upon significant themes important to the history of subdivision development along the Denver-Boulder Turnpike. These themes raised several research questions to determine whether each subdivision is a potential National Register historic district. Please refer to pp. 26-30 of the attached report for more detail.

The first subdivision opened three years after the opening of the highway in 1952, and a review of Department of Highways materials and correspondence on the turnpike did not reveal any direct correlation between the highway planning and subdivision planning. It is certain that developers capitalized on the location of the turnpike when building the new neighborhoods, but there is no strong, proven connection that meets any of the criteria for the National Register. In addition, research was done to determine whether any significant groups or events could be traced to subdivisions and to determine whether the subdivisions played an important role in local history of Westminster or unincorporated Adams County. According to the available literature, none of the subdivisions played an important role in local history.

None of the subdivisions are important examples of local, regional, or national homebuilding or residential architecture. The dominant housing type in the subdivisions, the Ranch-style, is not recognized as rare or locally-important due to the ubiquity of 1950s and 1960s Ranch-style homes throughout the entire Denver metropolitan area.

The National Register Bulletin, *Historic Residential Suburbs,* defines historic residential suburbs as "historic districts comprised of sites (including the overall plan, house lots, and community spaces), buildings (primarily houses), structures (including walls, fences, streets and roads both serving the suburb and connecting it to corridors leading to the larger metropolitan area) and objects (signs, fountains, statuary, etc.)" [page 7]. None of the subdivisions embody a distinctive design, circulation pattern, or spatial organization to distinguish it as a cohesive district that was noticeably different than nearby neighborhoods. These subdivisions also lack associated property types that characterize a historic suburb. While some schools, churches and neighborhood parks are present, other community spaces and amenities are absent, including stores, government offices, businesses, playgrounds, and objects such as street signs, fountains, or lighting that would contribute to a potential National Register historic district.

CDOT also completed substantial field work in the revision of these materials. Historians re-photographed all of the homes within the APE and corrected mistakes that were made in the Architectural Inventory Forms which inaccurately described models and their details. In addition, historians recorded the integrity of each property within the APE and noted major alterations, additions, or other changes on continuation sheets. This field work helped to determine that with two exceptions (Valley Vista and Western Hills), the integrity of the f the subdivisions is actually very good, with very few major additions or changes, beyond window replacement, roof replacement, conversion of garages to additional living spaces, and the addition of screen doors and security doors. However, many of these changes occurred outside of the period of significance of 1952 to 1970, which begins with the opening of the Denver-Boulder Turnpike, and ends the last year that any construction occurred in the subdivisions adjacent to US 36.

These additional materials support our initial determination in correspondence dated March 22, 2007, that the individual structures, sites, and neighborhoods have no association with applicable National Register criteria and are *not eligible.* The following table provides a summary of the subdivisions and the determinations.

Subdivision	**Year(s) Constructed**	**Location**	**NRHP Eligibility (field determination)**
Western Hills 5AM1837	1955	Unincorporated Adams County, north of US36, west of Broadway	Not Eligible
Rangeview Acres 5AM1827	1956	Westminster, S. of US 36 Between Lowell and Bradburn	Not Eligible
Skyline Vista 5AM1832	1956-1957	Westminster, south of US 36 Between Federal and Zuni	Not Eligible
Perl Mack Manor 5AM1824	1956-1959	Unincorporated Adams County 7th filing, north of US36, west of Pecos 13th, 4th, 10th, and 14th filings south of US36 between Broadway and Zuni.	Not Eligible

Subdivision	Year(s) Constructed	Location	NRHP Eligibility (field determination)
Apple Blossom Lane 5AM1812	1956-1960	Westminster, north of US36 between Lowell and Federal	Not Eligible
Fairview 5AM1813	1958	Unincorporated Adams County, north of US 36 between Federal and Zuni	Not Eligible
Valley Vista 5AM1836	1958	Unincorporated Adams County, north of US36, east of Pecos	Not Eligible
Les Lea Manor 5AM1816	1958-1960	Westminster, south of US36, between Lowell and Federal	Not Eligible
Westminster Hills 5AM1838	1958-1964	Westminster, south of US36 between Tennyson and Raleigh	Not Eligible
Shaw Heights 5AM1831	1958-1970	Unincorporated Adams County, north of US36, between Wagner and Lowell	Not Eligible

As a consulting party for this project under Section 106 of the National Historic Preservation Act, we welcome your comments regarding our determinations of eligibility. We have sent you the report that was prepared because it provides detailed summaries of the pertinent sections of the Architectural Inventory Forms. Should you elect to respond, we request that you do so within 30 days of receipt of this letter. If you have questions, please contact CDOT Region 6 Historian Dianna Litvak at (303)757-9461. If you want to have copies of any of the complete forms, please let Ms. Litvak know and she will make these for you.

Sincerely,

Jim Paulmeno
Region 6 Planning and Environmental Manager

Attachments: Post World War II Residential Development Abutting the US36 Highway Corridor, Addendum Report, December 2008

cc: Monica Pavlik, FHWA
Jane Hann, CDOT Region 6
Lisa Schoch, CDOT EPB
Amy Pallante, SHPO

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6, Planning and Environmental
2000 South Holly Street
Denver, CO 80222
(303) 757-9385
(303) 757-9036 FAX

December 31, 2008

Mr. Edward C. Nichols
State Historic Preservation Officer
Colorado Historical Society
1300 Broadway
Denver, CO 80203

SUBJECT: Determinations of Eligibility for Post-World War II Residential Developments, US36 Corridor EIS, CDOT Project NH 0361-070, Adams County (CHS #42345)

Dear Mr. Nichols:

This letter and the enclosed Addendum Report and Architectural Inventory Forms constitute additional information for your concurrence on Determinations of Eligibility for the Colorado Department of Transportation (CDOT) project referenced above. These materials address issues raised from the previous submittal in March 2007, specifically in Ms. Georgianna Contiguglia's correspondence dated April 27, 2007 and correspondence dated November 16, 2007 to Terry J. Rosapep, Federal Transit Administrator (FTA) Acting Regional Administrator, from Ms. Linda McClelland, Historian, National Register of Historic Places. The report and site forms, prepared by CDOT Region 6 historian Dianna Litvak, provides historic context on the planning of the Denver-Boulder Turnpike and the development of subdivisions in Westminster and Adams County. The enclosed site forms are complete revisions providing more detail on architectural models, historical background, revised significance statements, integrity assessments, and updated photographs.

CDOT evaluated the 10 subdivisions within the project APE according to the guidelines in the Multiple Property Submission (MPS) *Historical Residential Suburbs in the United States, 1830-1960,* by Linda Flint McClelland, David Ames, and Sarah Dillard Pope. The eligibility determinations are based upon the National Register Criteria for Evaluating Residential Suburbs on pp. 58-61 of the MPS. In addition, CDOT used the MPS to focus upon significant themes important to the history of subdivision development along the Denver-Boulder Turnpike. These themes raised several research questions to determine whether each subdivision is a potential National Register historic district. Please refer to pp. 26-30 of the attached report for more detail.

The first subdivision opened three years after the opening of the highway in 1952, and a review of Department of Highways materials and correspondence on the turnpike did not reveal any direct correlation between the highway planning and subdivision planning. It is certain that developers capitalized on the location of the turnpike when building the new neighborhoods, but there is no strong, proven connection that meets any of the criteria for the National Register. In addition, research was done to determine whether any significant groups or events could be traced to subdivisions and to determine whether the subdivisions played an important role in local history of Westminster or unincorporated Adams County. According to the available literature, none of the subdivisions played an important role in local history.

None of the subdivisions are important examples of local, regional, or national homebuilding or residential architecture. The dominant housing type in the subdivisions, the Ranch-style, is not recognized as rare or locally-important due to the ubiquity of 1950s and 1960s Ranch-style homes throughout the entire Denver metropolitan area.

The National Register Bulletin, *Historic Residential Suburbs,* defines historic residential suburbs as "historic districts comprised of sites (including the overall plan, house lots, and community spaces), buildings (primarily houses), structures (including walls, fences, streets and roads both serving the suburb and connecting it to corridors leading to the larger metropolitan area) and objects (signs, fountains, statuary, etc.)" [page 7]. None of the subdivisions embody a distinctive design, circulation pattern, or spatial organization to distinguish it as a cohesive district that was noticeably different than nearby neighborhoods. These subdivisions also lack associated property types that characterize a historic suburb. While some schools, churches and neighborhood parks are present, other community spaces and amenities are absent, including stores, government offices, businesses, playgrounds, and objects such as street signs, fountains, or lighting that would contribute to a potential National Register historic district.

CDOT also completed substantial field work in the revision of these materials. Historians re-photographed all of the homes within the APE and corrected mistakes that were made in the Architectural Inventory Forms which inaccurately described models and their details. In addition, historians recorded the integrity of each property within the APE and noted major alterations, additions, or other changes on continuation sheets. This field work helped to determine that with two exceptions (Valley Vista and Western Hills), the integrity of the subdivisions is actually good, with few additions or changes beyond replacing original windows with vinyl, replacing roofs, converting garages to additional living spaces, and the adding screen doors and security doors. Many of these changes occurred outside of the period of significance of 1952 to 1970, which begins with the opening of the Denver-Boulder Turnpike, and ends the last year that any construction occurred in the subdivisions adjacent to US 36.

These additional materials support our initial determination in correspondence dated March 21, 2007, that the individual structures, sites, and neighborhoods have no association with applicable National Register criteria and are *not eligible.* The following table provides a summary of the subdivisions and the determinations.

Subdivision	**Year(s) Constructed**	**Location**	**NRHP Eligibility (field determination)**
Western Hills 5AM1837	1955	Unincorporated Adams County, north of US36, west of Broadway	Not Eligible
Rangeview Acres 5AM1827	1956	Westminster, S. of US 36 Between Lowell and Bradburn	Not Eligible
Skyline Vista 5AM1832	1956-1957	Westminster, south of US 36 Between Federal and Zuni	Not Eligible
Perl Mack Manor 5AM1824	1956-1959	Unincorporated Adams County 7th filing, north of US36, west of Pecos 13th, 4th, 10th, and 14th filings south of US36 between Broadway and Zuni.	Not Eligible

Subdivision	Year(s) Constructed	Location	NRHP Eligibility (field determination)
Apple Blossom Lane 5AM1812	1956-1960	Westminster, north of US36 between Lowell and Federal	Not Eligible
Fairview 5AM1813	1958	Unincorporated Adams County, north of US 36 between Federal and Zuni	Not Eligible
Valley Vista 5AM1836	1958	Unincorporated Adams County, north of US36, east of Pecos	Not Eligible
Les Lea Manor 5AM1816	1958-1960	Westminster, south of US36, between Lowell and Federal	Not Eligible
Westminster Hills 5AM1838	1958-1964	Westminster, south of US36 between Tennyson and Raleigh	Not Eligible
Shaw Heights 5AM1831	1958-1970	Unincorporated Adams County, north of US36, between Wagner and Lowell	Not Eligible

We have elected to request comments on these eligibility determinations to the one Section 106 consulting party with jurisdiction in these subdivisions: the City of Westminster. The other consulting parties will be provided copies of this correspondence, but because we did not receive any comments from these parties in our initial correspondence on this topic in March 2007, we believe that they did not want to participate in this part of the Section 106 consultation. They are still considered active Section 106 consulting parties in the EIS and will be kept involved in all future Section 106 consultation. If we receive a request for additional information from one of the other consulting parties, we will provide it to them and forward any comments we receive to you. Should we receive any comments from the City of Westminster, we will also forward these to you.

We request your concurrence with these Determinations of Eligibility for the properties identified above. We also request your attendance at a field review of these subdivisions with FHWA to discuss any issues of integrity or significance raised by these site forms. Your response is necessary for the Federal Highway Administration to comply with Section 106 of the National Historic Preservation Act and the Advisory Council on Historic Preservation regulations. If you have questions, please contact CDOT Region 6 Historian Dianna Litvak at (303) 757-9461.

Sincerely,

for

Jim Paulmeno
Region 6 Planning and Environmental Manager

Attachments: Post World War II Residential Development Abutting the US36 Highway Corridor, Addendum Report, December 2008
Architectural Inventory Forms

cc (w/o attachments):

Monica Pavlik, FHWA
Jane Hann, CDOT Region 6
Lisa Schoch, CDOT EPB
Tonya Haas, City of Broomfield
Dennis Dempsey, Jefferson County Historical Commission
Robert Musgraves, Historic Denver
Steve Oliver, Denver Landmark Preservation Commission
Mary Allman-Koernig, Colorado Preservation, Inc.
Jennifer Dunn, Town of Superior
Meredyth Muth, Louisville Historic Preservation Commission
Margaret Hansen, Historic Boulder

OFFICE *of* ARCHAEOLOGY *and* HISTORIC PRESERVATION

February 2, 2009

Jim Paulmeno
Region 6 Planning and Environmental Manager
Colorado Department of Transportation, Region 6
2000 South Holly Street
Denver, CO 80222

Re: Determination of Eligibility for Post World War II Residential Developments, US 36 Corridor EIS, CDOT Project NH 0361-070, Adams County, CO
(CHS #42345)

Dear Mr. Paulmeno:

Thank you for your correspondence dated December 31, 2008 and received by our office on January 5, 2009 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106). We also appreciate your organization of a site visit for our staff on January 20, 2009.

Thank you for the additional effort made in gather more information regarding the post-World War II subdivisions along US 36. After review of the provided additional information we concur that the US 36 post-World War II subdivisions are not eligible for the National Register of Historic Places.

- 5AM.1837/Western Hills
- 5AM.1827/Rangeview Acres
- 5AM.1832/Skyline Vista
- 5AM.1824/Pearl Mack Manor
- 5AM.1812/Apple Blossom
- 5AM.1813/Fairview
- 5AM.1836/Valley Vista
- 5AM.1816/Les Lea Manor
- 5AM.1838/Westminster Hills
- 5AM.1831/Shaw Heights

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office. We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Manager, at (303) 866-4678.

Sincerely,

Edward C. Nichols
State Historic Preservation Officer

COLORADO HISTORICAL SOCIETY
1300 BROADWAY DENVER COLORADO 80203 TEL 303/866-3395 FAX 303/866-2711 *www.coloradohistory-oahp.org*

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6, Planning and Environmental
2000 South Holly Street
Denver, CO 80222
(303) 757-9385
(303) 757-9036 FAX

July 7, 2009

Edward C. Nichols
State Historic Preservation Officer
1300 Broadway
Denver, CO 80203

SUBJECT: CDOT Project NH 0361-070; US 36 Corridor (CHS #41960), Moving Shep's Grave Monuments (5BF46)

Dear Mr. Nichols,

As part of the historic resource survey for the above project, CDOT surveyed Shep's Grave, a canine grave and associated headstone/monuments located on the southeast quadrant of the Wadsworth Interchange of US 36. CDOT previously determined, and SHPO concurred, that this resource is eligible for the Colorado State Register of Historic Properties under State Register Criterion A (CRS 24-80.1-107(1)(a) for Shep's association with the Denver-Boulder Turnpike. It is not eligible to the National Register of Historic Places and therefore is not subject to Section 106.

It will be evaluated under the State Register of Historic Places Act (CRS 24-80.1) because it is a site of local interest and would be moved as a result of the improvements to the interchange.

Effects and Mitigation

CDOT is requesting SHPO comment before the publication of the FEIS because the Broomfield Depot Museum has offered to move the monuments in time for a celebration that will take place on the museum grounds on October 17, 2009. This is prior to finalizing the Record of Decision for the US 36 Corridor.

This resource would be entirely destroyed as a result of excavation and construction for the three build package alternatives in the EIS. Mitigation consists of moving the monument and remains to the Broomfield Depot Museum. Visitors can access the monuments in a safe location where additional information about Shep can be provided by the volunteers of the county museum. No Section 106 effects determination is necessary because State Register-eligible properties are not Section 106 resources.

We hereby request your comments on our determination that the moving of the monuments constitutes an adverse effect that is mitigated by relocating the monuments to a safer public venue (CRS 24-80/1-104(2)(a). If you have any questions on this determination, please contact Ms. Dianna Litvak, Historian, (303) 757-9461.

Sincerely,

Jim Paulmeno
Region 6 Planning and Environmental Manager

Cc: Lisa Schoch, EPB
Herman Stockinger, CDOT Office of Government Relations
Randy Jensen, CDOT Region 6
File

July 15, 2009

Jim Paulmeno
Region 6 Planning and Environmental Manager
Colorado Department of Transportation, Region 6
2000 South Holly Street
Denver, CO 80222

Re: CDOT Project NH 0361-070; US 36 Corridor, Moving Shep's Grave Monument.
(CHS #41960)

Dear Mr. Paulmeno:

Thank you for your correspondence dated July 7, 2009 and received by our office on July 9, 2009 regarding the consultation of the above-mentioned.

After review of the provided additional information, we concur that resource 5BF.46/Shep's Grave is eligible for listing in the Colorado State Register. After review of the scope of work, we concur with the recommended finding of adverse effect [CRS24-80/1-104(2)(a)] under the State Register Act.

If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Manager, at (303) 866-4678.

Sincerely,

Edward C. Nichols
State Historic Preservation Officer

COLORADO HISTORICAL SOCIETY
1300 BROADWAY DENVER COLORADO 80203 TEL 303/866-3395 FAX 303/866-2711 *www.coloradohistory-oahp.org*

September 15, 2009

Jim Paulmeno
Region 6 Planning and Environmental Manager
Colorado Department of Transportation, Region 6
2000 South Holly Street
Denver, CO 80222

Re: Historic Architectural Survey Report, US 36 Corridor Environmental Impact Statement. (CHS #42345)

Dear Mr. Paulmeno,

Thank you for your correspondence dated September 9, 2009 and received by our office on September 11, 2009 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the submitted information, we concur with the recommended findings of National Register eligibility and assessments of adverse effect for the properties listed below.

- Keewaydin Subdivision
- William Martin Homestead
- 5BL.10996/Keewaydin Meadows Subdivision
- 5BL.10999/5469 South Boulder Road
- 5AM.1827

We are unable to concur with the National Register evaluation for resource 5JF.1762.4. The Management Data Form states both that the segment retains integrity and supports the overall eligibility of the entire linear resource (item 36) as well as that the segment does not convey the significance of the overall linear resource (item 38). The Linear Component Form states under items 17 and 18 that the segment retains integrity and supports the overall eligibility of the entire linear resource. Finally, your cover letter provides the recommendation that the segment does not support the overall eligibility of the entire linear resource. Please clarify CDOT's recommendation for this segment and entire linear resource.

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings. Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Manager, at (303) 866-4678.

Sincerely,

Edward C. Nichols
State Historic Preservation Officer

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6, Planning and Environmental
2000 South Holly Street
Denver, CO 80222
(303) 757-9385
(303) 757-9036 FAX

September 23, 2009

Mr. Edward Nichols
State Historic Preservation Officer
1300 Broadway
Denver, CO 80203

SUBJECT: Additional Information, Determinations of Eligibility, Historic Architectural Survey Report, US 36 Corridor Environmental Impact Statement (CHS #42345)

Dear Mr. Nichols,

This letter is in response to your correspondence dated September 15, 2009, in which you noted inconsistencies in CDOT's recommendation of eligibility for resource 5JF1762.5, a segment of Allen Ditch in Jefferson County. Due to a typo in the in the resource table, we incorrectly stated that the segment does not support the eligibility of the entire resource. Our determination is that the segment ***does*** support the eligibility. The site forms do not need to be changed because they are in support of this determination. In regards to your question on item #38 of the site form, the information in that item was meant to support the conclusion that there is no eligible National Register district due to changes in the surrounding setting with the development of Westminster Mall. We do not recommend any changes to the forms.

We request your concurrence with the eligibility determination for this property. Your response is necessary for the Federal Highway Administration to comply with Section 106 of the National Historic Preservation Act, as amended, and the Advisory Council on Historic Preservation regulations. If you have questions, please contact CDOT Region 6 Historian Dianna Litvak at (303) 757-9461.

Sincerely,

Jim Paulmeno
Region 6 Planning and Environmental Manager

cc: Jane Hann, CDOT Region 6
Monica Pavlik, FHWA
Lisa Schoch, CDOT EPB
Kelsey Johnston, URS

September 30, 2009

Jim Paulmeno
Region 6 Planning and Environmental Manager
Colorado Department of Transportation, Region 6
2000 South Holly Street
Denver, CO 80222

Re: Historic Architectural Survey Report, US 36 Corridor Environmental Impact Statement. (CHS #42345)

Dear Mr. Paulmeno,

Thank you for your additional information correspondence dated September 23, 2009 and received by our office on September 25, 2009 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the submitted information, we concur with the recommendation that resource 5JF.1762.5 retains integrity and support the overall eligibility of the entire linear resource of 5JF.1762.

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings. Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Manager, at (303) 866-4678.

Sincerely,

Edward C. Nichols
State Historic Preservation Officer

Section 106 Tribal Consultation

U.S. Department
of Transportation

Federal Transit Administration
Region VIII
216 Sixteenth St., Suite 650
Denver, Colorado 80202
(303) 844-3242

Federal Highway Administration
Colorado Division
555 Zang St., Room 250
Lakewood, Colorado 80228
(303) 969-6730

February 3, 2004

Mr. Alonzo Chalepah
Chairman
Apache Tribe of Oklahoma
P.O. Box 1220
Anadarko, OK 73005

Dear Mr. Chalepah:

Subject: Request for Section 106 Consultation
US 36 Corridor Environmental Impact Statement
Adams, Boulder, Broomfield, Denver & Jefferson Counties, CO

The Federal Highway Administration (FHWA) and Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT) and Regional Transportation District (RTD), are preparing an Environmental Impact Statement (EIS) on a proposal to address transportation demand along a 27-mile segment of US Highway 36 between Denver and Boulder, Colorado (please refer to enclosed map and aerial photo). Improvements to this severely congested corridor, as well as portions of adjacent and closely related roadways and other transportation corridors, are needed in order to address substandard capacity and safety conditions in a fast-growing urban environment. Pursuant to the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality implementing regulations (40 CFR 1500-1508), FHWA, FTA, CDOT and RTD are documenting the potential social, economic and environmental consequences of this action in an EIS.

The agencies are seeking the participation of regional tribal governments, as described in Section 106 of the National Historic Preservation Act implementing regulations 36 CFR 800 et seq. As a consulting party, you are offered the opportunity to identify traditional cultural and religious properties, evaluate significance of these properties and how the project affects them. If it is found that the project will impact historic properties that are eligible for inclusion on the National Register of Historic Places, your role in the consultation process includes participation in resolving how to avoid, minimize, and mitigate the impacts. With your participation in the proposed undertaking, we can more effectively avoid and minimize our impacts on areas important to tribal governments. If you have interest in participating in this undertaking as a consulting party, please notify us by responding with the attached form by March 5, 2004.

BUCKLE UP AMERICA

The proposed area of potential effect (APE), as defined by 36 CFR 800.16(d) for the undertaking, traverses a combination of urban, suburban and rural landscapes. Residential, commercial and industrial developments are present throughout the corridor, as are sections of undeveloped land. A comprehensive survey and assessment of historic properties in the study area has not yet been conducted. Once this task has been completed, all interested parties and consulting tribes will be apprised of the results and asked to comment. If you desire to consult, make a request to send a representative or want to provide input on the APE, please return the attached form as a consulting party by March 5, 2004.

The Federal Highway Administration and Federal Transit Administration will serve as joint lead agencies for this project; however, the CDOT will coordinate and facilitate the tribal consultation in cooperation with the federal agencies. The City of Boulder, which has an established history of consulting with tribal governments, is also an interested stakeholder in this undertaking. As such, the City will maintain an active interest in the consultation process, especially if historic properties are located on lands under the city's jurisdiction.

The Denver/Boulder metropolitan area is home to a significant number of American Indian people. As such, if you are aware of members of your tribe living in proximity to the study area who would be interested in participating in the NEPA consultation process on some level, please notify us so that we can facilitate that interaction.

We are committed to ensuring that tribal governments are informed and involved in decisions that may impact places that have significance to your tribe. If you are interested in becoming a consulting party for the US 36 Corridor project, please complete and return the enclosed Consultation Interest Response Form to CDOT Native American liaison Dan Jepson by March 5, 2004 (the mailing address and facsimile number for Mr. Jepson are listed at the bottom of that sheet). Mr. Jepson can also be reached via Email at DANIEL.JEPSON@dot.state.co.us or by telephone at (303) 757-9631. Thank you for considering this request for consultation.

Sincerely yours,

William C. Jones
FHWA Division Administrator

Lee O. Waddleton
FTA Regional Administrator

Enclosures

cc: Mr. Shaun Cutting, FHWA
Mr. Dave Beckhouse, FTA
Mr. Daniel Jepson, CDOT EPB
Ms. Sandi Kohrs, CDOT Region 6

MR. ALONZO CHALEPAH
CHAIRMAN
APACHE TRIBE OF OKLAHOMA
P.O. BOX 1220
ANADARKO, OK 73005

MS. ROXANNE SAZUE
CHAIRWOMAN
CROW CREEK SIOUX TRIBAL COUNCIL
P.O. BOX 658
FORT THOMPSON, SD 57325

MS. GERI SMALL
CHAIRWOMAN
NORTHERN CHEYENNE TRIBE
P.O. BOX 128
LAME DEER, MT 59043

MR. GEORGE E. HOWELL
PRESIDENT
PAWNEE NATION OF OKLAHOMA
P.O. BOX 470, BLDG. 64
PAWNEE, OK 74058

MR. CHARLES W. MURPHY
CHAIRMAN, STANDING
ROCK SIOUX TRIBAL COUNCIL
P.O. BOX D
FORT YATES, ND 58538

MR. ROBERT TABOR
CHAIRMAN, BUSINESS COMMITTEE
CHEYENNE & ARAPAHO TRIBES
OF OKLAHOMA
PO BOX 38
CONCHO, OK 73022

MR. HAROLD C. FRAZIER
CHAIRMAN
CHEYENNE RIVER SIOUX TRIBAL COUNCIL
P.O. BOX 590
EAGLE BUTTE, SD 57625

MR. CLIFFORD MCKENZIE
CHAIRMAN
KIOWA TRIBE OF OKLAHOMA
P.O. BOX 369
CARNEGIE, OK 73015

MS. MAXINE NATCHEES
CHAIRWOMAN, UTE TRIBE
OF THE UINTAH & OURAY AGENCY
P.O. BOX 190
FORT DUCHESNE, UT 84026

MR. WILLIAM KINDLE
PRESIDENT
ROSEBUD SIOUX TRIBE
P.O. BOX 430
ROSEBUD, SD 57570

MR. HAROLD CUTHAIR
ACTING CHAIRMAN
UTE MOUNTAIN UTE TRIBE
P.O. BOX 348
TOWAOC, CO 81334

MR. WALLACE COFFEY
CHAIRMAN
COMANCHE TRIBE OF OKLAHOMA
P. O. BOX 908
LAWTON, OK 73502

MR. BURTON HUTCHINSON
CHAIRMAN
NORTHERN ARAPAHO TRIBE BUSINESS
COUNCIL
P.O. BOX 396
FORT WASHAKIE, WY 82514

MR. JOHN YELLOWBIRD
PRESIDENT
OGLALA SIOUX TRIBAL COUNCIL
P.O. BOX H
PINE RIDGE, SD 57770

MR. HOWARD RICHARDS
CHAIRMAN
SOUTHERN UTE INDIAN TRIBE
P.O. BOX 737
IGNACIO, CO 81137

MS. MARY JANE YAZZIE
CHAIRWOMAN
WHITE MESA UTE TRIBAL COUNCIL
P.O. BOX 7096
WHITE MESA, UT 84511

Preceeding Letter sent to each of the above.

MR WILLIAM L PEDRO
NAGPRA REPRESENTATIVE
CHEYENNE & ARAPAHO TRIBES
OF OKLAHOMA
PO BOX 41
CONCHO OK 73022

MR GORDON YELLOWMAN
NHPA/TRANSPORTATION PLANNER
CHEYENNE & ARAPAHO TRIBES/OKLA
ROADS CONSTRUCTION PROGRAM
PO BOX 137
CONCHO OK 73022

MR JIMMY ARTERBERRY
THPO/NAGPRA - DIRECTOR
COMANCHE NATION OF OK
PO BOX 908
LAWTON OK 73502

MS ALICE ALEXANDER
TRIBAL HISTORIC PRESERVATION
OFFICER, PAWNEE NATION/OKLA
PO BOX 470
PAWNEE, OK 74058

MR TERRY G KNIGHT
NAGPRA REPRESENTATIVE
UTE MOUNTAIN UTE INDIAN TRIBE
PO BOX 102
TOWAOC, CO 81334

MR TIM MENTZ
CULTURAL RESOURCE PLANNER
STANDING ROCK SIOUX TRIBE
PO BOX D
FT YATES, ND 38538

MR JOE BIG MEDICINE
NAGPRA REPRESENTATIVE
CHEYENNE & ARAPAHO TRIBES
OF OKLAHOMA
500 S LEACH, APT 36
WATONGA OK 73772

MR GILBERT BRADY
TRIBAL HISTORIC PRESERVATION
OFFICER
NORTHERN CHEYENNE TRIBE
P.O. BOX 128
LAME DEER MT 59043

MR ROBERT GOGGLES
NAGPRA REPRESENTATIVE
NORTHERN ARAPAHO TRIBE
PO BOX 396
FORT WASHAKIE, WY 82514

MR NEIL CLOUD
NAGPRA REPRESENTATIVE
CULTURE PRESERVATION OFFICE
SOUTHERN UTE INDIAN TRIBE
P.O. BOX 737
IGNACIO, CO 81137

MR JIM PICOTTE
NAGPRA REPRESENTATIVE
CHEYENNE RIVER SIOUX TRIBE
PO BOX 590
EAGLE BUTTE, SD 57625

MR ALONZO SANKEY
NAGPRA REPRESENTATIVE
CHEYENNE & ARAPAHOE TRIBES/OKLA
P. O. BOX 836
CANTON, OK 73724

REVEREND GEORGE DAINGKAU
NAGPRA REPRESENTATIVE
KIOWA TRIBE OF OKLAHOMA
118 N STEPHENS
HOBART OK 73015

MR HOWARD BROWN, CHAIR
ECONOMIC DEVELOPMENT COMMISSION
NORTHERN ARAPAHOE TRIBE
PO BOX 9079
ARAPAHOE, WY 82510

MS BETSY CHAPOOSE, DIRECTOR
CULTURAL RIGHTS & PROTECTION
OFFICE
NORTHERN UTE TRIBE
PO BOX 190
FT DUCHESNE UT 84026

MR TERRY GRAY, NAGPRA COORD
ROSEBUD SIOUX TRIBE
SGU HERITAGE CENTER
BOX 675 MISSION
RSTCRM COMMITTEE
ROSEBUD, SK 57555

List of Individuals Who Received Copies
of Letter based on Tribe

FEDERAL HIGHWAY ADMINISTRATION/FEDERAL TRANSIT ADMINISTRATION/ COLORADO DEPARTMENT OF TRANSPORTATION
SECTION 106 TRIBAL CONSULTATION INTEREST RESPONSE FORM

PROJECT: US 36 Corridor Environmental Impact Statement
The Cheyenne + Arapaho Tribes of OK/A Tribe [is / is not] (circle one) interested in becoming a consulting party for the Colorado Department of Transportation project referenced above, for the purpose of complying with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800). If your tribe will be a consulting party, please answer the questions below.

Signed: William L Pedro
NAGPRA, NHPA + Sand Creek Rep.
Name and Title

CONSULTING PARTY STATUS [36 CFR §800.2(c)(3)]
Do you know of any specific sites or places to which your tribe attaches religious and cultural significance that may be affected by this project?

(Yes) No If yes, please explain the general nature of these places and how or why they are significant (use additional pages if necessary). Locational information is not required.

SCOPE OF IDENTIFICATION EFFORTS [36 CFR §800.4(a)(4)]
Do you have information you can provide us that will assist us in identifying sites or places that may be of religious or cultural significance to your tribe?

(Yes) No If yes, please explain.

CONFIDENTIALITY OF INFORMATION [36 CFR §800.11(c)]
Is there any information you have provided here, or may provide in the future, that you wish to remain confidential?

(Yes) No If yes, please explain.
all of IT.

Please complete and return this form via US Mail or fax to:

Dan Jepson, Section 106 Native American Liaison
Colorado Department of Transportation
Environmental Programs Branch
4201 E. Arkansas Ave.
Denver, CO 80222
FAX: (303)757-9445

FEDERAL HIGHWAY ADMINISTRATION/FEDERAL TRANSIT ADMINISTRATION/ COLORADO DEPARTMENT OF TRANSPORTATION SECTION 106 TRIBAL CONSULTATION INTEREST RESPONSE FORM

PROJECT: US 36 Corridor Environmental Impact Statement

The Northern Cheyenne Tribe Tribe [is / is not] (circle one) interested in becoming a consulting party for the Colorado Department of Transportation project referenced above, for the purpose of complying with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800). If your tribe will be a consulting party, please answer the questions below.

Signed: Gilbert Bradley Sr. T.H.P.O.
Name and Title

CONSULTING PARTY STATUS [36 CFR §800.2(c)(3)]
Do you know of any specific sites or places to which your tribe attaches religious and cultural significance that may be affected by this project?

Yes (No) If yes, please explain the general nature of these places and how or why they are significant (use additional pages if necessary). Locational information is not required.

SCOPE OF IDENTIFICATION EFFORTS [36 CFR §800.4(a)(4)]
Do you have information you can provide us that will assist us in identifying sites or places that may be of religious or cultural significance to your tribe?

Yes (No) If yes, please explain.

CONFIDENTIALITY OF INFORMATION [36 CFR §800.11(c)]
Is there any information you have provided here, or may provide in the future, that you wish to remain confidential?

Yes No If yes, please explain.

If sites were identified then we could talk confidential

Please complete and return this form via US Mail or fax to:

Dan Jepson, Section 106 Native American Liaison
Colorado Department of Transportation
Environmental Programs Branch
4201 E. Arkansas Ave.
Denver, CO 80222
FAX: (303)757-9445

FEDERAL HIGHWAY ADMINISTRATION/FEDERAL TRANSIT ADMINISTRATION/ COLORADO DEPARTMENT OF TRANSPORTATION SECTION 106 TRIBAL CONSULTATION INTEREST RESPONSE FORM

PROJECT: US 36 Corridor Environmental Impact Statement
The Northern Arapaho Tribe [is / is not] (circle one) interested in becoming a consulting party for the Colorado Department of Transportation project referenced above, for the purpose of complying with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800). If your tribe will be a consulting party, please answer the questions below.

Signed: _____
Name and Title Culture Commission

CONSULTING PARTY STATUS [36 CFR §800.2(c)(3)]
Do you know of any specific sites or places to which your tribe attaches religious and cultural significance that may be affected by this project?

(Yes) No If yes, please explain the general nature of these places and how or why they are significant (use additional pages if necessary). Locational information is not required.

Original Lands of the Northern Arapaho

SCOPE OF IDENTIFICATION EFFORTS [36 CFR §800.4(a)(4)]
Do you have information you can provide us that will assist us in identifying sites or places that may be of religious or cultural significance to your tribe?

(Yes) No If yes, please explain.

CONFIDENTIALITY OF INFORMATION [36 CFR §800.11(c)]
Is there any information you have provided here, or may provide in the future, that you wish to remain confidential?

(Yes) No If yes, please explain.

Please complete and return this form via US Mail or fax to:

Dan Jepson, Section 106 Native American Liaison
Colorado Department of Transportation
Environmental Programs Branch
4201 E. Arkansas Ave.
Denver, CO 80222
FAX: (303)757-9445

FEDERAL HIGHWAY ADMINISTRATION/FEDERAL TRANSIT ADMINISTRATION/ COLORADO DEPARTMENT OF TRANSPORTATION SECTION 106 TRIBAL CONSULTATION INTEREST RESPONSE FORM

PROJECT: US 36 Corridor Environmental Impact Statement

The SOUTHERN UTE INDIAN TRIBE Tribe [(is) / is not] (circle one) interested in becoming a consulting party for the Colorado Department of Transportation project referenced above, for the purpose of complying with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800). If your tribe will be a consulting party, please answer the questions below.

Signed: Neil B. Olsen NAGPRA COOR.
Name and Title

CONSULTING PARTY STATUS [36 CFR §800.2(c)(3)]
Do you know of any specific sites or places to which your tribe attaches religious and cultural significance that may be affected by this project?

Yes No If yes, please explain the general nature of these places and how or why they are significant (use additional pages if necessary). Locational information is not required.

SCOPE OF IDENTIFICATION EFFORTS [36 CFR §800.4(a)(4)]
Do you have information you can provide us that will assist us in identifying sites or places that may be of religious or cultural significance to your tribe?

Yes No If yes, please explain.

CONFIDENTIALITY OF INFORMATION [36 CFR §800.11(c)]
Is there any information you have provided here, or may provide in the future, that you wish to remain confidential?

Yes No If yes, please explain.

Please complete and return this form via US Mail or fax to:

Dan Jepson, Section 106 Native American Liaison
Colorado Department of Transportation
Environmental Programs Branch
4201 E. Arkansas Ave.
Denver, CO 80222
FAX: (303)757-9445

FEDERAL HIGHWAY ADMINISTRATION/FEDERAL TRANSIT ADMINISTRATION/ COLORADO DEPARTMENT OF TRANSPORTATION SECTION 106 TRIBAL CONSULTATION INTEREST RESPONSE FORM

PROJECT: US 36 Corridor Environmental Impact Statement

The UTE Tribe [is/ is not] (circle one) interested in becoming a consulting party for the Colorado Department of Transportation project referenced above, for the purpose of complying with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800). If your tribe will be a consulting party, please answer the questions below.

Signed: _____
Name and Title

CONSULTING PARTY STATUS [36 CFR §800.2(c)(3)]
Do you know of any specific sites or places to which your tribe attaches religious and cultural significance that may be affected by this project?

Yes (No) If yes, please explain the general nature of these places and how or why they are significant (use additional pages if necessary). Locational information is not required.
Not at this time but after survey completed may have additional information.

SCOPE OF IDENTIFICATION EFFORTS [36 CFR §800.4(a)(4)]
Do you have information you can provide us that will assist us in identifying sites or places that may be of religious or cultural significance to your tribe?

Yes (No) If yes, please explain.

CONFIDENTIALITY OF INFORMATION [36 CFR §800.11(c)]
Is there any information you have provided here, or may provide in the future, that you wish to remain confidential?

(Yes) No If yes, please explain.
If info on site discovery during inventory is disclosed then we would like info to be kept confidential unless otherwise specified.

Please complete and return this form via US Mail or fax to:

Dan Jepson, Section 106 Native American Liaison
Colorado Department of Transportation
Environmental Programs Branch
4201 E. Arkansas Ave.
Denver, CO 80222
FAX: (303)757-9445

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Shumate Building
Denver, Colorado 80222
(303) 757-9259

DEPARTMENT OF TRANSPORTATION

June 27, 2007

Mr. Conrad Fisher
Tribal Historic Preservation Officer
Northern Cheyenne Tribe
P.O. Box 128
Lame Deer, MT 59043

Dear Mr. Fisher:

SUBJECT: Native American Cultural Resources for Review and Comment, US Highway 36 Corridor Environmental Impact Statement, Adams, Boulder, Broomfield, Denver and Jefferson Counties, Colorado

In February 2004, the Northern Cheyenne Tribe expressed the desire to become a consulting party for the Colorado transportation project referenced above, under the terms of Section 106 of the National Historic Preservation Act (NHPA). The undertaking, a cooperative project involving the Federal Highway Administration (FHWA), Federal Transit Administration (FTA) and Colorado Department of Transportation (CDOT), proposes a variety of improvements to an 18-mile segment of US Highway 36 between Denver and Boulder, Colorado. Improvements to this severely congested corridor, as well as portions of adjacent and closely related roadways and other transportation corridors, are needed in order to address substandard capacity and safety conditions in a fast-growing urban environment.

A survey of the project area by archaeologists and historians resulted in the documentation of dozens of cultural resources, most of which consist of railroad grades, irrigation canals, and residential and commercial structures dating from the late 1800s to 1950s. Only one site (5BF99, an isolated fire hearth) exhibits evidence of Native American occupation, a fact that is not surprising given the largely urbanized and disturbed nature of the study area, which largely precludes the presence of intact archaeological sites. We have determined that 5BF99 is eligible for listing on the National Register of Historic Places under Criterion D due to its potential to contain artifacts and/or features in association with the hearth, and also because of the chronometric data the feature can yield in the form of a radiocarbon date. This evaluation has been forwarded to the Colorado State Historic Preservation Officer for review and concurrence with our recommendation. The site will be impacted by all of the alignment alternatives currently under consideration, and cannot be avoided given its proximity to the existing US 36 corridor.

Enclosed herewith is documentation specific to site 5BF99. As a consulting tribe under Section 106 of NHPA, co-lead federal agencies FHWA and FTA are pleased to provide you with the opportunity to review and comment on the Section 106 evaluations for the site. If you have comments regarding the eligibility of and proposed effects to 5BF99, please submit them to me in writing no later than August 1, 2007 at the mailing address noted on the letterhead, or via Email (daniel.jepson@dot.state.co.us) or fax (303-757-9445).

If you have questions regarding the enclosed documentation or any other facet of the US 36 Corridor Section 106 compliance process, please contact me at (303)757-9631.

Sincerely,

Dan Jepson, Senior Staff Archaeologist
Cultural Resource Section Manager

Enclosures

cc: M. Vanderhoof, FHWA (w/o enclosures)
D. Singer, CDOT Region 6 (w/o enclosures)

Richard Brannan, Northern Arapaho Tribe

Darrell Flyingman, Cheyenne and Arapaho Tribes of Oklahoma

Celmont Frost, Southern Ute Indian Tribe

Maxine Natchees, Northern Ute Tribe

Preceding letter sent to each of the representatives of the tribes listed above.

Natural Resource Conservation Service

US 36 CORRIDOR
Environmental Impact Statement

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

April 21, 2004

National Resource Conservation Service
Longmont Service Center
9595 Nelson Road STE D
Longmont, Colorado 80501-6359

Dear Sir or Madam,

We are writing to inform you of the US 36 DEIS project that is currently underway. The project is still in the early stages and transportation alternatives have not been refined. There are currently considerations for expansion in the US 36 corridor (potentially additional lanes, interchange improvements and changes and/or additional transit service) as well as along the BNSF railroad corridor.

We do not yet have engineering information that would demonstrate to you any potential impacts to farmlands but would anticipate these in late May or early June of this year. During the May/June timeframe, we will be submitting the form AD 1006 for your review.

For your information, during a public meeting in Louisville, we received some comments from an organic farmer along the BNSF corridor with regards to their concerns about increased train traffic along the corridor and any potential impacts to their crops related to this.

We have attached a project map and project description for your information and look forward to continuing coordination with you. Please feel free to contact me should you have any questions (720-286-5248).

Sincerely,

Don Ulrich
US 36 DEIS Deputy Project Manager
Environmental Lead

cc: Dave Shelley, RTD
Carol Deucker, RTD
Jeff Wassaneer, CDOT
Sandi, Kohrs, CDOT
Rick Pilgrim, URS

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

PROJECT OVERVIEW US 36 DEIS

Project Description

The US 36 Mobility Partnership is preparing an Environmental Impact Statement (EIS) to identify multi-modal transportation improvements between Denver and Boulder. The US 36 Corridor EIS will continue the planning process started by the US 36 Major Investment Study (MIS), which was completed in June 2001. The EIS study will develop and evaluate alternatives such as highway improvements, Bus Rapid Transit (BRT) and commuter rail transit along the US 36 corridor, from downtown Denver to Boulder. The EIS will evaluate the alternatives developed in the MIS and consider all other reasonable alternatives, including the No-Action Alternative, to ensure maximum multi-modal capacity for the corridor.

Project Location

The Study Area is a roughly 25-mile long corridor and includes both a roadway and a railroad alignment. Improvements will be considered generally between Boulder and Downtown Denver along the US 36 highway alignment, the Burlington Northern and Santa Fe (BNSF) rail line, SH 157/Foothills Parkway in Boulder and the area around the northern entry of SH 119 northeast of Boulder. The Study Area incorporates a number of communities in the northwest metropolitan Denver area, including the cities of Denver, Westminster, Broomfield, Louisville, Superior, and Boulder, as well as unincorporated Boulder County. Figure 1.1 shows the Study Area boundaries for this project.

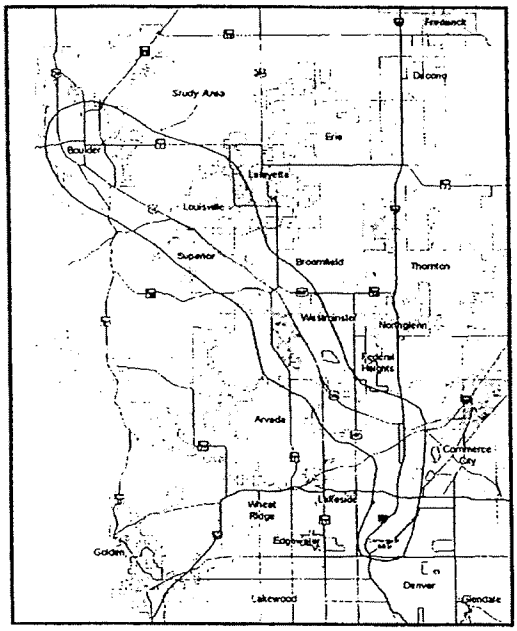

Figure 1.1 US 36 EIS Study Area

Project Purpose

The purpose of the US 36 Corridor EIS and Basic Engineering Project is to identify local and regional transportation improvements in the proposed project area between Denver and Boulder that:

- Support past investments and complement current and future investments in the infrastructure, businesses and communities that sustain the heart of the metropolitan area;
- Expand opportunities for diverse populations to move freely to, through, and within the US 36 Corridor study area;
- Reinforce and increase the overall efficiency of the regional transportation system;
- Sustain and support regional environmental goals for air quality, water quality, more efficient energy use, and the sustainable use of resources;
- Facilitate the preservation and enhancement of the diverse neighborhoods served by supporting economic, functional, and strategic goals of those areas; and
- Acknowledge the individual character, identity and aspirations of each place served, in addition to the vision for the region as a whole.

Project Team

The US 36 Mobility Partnership is a consortium of federal, state, and local agencies, teamed with local and national consulting firms, to conduct the US 36 EIS project. Lead agencies include the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) in cooperation with the Colorado Department of Transportation (CDOT) and the Regional Transportation District (RTD). The Mobility Partnership will work cooperatively with the affected cities, residents, businesses, and property owners to identify specific transportation improvements that best meet the needs of communities within the Corridor.

US 36 CORRIDOR
Environmental Impact Statement

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

Project No. NH 0361-070(14133)

November 19, 2004

National Resource Conservation Service
Longmont Service Center
9595 Nelson Road STE D
Longmont, Colorado 80501-6359

Dear Sir or Madam,

We are writing to inform you of the US 36 DEIS project that is currently underway. The project is still in the early stages and transportation alternatives have not been refined. There are currently considerations for expansion in the US 36 corridor (potentially additional lanes, interchange improvements and changes and/or additional transit service) as well as along the BNSF railroad corridor.

We do not yet have engineering information that would demonstrate to you any potential impacts to farmlands but would anticipate these in late May or early June of this year. During the May/June timeframe, we will be submitting the form AD 1006 for your review.

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We have attached a project map and project description for your information and look forward to continuing coordination with you. Please feel free to contact me should you have any questions (720-286-5248).

Sincerely,

Don Ulrich
US 36 DEIS Deputy Project Manager
Environmental Lead

cc: Dave Shelley, RTD
Carol Deucker, RTD
Jeff Wassaneer, CDOT
Sandi, Kohrs, CDOT
Rick Pilgrim, URS

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

PROJECT OVERVIEW US 36 DEIS

Project Description

The US 36 Mobility Partnership is preparing an Environmental Impact Statement (EIS) to identify multi-modal transportation improvements between Denver and Boulder. The US 36 Corridor EIS will continue the planning process started by the US 36 Major Investment Study (MIS), which was completed in June 2001. The EIS study will develop and evaluate alternatives such as highway improvements, Bus Rapid Transit (BRT) and commuter rail transit along the US 36 corridor, from downtown Denver to Boulder. The EIS will evaluate the alternatives developed in the MIS and consider all other reasonable alternatives, including the No-Action Alternative, to ensure maximum multi-modal capacity for the corridor.

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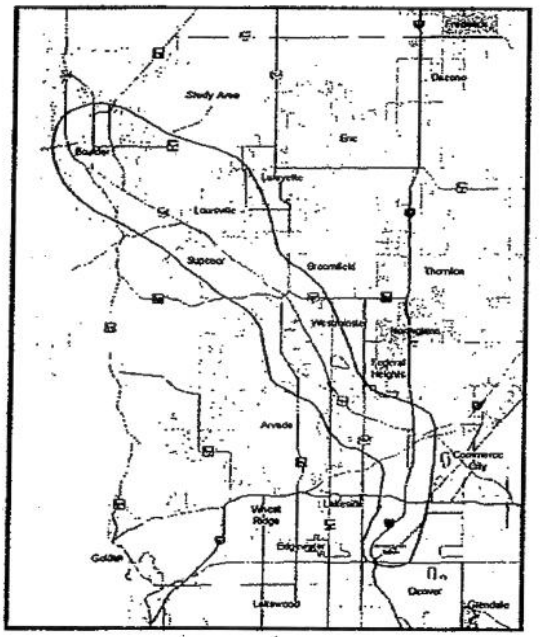

Figure 1.1 US 36 EIS Study Area

Project Purpose

The purpose of the US 36 Corridor EIS and Basic Engineering Project is to identify local and regional transportation improvements in the proposed project area between Denver and Boulder that:

- Support past investments and complement current and future investments in the infrastructure, businesses and communities that sustain the heart of the metropolitan area;
- Expand opportunities for diverse populations to move freely to, through, and within the US 36 Corridor study area;
- Reinforce and increase the overall efficiency of the regional transportation system;
- Sustain and support regional environmental goals for air quality, water quality, more efficient energy use, and the sustainable use of resources;
- Facilitate the preservation and enhancement of the diverse neighborhoods served by supporting economic, functional, and strategic goals of those areas; and
- Acknowledge the individual character, identity and aspirations of each place served, in addition to the vision for the region as a whole.

Project Team

The US 36 Mobility Partnership is a consortium of federal, state, and local agencies, teamed with local and national consulting firms, to conduct the US 36 EIS project. Lead agencies include the Federal Highway Administration (FHWA) and Federal Transit Administration (FTA) in cooperation with the Colorado Department of Transportation (CDOT) and the Regional Transportation District (RTD). The Mobility Partnership will work cooperatively with the affected cities, residents, businesses, and property owners to identify specific transportation improvements that best meet the needs of communities within the Corridor.

US 36 CORRIDOR
Environmental Impact Statement

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

November 29, 2004

National Resource Conservation Service
Longmont Service Center
9595 Nelson Road STE D
Longmont, Colorado 80501-6359

Dear Sir or Madam,

In April of this year we wrote to inform you of the ongoing US 36 DEIS project. We have developed 5 alternative Packages for the US 36 and BNSF alignments. These packages include:

- Package 1 No Action
- Package 2 Express Toll and BRT
- Package 3 General Purpose Lanes and Exclusive BRT
- Package 4 Rail plus General Purpose Lanes and BRT (including BRT/HOV lanes on US 36 with median stations and Commuter Rail on the BNSF)
- Package 5 Rail plus General Purpose Lanes and HOV (differs from Package 4 in that there are no new median stations for the BRT)

There are both highway and transit improvements in Packages 2 and 3 on US 36. Packages 4 and 5 are generally distinct from Packages 2 and 3 because they include Commuter Rail along the BNSF.

We have developed preliminary impacts related to these transportation improvement packages. Packages 2 and 3 involve potential impacts to prime or unique farmlands or farmlands of statewide importance in three areas:

1. Just south of the eastbound off ramp of US 36 near Wadsworth Parkway (SH 121) which is coincident with Broomfield open space (11 acres)
2. Between US 36 and the BNSF near Industrial Road and Brainard Road
3. Near US 36 and Cherryvale Road both north and south of US 36 which is coincident with Boulder open space. (7.1 acres)

Of these sites, on only one site north of US 36 near Cherryvale Road in Boulder open space (Yunker— Number 3 above) are there active agricultural activities. These activities consist of horse and cattle grazing. The relatively minor impacts to these properties would not eliminate, or substantially reduce, the potential for continued use of the properties for agricultural purposes.

Packages 4 and 5 would involve impacts to the above three properties and in addtion two other areas along the BNSF alignment. These two additional properties would include:

1. Adjacent to 75th Street just south and north of Arapahoe Road (.28 acre). Both of these parcels are coincident with Boulder open space. The site on the northeast corner is not currently being

used for agricultural purposes. The site on the southwest corner is currently being farmed and has an access road for agricultural equipment from 75th.

2. North of Legion Park, west of 75th and north of Araphoe Road where the BNSF alignment runs south of Legett-Own, Hillcrest and Valmont Reservoirs (.18 acre). This site is coincident with Boulder open space and is not currently being used for agricultural purposes.

The project is still in the draft stages with approximately 5 to 10% design completed for each package. No preferred alternative has been chosen and will not likely be chosen until the summer of 2005 . In all liklihood, most of the impacts noted above could be avoided through design modifications so that impacts to agricultural resources would be minimal.

We have completed the AD 1006 form and found scores for the impacts of these Packages to be less than 60 points and so, consistent with CDOT policy, we have placed the AD 1006 in the administrative record.

For more project information please feel free to call me or review the project website at www.US36EIS.com. Also please feel free to email comments to www.US36EIS.com (Click on "How to Be Involved" then "Send a Comment") or mail your comments to:

US 36 Mobility Partnership
C/o CDR Associates
100 Arapahoe Avenue, Suite 12
Boulder, CO 80302

Sincerely,

H. Donald Ulrich
US 36 DEIS Deputy Project Manager
Environmental Lead

cc: Dave Shelley, RTD
Carol Duecker, RTD
Jeff Wassaneer, CDOT
Sandi Kohrs, CDOT
Rick Pilgrim, URS

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request
Name Of Project VS 36 DEIS	Federal Agency Involved FTA, FHWA
Proposed Land Use Expansion of Highway & Transit	County And State Denver, Adams, Jefferson, Broomfield & Boulder Co.
PART II *(To be completed by NRCS)*	Date Request Received By NRCS

Does the site contain prime, unique, statewide or local important farmland? *(If no, the FPPA does not apply – do not complete additional parts of this form).* Yes ☐ No ☐		Acres Irrigated	Average Farm Size
Major Crop(s)	Farmable Land In Govt. Jurisdiction Acres: %	Amount Of Farmland As Defined in FPPA Acres: %	
Name Of Land Evaluation System Used	Name Of Local Site Assessment System	Date Land Evaluation Returned By NRCS	

PART III *(To be completed by Federal Agency)* Sites = Packages	Alternative Site Rating			
	Site A – 2	Site B – 3	Site C – 4	Site D – 5
A. Total Acres To Be Converted Directly	20	9	20	10
B. Total Acres To Be Converted Indirectly	23	23	23	23
C. Total Acres In Site	0.0	0.0	0.0	0.0
PART IV *(To be completed by NRCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value				
PART V *(To be completed by NRCS)* Land Evaluation Criterion Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)*	0	0	0	0

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)*	Maximum Points	Site A – 2	Site B – 3	Site C – 4	Site D – 5
1. Area In Nonurban Use		0	0	0	0
2. Perimeter In Nonurban Use		0	0	0	0
3. Percent Of Site Being Farmed		0	0	0	0
4. Protection Provided By State And Local Government		20	20	20	20
5. Distance From Urban Builtup Area		0	0	5	5
6. Distance To Urban Support Services		0	0	0	0
7. Size Of Present Farm Unit Compared To Average		10	10	10	10
8. Creation Of Nonfarmable Farmland		0	0	0	0
9. Availability Of Farm Support Services		5	5	5	5
10. On-Farm Investments		5	5	10	10
11. Effects Of Conversion On Farm Support Services		0	0	0	0
12. Compatibility With Existing Agricultural Use		5	5	5	5
TOTAL SITE ASSESSMENT POINTS	160	0 45	0 45	0 55	0 55
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100	0	0	0	0
Total Site Assessment *(From Part VI above or a local site assessment)*	160	0	0	0	0
TOTAL POINTS *(Total of above 2 lines)*	260	0	0	0	0

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes ☐ No ☐

Reason For Selection:

(See Instructions on reverse side)

Form AD-1006 (10-83)

This form was electronically produced by National Production Services Staff

Pinyon
Environmental Engineering Resources INC.

9600 W. Jewell Ave., Suite 1
Lakewood, Colorado 80232

303.980.5200 1.888.641.7337
303.980.0089 fax

www.Pinyon-Env.com

August 31, 2009

Boyd Byelich
USDA NRCS Longmont Service Office
9595 Nelson Road
Longmont, Colorado 80501

Subject: Consultation for the US 36 Final Environmental Impact Statement

Dear Mr. Byelich:

As we discussed on August 12, 2009, the Federal Highway Administration (FHWA), the Federal Transit Administration (FTA), the Colorado Department of Transportation (CDOT), and the Regional Transportation District (RTD) are currently completing a Final Environmental Impact Statement (FEIS) for the US 36 corridor. In 2007, the Draft Environmental Impact Statement (DEIS) that evaluated a No Action and two build packages was published. Since that time, the project team, in coordination with the local stakeholders, created a hybrid alternative (the Combined Alternative Package [Preferred Alternative]) that includes elements from both of the previous packages, while minimizing community and environmental impacts. Impacts from this alternative will be documented in the FEIS, which is expected to be released in the fall of 2009.

During previous phases of the project, the project team coordinated with the National Resource Conservation Service (NRCS) (Ulrich, 2004a; Ulrich, 2004b; and Ulrich, 2004c). In 2004, the project team documented that the alternatives evaluated in the DEIS (Packages 2 and 4) would result in impacts below the 60-point threshold for additional coordination; therefore, form AD 1006 was placed in the administrative record, consistent with CDOT policy (Ulrich, 2004c). Package 2 would result in impacts to 20.8 acres and Package 4 would result in impacts to 16.4 acres of prime and unique farmlands and farmlands of statewide and local importance. As part of the development of the Combined Alternative Package (Preferred Alternative), the project team was able to avoid and minimize impacts to prime and unique farmlands and farmlands of statewide and local importance, reducing the impacts to 13.6 acres for this package. As a result, the impacts would also be below the 60-point threshold.

For more project information please feel free to call me or review the project website at www.US36EIS.com.

This letter documents impacts of the Combined Alternative Package (Preferred Alternative). If additional coordination efforts are needed please let me know. If you have any questions regarding this letter or need any additional information, please do not hesitate to contact me. Thank you for your time and attention.

Sincerely,

PINYON ENVIRONMENTAL ENGINEERING RESOURCES, INC.

Scott Epstein
Environmental Scientist

References:

Ulrich, 2004a, *Letter to the National Resource Conservation Service from Don Ulrich, US 36 DEIS Deputy Project Manager*, April 21, 2004.

Ulrich, 2004b, *Letter to the National Resource Conservation Service from Don Ulrich, US 36 DEIS Deputy Project Manager*, November 19, 2004.

Ulrich, 2004c, *Letter to the National Resource Conservation Service from Don Ulrich, US 36 DEIS Deputy Project Manager*, November 29, 2004.

Cc: Jane Hann, CDOT
Kelsey Johnston, URS

Z:\PROJECTS\10335901 US 36\8012 FEIS\DFEIS\Farmlands\36_NRCS Letter_ver1.doc

Federal Transit Administration

Regional Transportation District

1600 Blake Street
Denver, Colorado 80202-1399
303.628.9000
RTD-Denver.com

July 22, 2004

RECEIVED
JUL 26 2004
URS Corp.

Mr. David Beckhouse
Federal Transit Administration, Region 8
12300 West Dakota Ave., Suite 310
Lakewood, Colorado 80228-2583

Dear Mr. Beckhouse: Dave

The purpose of this letter is to request concurrence from the Federal Transit Administration (FTA) Region 8 regarding travel modeling for the US-36 Draft Environmental Impact Statement (DEIS).

The consultant team is proceeding with modeling for the DEIS using the Compass model for the Denver region written in TransCAD by the Denver Regional Council of Governments (DRCOG). As you are aware, the FTA Office of Planning rejected Compass this spring for use in RTD's 2004 West Corridor New Starts submittal. The main concern was the relatively high values of constants used in the mode choice models to give additional utility to origin-destination pairs with rail in the transit path. Given the DEIS schedule, DRCOG made a "quick fix" to Compass to address FTA's concerns and provided it to the consultant team for use in the DEIS. Specifically, the values of the rail constants were reduced to levels acceptable to FTA, and values of CBD constants also were modified to attempt to compensate for the reduction in the values of rail constants. However, no attempt was made in the "quick fix" model to achieve reasonable base year validation for transit boardings by mode.

At present, DRCOG staff members are working to further refine Compass to achieve reasonable base year validation in addition to addressing FTA's concerns. It is highly likely that a refined version of Compass will be available for use in the Final Environmental Impact Statement (FEIS).

It is the desire of RTD, CDOT, and the consultant team that FTA accept the use of Compass with the "quick fix" for use in the DEIS, with the understanding that the refined version of Compass will be used in the FEIS. Please contact me at 303-299-2410 with any comments or questions. Because of the project schedule, we would like to receive a response from you by July 30, 2004. Thank you.

Sincerely,

J. Lee Cryer

Lee Cryer
Project Manager (Modeling & Operational Analysis), RTD

An Equal Opportunity / Affirmative Action Employer

c: Liz Rao, Assistant General Manager, Planning and Development, RTD
Bill Van Meter, Senior Manager of Systems Planning, RTD
Dave Shelley, US-36 EIS Co-Project Manager, RTD
Jeff Wassenaar, US-36 EIS Co-Project Manager, CDOT
Rick Pilgrim, US-36 EIS Consultant Project Manager, URS

U.S. Department
of Transportation
Federal Transit Administration

REGION VIII
Colorado, Montana,
North Dakota,
South Dakota,
Utah, and Wyoming

12300 West Dakota Avenue
Suite 310
Lakewood, Colorado 80228
702-963-3300 (voice)
720-963-3333 (fax)

July 26, 2004

RECEIVED
JUL 30 2004
BY:

Mr. Lee Cryer
Project Manager (Modeling and Operational Analysis)
Regional Transportation District
1600 Blake Street
Denver, Colorado 80202-1399

Dear Mr. Lee Cryer;

Thank you for your update of the development of the latest transportation model for the Denver area and how it relates to development of the US36 Environmental Impact Statement. The approach you suggest seems to be practical since this is the best available model at the time and the final model will be available for the Final EIS and related conformity finding.

There is an element of risk to this approach. If the fully refined Compass model were to produce significantly different results than the interim model used for the Draft EIS, it could call into question the validity of decisions made regarding selection of alternatives, the scope of these alternatives, or the level of project impacts on some environmental resources. However, it is not uncommon for additional information to become available between the Draft EIS and Final EIS. Unless the new information would result in significant environmental impacts not considered in the Draft EIS, this can usually be accommodated in the Final EIS without the need for a Supplemental Draft EIS (see 23 CFR § 771.130).

Until the differences in results between the current and fully refined Compass model are available FTA cannot make any guarantee that additional analysis or supplemental documentation won't be needed, but this is always the case. With the qualifications noted FTA concurs with your approach.

If you have any questions please give be a call at 720-963-3306.

Sincerely;

David Beckhouse
Community Planner

Cc: Liz Rao, Assistant General Manager, Planning and Development, RTD
Bill Van Meter, Senior Manager of Systems Planning, RTD
Dave Shelley, US-36 EIS Co-Project Manager, RTD
Jeff Wassenaar, US-36 EIS Co-Project Manager, CDOT
Rick Pilgrim, US-36 EIS Consultant Project Manager, URS

U.S. Department
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March 30, 2006

Mr. Tom Norton
Executive Director
Colorado Department of Transportation
4201 East Arkansas Avenue
Denver, CO 80222

Subject: Federal Transit Administration role in locally funded transit improvements

Dear Mr. Norton:

During our discussions regarding independent utility of proposed commuter rail improvements that the Regional Transportation District is developing you asked that the Federal Transit Administration clarify its role in locally funded transit projects.

FTA is a grant making agency without a significant regulatory role other than to enforce the terms of its grant contracts. If an agency decides to implement a capital project without FTA funds then there is no Federal action and no need for an FTA approval under the National Environmental Policy Act. In fact, FTA will not approve a NEPA document for a project that it will not make a grant for, since a grant contract is the only mechanism FTA has available to enforce that the project is built consistent with the NEPA document.

There are still numerous environmental regulations and procedures that apply to such projects and RTD will be responsible to the relevant authorities for complying with these. It is my understanding that in order to satisfy U.S. Army Corps of Engineers requirements, a NEPA document will still be prepared for the US36 and Longmont Commuter Rail Project for their approval. FTA anticipates participating as a cooperating agency in this document and expects that CDOT will be invited to do the same. RTD also reports that they will follow a locally developed environmental and public involvement process modeled after NEPA for other projects they anticipate building without FTA funding.

Projects that are initially built with local funds are still eligible to be considered for future FTA participation. While an immediate request for funding some necessary element of the project could raise questions of segmentation, future participation in improvements or maintenance would be considered separate federal actions and subject to their own findings under NEPA. As an example, it should be noted that while the Central Corridor Light Rail Line was constructed without FTA funds there has been subsequent FTA participation in vehicles that operate on the line since it opened. Revenue vehicle miles, route miles, and passenger miles for locally and federally funded projects are factors considered in the FTA Section 5307 Urban Formula distribution. It is also important to

note that, once a project is old enough to qualify, it will also receive Section 5309 Fixed Guideway Modernization funds based on revenue vehicle miles and route miles, regardless of whether the project was built with local or FTA funds.

On the US36 and Longmont Corridors it is our understanding that RTD has decided to forgo FTA participation in the commuter rail project. With several FasTracks corridors under development at once it may be strategically better for RTD to construct some projects without FTA funds and concentrate on pursuing FTA funds in the corridors that have the best chance to be successful in FTA's highly competitive New Starts program. FTA will continue to work closely with CDOT and RTD to ensure that opportunities for FTA participation are not precluded by developing projects in a way that preserves their eligibility for FTA funding until such time as RTD has made a decision to proceed with local funds.

We understand that RTD is concerned that if they proceed through a FTA/FHWA DEIS with commuter rail if they are certain they want to build the commuter rail project with local funds they would be spending time and resources on an EIS document which isn't likely to be continued through to the Record of Decision . Instead they could be preparing the documentation they need for the Corps of Engineers. Assuming a determination of independent utility for commuter rail from other potential improvements, FTA still anticipates being joint lead agency on the US36 EIS because of the potential for participation in other improvements in this corridor.

I hope this letter adequately responds to your concerns. However, if you have any questions please do not hesitate to contact me.

Sincerely;

Lee O. Waddleton
Regional Administrator

Cc:
Cal Marsella, RTD
Liz Rao, RTD
Pamela Hutton, CDOT Region VI
David Nicol, Colorado Division, FHWA

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

REGION VIII
Colorado, Montana,
North Dakota,
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Utah, and Wyoming

12300 West Dakota Avenue
Suite 310
Lakewood, Colorado 80228
702-963-3300 (voice)
720-963-3333 (fax)

April 26, 2006

Clarence W. Marsella
General Manager
Regional Transportation District
1600 Blake Street
Denver, Co 80202

Re: Independence of proposed transit and highway improvements in the US36 and I-70 East corridors.

Dear Mr. Marsella:

Thank you for your letter of February 15, 2006, requesting Federal Transit Administration and Federal Highway Administration concurrence that the proposed rail transit investments in the US36 and I-70 East corridors meet the regulatory tests of 23 CFR 771.111(f):

1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope;
2) Have independent utility or independent significance,i.e. be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

And further, that the proposed rail transit projects may proceed as separate studies under the National Environmental Policy Act. After reviewing your request and the additional analysis provided on March 21, 2006, and April 12, 2006, should RTD or CDOT decide to separate we believe that the proposed rail and highway improvements could advance as independent actions.

If the decision is made to independently advance these projects, RTD and CDOT must continue to work together as cooperating agencies in these corridors. FHWA and FTA would continue to be joint lead agencies on improvements being considered for the US36 alignment.

CDOT has expressed concern over potential traffic impacts generated from rail stations. Prior to the completion of the NEPA process, transit studies must assess these traffic impacts in sufficient detail to identify the required mitigation. This assessment must be done in cooperation CDOT. It will also be necessary for the two

agencies to continue to work closely together in order to properly address secondary and cumulative impacts.

Please advise us how you propose to proceed so that FTA and FHWA can continue to assist in the development of improvements in these corridors.

Sincerely;

Lee O. Waddleton
Regional Administrator
FTA Region VIII

David A. Nicol, P.E.
Division Administrator
FHWA Colorado Division

Cc: Tom Norton, Executive Director, CDOT
Guillermo V. (Bill) Vidal, Public Works Director, City and County of Denver
Pamela S. Hutton, P.E., Regional Transportation Director, Region 6, CDOT
Elizabeth A. Rao, Assistant General Manager, Planning and Development, RTD

Federal Railroad Association

U.S. Department
of Transportation

Federal Transit Administration
Region VIII
216 Sixteenth St., Suite 650
Denver, Colorado 80202
(303) 844-3242

Federal Highway Administration
Colorado Division
555 Zang St., Room 250
Lakewood, Colorado 80228
(303) 969-6730

January 26, 2004

Mr. Steve Fender
Chief Inspector
Federal Railroad Administration
555 Zang Street, Room 263
Lakewood, Colorado 80228

Re: Request to Serve as a Cooperating Agency for the US 36 Corridor EIS

Dear Mr. Fender:

The Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), in cooperation with the Colorado Department of Transportation (CDOT) Region 6 and Regional Transportation District (RTD), are initiating an Environmental Impact Statement (EIS) for the US 36 Corridor project, which includes area from Denver Union Station to Boulder, to improve transportation and transportation linkages. This corridor includes the BNSF alignment and the alternatives considered are anticipated to include a shared transit use of this alignment. Because of your agency's legal jurisdiction over the railroad operations, we are requesting that you to be a cooperating agency.

Your agency's involvement should entail those areas under its jurisdiction and no direct writing or analysis will be necessary for the documents preparation. The following are activities we will take to maximize interagency cooperation:

1. Invite you to coordination meetings.
2. Consult with you on any relevant technical studies that will be required for the project.
3. Organize joint field reviews with you.
4. Provide you with project information, including study results.
5. Notify you of joint public involvement and public hearing process.
6. Encourage your agency to use the above documents to express your views on subjects within your jurisdiction or expertise.
7. Include information in the project environmental documents that cooperating agencies need to carry out their NEPA responsibilities and any other requirements regarding jurisdictional approvals.

You have the right to expect that the EIS will enable you to carry out your jurisdictional

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responsibilities, including any necessary permits. Likewise you have the obligation to tell us if, at any point in the process, your needs are not being met.

We look forward to your response to this request and your role as a cooperating agency on this project. If you have any questions or would like to discuss in more detail the project or our agencies respective roles and responsibilities during the preparation of this EIS, please contact Shaun Cutting (FHWA) (303) 969-6730 x 369 or Dave Beckhouse (FTA) (303) 844-4266.

Sincerely yours,

FOR William C. Jones
Division Administrator
Federal Highway Administration
Colorado Division

For Lee O. Waddleton
Regional Administrator
Federal Transit Administration
Region VIII

cc: Mr. John Muscatell, Regional Transportation Director, CDOT Region 6
Mr. Jeff Wassenaar, Resident Engineer, CDOT Region 6

U.S. Department
of Transportation
Federal Railroad Administration

February 18, 2004

Mr. William C. Jones
Federal Highway Administration
Colorado Division Administrator
555 Zang Street - Ste 250
Lakewood, Colorado 80228

Dear Mr. Jones:

Regarding your correspondence dated January 21 and 26, 2004, directed to Steven Fender, the Federal Railroad Administration's (FRA) Chief Inspector at the Lakewood District office. I understand that Environmental Impact Statements (EIS) for the I-70 East and U.S. 36 corridors are being developed. As has been past practice at Denver and in western FRA Region 6, and according to FRA's previous interdepartmental agreements, we formally agree to support these studies as required. We recognize here that we may be quite interested in these corridors due to the distinct possibility that commuter rail is expected to be a preferred transportation alternative. FRA is also aware of and preparing for our safety regulation and related responsibilities if these projects develop as anticipated.

As has been past practice, Steven Fender will be the principal contact for FRA on issues such as these. He will continue to manage FRA involvement there as appropriate with the resources he has at his disposal. He will also communicate with our passenger rail team at FRA's Office of Railroad Development and involve them as necessary. Please feel free to continue to communicate with Steve at the Denver FRA office and continue with the relationship that now exists .

Should you need assistance from me at any time, please feel free to call.

Sincerely,

Darrell J. Tisor
Regional Administrator
Region 6

Regional Transportation District

1600 Blake Street
Denver, Colorado 80202-1399
303.628.9000
RTD-Denver.com

RECEIVED
DEC 2 2 2004
URS Corp

December 20, 2004

Steven J. Fender
Federal Railroad Administration
Deputy Regional Administrator
Region 6
901 Locust St. Suite 464
Kansas City, MO 64106

Dear Steve:

The US 36 Corridor project is currently in the process of preparing the administrative draft of the Draft EIS. As you are aware, 2 of the 4 build alternatives include a commuter rail service along the BNSF LS 476 between Denver Union Station and downtown Boulder. We expect the administrative draft to be available for review by FTA and FHWA around the first of April 2005. Since FRA is a cooperating agency, we will also provide you with review copies. We hope to have reviews completed by mid-July 2005, and have the Draft EIS available for circulation and public comment by the first part of September 2005, with the public hearing expected in the first week of October.

We also prepared plans for the rail corridor during Basic Engineering, and have an 11" x 17" plan set that we could also forward, if you would like to have copies for review.

At your earliest convenience, please let me know how may copies of the DEIS you will need. Please also let me know whether or not you will be able to work within the review schedule outlined above. If you would also like copies of the Basic Engineering plan set for the rail corridor, let me know how many copies you would like and whether you will provide comments on the plans. If FRA will need to participate in any other way during this review period, please let me know how we can accommodate you.

#1 RTD TRANSIT AGENCY 2003

We have appreciated the participation that you have been able to give to the US 36 project, and are looking forward to working with FRA during the completion of the EIS. Please let me know if you have questions or comments regarding the project or schedule.

Sincerely,

Dave Shelley
US 36 Co-Project Manager
303.299.2408
dave.shelley@rtd-denver.com

c: Rick Pilgrim, URS
Jeff Wassenaar, CDOT, Co-Project Manager
File: US36 EIS/DEIS Review

Section 4(f) Consultation

Formal consultation for purposes of the Section 4(f) evaluation has been initiated and is expected to continue through the final design and engineering phase. The consultation and coordination efforts that have occurred thus far are summarized below.

Consultation with Public Park, Recreation, and Wildlife and Waterfowl Refuge Stakeholders

Consultation and coordination with public park, recreation, and wildlife and waterfowl refuge stakeholders have consisted of numerous personal meetings and correspondence.

The officials with jurisdiction include:

- Hyland Hills Parks and Recreation District;
- City of Westminster;
- City and County of Broomfield;
- City of Louisville; and
- City of Boulder, Open Space and Mountain Parks.

Numerous meetings have been held with the above-mentioned agencies to discuss the Section 4(f) resources. The meetings have focused on the following topics:

- The amenities and activities of the resources;
- The management of the resource;
- The potential uses from the United States Highway US 36 (US 36) expansion and their severity;
- The potential *de minimis* findings, if applicable; and
- The possible measures to minimize harm.

Consultation and coordination with the stakeholders will continue through the National Environmental Policy Act of 1969 process.

Cultural Resources Consultation

On March 17, 2004, a meeting was held at the Colorado Historic Society in Denver to discuss the proposed US 36 corridor Draft Environmental Impact Statement Area of Potential Effects (APE) and methodology. In attendance were representatives of the State Historic Preservation Officer (SHPO), Federal Highway Administration, Colorado Department of Transportation (CDOT), Regional Transportation District (RTD), URS, the City and County of Denver, and the City of Westminster. SHPO and representatives from communities within the APE identified several areas along the US 36 corridor as having a high potential to contain historic properties. Consultation with SHPO will be for all Section 4(f) historic resources, and written concurrence for *de minimis* uses will be sought to satisfy the requirements of 23 Code of Federal Regulations §138 and 49 United States Code §303. A second meeting was held on July 27, 2004, at the URS offices in Denver and included members from SHPO, CDOT, RTD, and URS. This document will be the coordination with SHPO on proposed mitigation measures and adverse effects related to the Section 4(f) historic resources.

Native American Consultation

No Section 4(f) eligible sites that require Native American consultation were identified during the analysis.

US 36 CORRIDOR
Environmental Impact Statement

Myra L. Frank / Jones & Stokes
Attn: Jack Ottaway
811 West 7th Street, Suite 800
Los Angeles, CA 90017

Project No. NH 0361-070(14133)

December 22, 2004

Town of Superior
Parks, Recreation and Open Space Development
Attn: Juanita Dominguez, Director
124 E. Coal Creek Drive
Superior, CO 80027

Dear Ms. Lair:

Pursuant to the requirements of the National Environmental Policy Act (NEPA), the Colorado Department of Transportation (CDOT) and the Regional Transportation District (RTD), in association with the Federal Highway Administration (FHWA) and the Federal Transit Administration (FTA), are currently preparing an Environmental Impact Statement (EIS) for proposed transportation improvements in the US 36 corridor between Denver and Boulder. A project information sheet and maps are attached.

As part of the NEPA process, the project team is also preparing documentation required by Section 4(f) of the Department of Transportation Act of 1966 (*see* 49 USC §303) (hereinafter referred to as "Section 4(f) Evaluation"). An important component of the Section 4(f) Evaluation is the coordination and consultation effort conducted by the project team with those agencies having jurisdiction over publicly-owned parks and recreation areas, and wildlife and waterfowl refuges in the vicinity of the project.

While it is recognized that the project team and your agency may have already had, and will continue to have, ongoing discussions about the proposed project, this correspondence serves as the formal initiation of the consultation and coordination specific to the Section 4(f) process. This consultation and coordination can be expected to continue as needed throughout the duration of the NEPA process.

In order to properly characterize the publicly-owned lands in the study area and document the potential effects of the proposed project alternatives on those resources, the project team respectfully requests your response to several initial questions. In some cases, these questions refer to the attached table, and may require a more detailed response in that table.

(1) Please identify the name and title of the official(s) to whom future correspondence should be directed regarding this matter.

(2) For each of the resources listed in the attached table and shown on the attached map(s), please indicate whether the Town of Superior Parks, Recreation and Open Space Department is the agency that has jurisdiction over these resources. For any resource where ownership or jurisdiction is shared with another agency or party, please indicate the name of the other agency or party, and briefly describe the nature of their relationship with your agency for that resource.

(3) For each of the resources listed in the attached table, please indicate whether the resource is publicly-owned, or privately-owned, or privately-owned but subject to a public ownership interest (e.g., easement, license agreement, lease, life estate).

(4) For each of the resources listed in the attached table, please indicate whether the resource is open and accessible to the general public. Please also describe the location(s) of the public access. For resources with limited public access, please briefly describe the type of access permitted.

(5) For each of the resources listed in the attached table, please describe the function of and/or management plan for each resource (or group of resources, if the function of and/or management plan is similar for several resources).

(6) For each of the resources listed in the attached table, please indicate whether any were purchased or developed with Land and Conservation Fund Act assistance or with 23 USC 206 funds.

Kindly submit your response to either of the following addresses:

Myra L. Frank / Jones & Stokes
attn: Jack Ottaway
811 West 7th Street, Suite 800
Los Angeles, CA 90017

URS Corporation
attn: Tricia Bernhardt
8181 East Tufts Avenue
Denver, CO 80237

Please feel free to forward to us any additional information that you believe the project team should consider as part of the Section 4(f) Evaluation. Additionally, we would be happy to address any questions or concerns that you may have as the environmental process continues. Questions regarding the Section 4(f) process may be directed to Jack Ottaway at 213-627-5376 (jottaway@jsanet.com). Please contact Tricia Bernhardt at 303-740-2629 (tricia_bernhardt@urscorp.com) with any other questions about the EIS or the proposed project.

Thank you again. Your assistance with this important matter is sincerely appreciated.

Yours very truly,

Jack Ottaway

Jack Ottaway
US 36 Corridor EIS Team

encl.

Cindy Lair, Director
Department of Land Development
City of Louisville
749 Main Street
Louisville, CO 80027

Joann Saitta, Planner
Hyland Hills Parks and Recreation District
1800 West 87th Avenue
Federal Heights, CO 80260

Kim Bailey, Manager
Parks and Recreation Department
City and County of Denver
Webb Municipal Office Building
201 West Colfax Avenue, Department 601
Denver, CO 80202

Ron Stewart, Director
Boulder County Parks and Open Space
PO Box 471
Boulder, CO 80306

Jan Geden, Director
City of Boulder Parks and Recreation
3198 Broadway
Boulder, CO 80302

Adams County Department of Parks and Community Resources
Adams County Regional Park
9755 Henderson Road
Brighton, CO 80601

Kristan Pritz, Director
Open Space and Trails Department
City and County of Broomfield
One DesCombes Drive
Broomfield, CO 80020

John F. Carpenter, Director
Department of Community Development
City of Westminster
4800 West 92nd Avenue
Westminster, CO 80031

Mark Gershman, Environmental Planner
Open Space & Mountain Parks
City of Boulder
PO Box 791
Boulder, CO 80306

Preceeding letter sent to each of the above.

U.S. Department of Transportation

Federal Transit Administration
Region VIII
12300 West Dakota Avenue, Suite 310
Lakewood, CO 80228-2583
Telephone: 720-963-3300

Federal Highway Administration
Colorado Division
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228
Telephone: 720-963-3000

NOV 20 2006

Mr. Mark Gershman
City of Boulder
P.O. Box 791
Boulder, CO 80306

Dear Mr. Gershman:

Subject: US 36 Section 4(f) properties

This letter is in response to your letter dated January 25, 2006 concerning potential Section 4(f) properties on City of Boulder Open Space and Mountain Parks (OSMP) lands. These properties may be affected by the US36 project. FHWA and FTA are currently preparing a Draft Environmental Impact Statement (DEIS) on the US 36 project from Denver to Boulder. Impacts to Section 4(f) resources as a result of the project will be identified in the DEIS.

We concur that eight of the 10 properties listed in Table 1 of your letter should be considered Section 4(f) properties as part of this DEIS. The remaining two parcels (Map ID 906 and 909) are not considered Section 4(f) properties as part of this DEIS. This decision is based primarily on the fact that these two properties are not managed, through intentional maintenance or other actions, for protection or propagation of specific species. A table listing the properties is enclosed.

We appreciate your patience as the study progresses. We are continuing to work on the DEIS and look forward to working with you concerning potential impacts, avoidance and minimization of impacts, and possible mitigation measures to OSMP lands.

Sincerely yours,

Lee Waddleton
Regional Administrator
Federal Transit Administration

David A. Nicol, P.E.
Division Administrator
Federal Highway Administration

Enclosure

cc: Sandi Kohrs, CDOT – Region 6
Gina McAfee, RTD Fastracks
Kelsey Johnston, URS

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Methodology
The evaluation of Section 4(f) applicability to open space properties has been conducted in accordance with 23 CFR 771.135, FHWA Technical Advisory T 6640.8A (1987), the revised FHWA Section 4(f) Policy Paper (2005), and direction provided by FHWA-Colorado Division Staff. For those properties with multiple functions or purposes, only the portions that have been identified as primarily for public park, recreation area, or wildlife and waterfowl refuge purposes, or land of an historic site of national, state, or local significance has been considered as potential Section 4(f) resources. For all other open spaces, the entirety of the property has been considered. In order to ascertain the primary purpose of the open space properties, applicable management plans have been consulted. In addition, and especially where management plans are not available, information has been obtained from field observation and consultation with the officials having jurisdiction over the property.

Map ID	Resource	Address/Location	Size (Acres)	Amenities	Legal Owner	Eligible 4(f) Resource	Potential Section 4(f) Use		Type of Use (Direct, Constructive, or Temporary)
							Package 2	Package 4	
TC12	South Boulder Creek Trail Crossing	US 36 between Cherryvale Rd. and South Boulder Rd.	<1	Trail, greenbelt	City of Boulder	Yes – Because the primary purpose of the trail crossing is for recreation.	–	–	Direct Use Acquisition of ROW is required to widen US 36. Therefore, the trail crossing would require lengthening under the widened roadway. A trail detour would be needed during some phases of construction, but is temporary and results in no permanent physical impacts to the recreation activities.
885	Van Vleet	North of US 36 and east of Cherryvale Rd.	225	Open space, farm, nature preserve	City of Boulder Open Space	Yes – Because the property performs a refuge function and is specifically managed for Preble's Meadow Jumping Mouse (PMJM) and Ute Ladies' Tresses (ULT). Elements of the property include: ▫ Multi-use conservation and management area ▫ PMJM critical habitat ▫ ULT habitat ▫ Bobolink ▫ Ground nesting birds ▫ Imperiled butterflies ▫ American groundnut	1.2	1.4	Direct Use

Methodology

The evaluation of Section 4(f) applicability to open space properties has been conducted in accordance with 23 CFR 771.135, FHWA Technical Advisory T 6640.8A (1987), the revised FHWA Section 4(f) Policy Paper (2005), and direction provided by FHWA-Colorado Division Staff. For those properties with multiple functions or purposes, only the portions that have been identified as primarily for public park, recreation area, or wildlife and waterfowl refuge purposes, or land of an historic site of national, state, or local significance has been considered as potential Section 4(f) resources. For all other open spaces, the entirety of the property has been considered. In order to ascertain the primary purpose of the open space properties, applicable management plans have been consulted. In addition, and especially where management plans are not available, information has been obtained from field observation and consultation with the officials having jurisdiction over the property.

Map ID	Resource	Address/Location	Size (Acres)	Amenities	Legal Owner	Eligible 4(f) Resource	Potential Section 4(f) Use		Type of Use (Direct, Constructive, or Temporary)
							Package 2	Package 4	
886	Van Vleet	North of US 36 and west of Cherryvale Rd.	186	Open space, farm, nature preserve. Cherryvale Trail, South Boulder Creek Trail	City of Boulder Open Space	Yes – Because the property performs a refuge function and is specifically managed for PMJM and ULT. Elements of the property include: • Multi-use conservation and management area • PMJM critical habitat • ULT habitat • Bobolink • Other ground nesting birds • American groundnut • Imperiled butterflies • Colorado Tallgrass Prairie	5.8 – 8.1	6.0 – 7.2	Direct Use
887	Van Vleet	South of US 36 and west of Cherryvale Rd.	357	Open space, farm, nature preserve. South Boulder Creek Trail	City of Boulder Open Space	Yes – Because the property performs a refuge function and is specifically managed for PMJM and ULT. Elements of the property include: • Multi-use conservation and management area • PMJM critical habitat • ULT habitat • Bobolink • Other ground nesting birds • American groundnut • Imperiled butterflies • Colorado Tallgrass Prairie	4.0 – 10.0	4.0 – 9.3	Direct Use

Methodology

The evaluation of Section 4(f) applicability to open space properties has been conducted in accordance with 23 CFR 771.135, FHWA Technical Advisory T 6640.8A (1987), the revised FHWA Section 4(f) Policy Paper (2005), and direction provided by FHWA-Colorado Division Staff. For those properties with multiple functions or purposes, only the portions that have been identified as primarily for public park, recreation area, or wildlife and waterfowl refuge purposes, or land of an historic site of national, state, or local significance has been considered as potential Section 4(f) resources. For all other open spaces, the entirety of the property has been considered. In order to ascertain the primary purpose of the open space properties, applicable management plans have been consulted. In addition, and especially where management plans are not available, information has been obtained from field observation and consultation with the officials having jurisdiction over the property.

Map ID	Resource	Address/Location	Size (Acres)	Amenities	Legal Owner	Eligible 4(f) Resource	Potential Section 4(f) Use		Type of Use (Direct, Constructive, or Temporary)
							Package 2	Package 4	
892	Yunker	North of US 36 and east of Cherryvale Rd.	16	Open space, farm, nature preserve	City of Boulder Open Space	Yes – Because the property performs a refuge function and is specifically managed for PMJM and Colorado Tallgrass Prairie. Elements of the property include: • Habitat conservation and management area • PMJM critical habitat • Colorado Tallgrass Prairie • Imperiled butterflies	4.2	1.2	Direct Use
893	Yunker	South of US 36 and east of Cherryvale Rd.	40	Open space, farm, nature preserve	City of Boulder Open Space	Yes – Because the property performs a refuge function and is specifically managed for PMJM, ULT, and Colorado Tallgrass Prairie. Elements of the property include: • Multi-use conservation and management area • PMJM critical habitat • ULT habitat • Colorado Tallgrass Prairie • Imperiled butterflies	0.8	1.1	Direct Use
898	Yunker	South of US 36 and east of Cherryvale Rd.	116	Open space, farm, nature preserve	City of Boulder Open Space	Yes – Because the property performs a refuge function and is specifically managed for PMJM and Colorado Tallgrass Prairie. Elements of the property include: • Multi-use conservation and management area • PMJM critical habitat • Colorado Tallgrass Prairie • Ute Ladies' Tresses habitat • Bobolink • Other ground nesting birds • Imperiled butterflies	1.8	2.0	Direct Use

Methodology
The evaluation of Section 4(f) applicability to open space properties has been conducted in accordance with 23 CFR 771.135, FHWA Technical Advisory T 6640.8A (1987), the revised FHWA Section 4(f) Policy Paper (2005), and direction provided by FHWA-Colorado Division Staff. For those properties with multiple functions or purposes, only the portions that have been identified as primarily for public park, recreation area, or wildlife and waterfowl refuge purposes, or land of an historic site of national, state, or local significance has been considered as potential Section 4(f) resources. For all other open spaces, the entirety of the property has been considered. In order to ascertain the primary purpose of the open space properties, applicable management plans have been consulted. In addition, and especially where management plans are not available, information has been obtained from field observation and consultation with the officials having jurisdiction over the property.

Map ID	Resource	Address/Location	Size (Acres)	Amenities	Legal Owner	Eligible 4(f) Resource	Potential Section 4(f) Use		Type of Use (Direct, Constructive, or Temporary)
							Package 2	Package 4	
903	Gallucci	North of US 36 and east of Cherryvale Rd.	49	Open space, farm, nature preserve	City of Boulder Open Space	Yes – Because the property performs a refuge function and is specifically managed for Black-tailed Prairie Dog. Elements of the property include: • Multi-use conservation and management area • Black-tailed Prairie Dog conservation area	0.5	0.6	Direct Use
906	Jirkovsky	South of US 36 and east of Cherryvale Rd.	11	Open space, farm, nature preserve	City of Boulder Open Space	No – Because the property is not managed for the protection of any species. Elements of the property include: • Habitat conservation and management area • No species found on this parcel	0.2	0.3	N/A
909	City on the Hill	South of US 36 and east of Cherryvale Rd.	12	Open space, farm, nature preserve	City of Boulder Open Space	No – Because the property is not managed for the protection of any species. Elements of the property include: • Habitat conservation and management area • No species found on this parcel	0.4	0.6	N/A

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6
2000 South Holly Street
Denver, CO 80222
(303) 757-9459
(303) 757-9073 FAX

April 9, 2009

Ms. Kristan Pritz
Director of Open Space and Trails
One DesCombes Drive
Broomfield, Colorado

Subject: East Interlocken Park, Broomfield, Colorado: Request for City and County of Broomfield's Concurrence that US36 Corridor Improvements will not adversely affect the park.

Dear Ms. Pritz,

The Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT) are proposing improvements to the US36 Corridor between Interstate-25 and Table Mesa Drive in Boulder. Improvements include widening US36 and creating a corridor bikeway alignment. A portion of the East Interlocken Park is within the area of improvements. The preferred alternative anticipates the use of 0.8 acres to accommodate the highway widening. The property to be acquired is a landscaped grassy area and a section of paved trail within the US 36 ROW. Part of the trail would need to be closed during construction activities and a safe detour around the south side of the park would be provided. As a result of the "use" of the park, FHWA regulations require a Section 4(f) Evaluation be conducted as a part of its environmental clearance. An exception to this rule is when the impact to the resource is considered minimal or trivial. A necessary element of such a *de minimis* determination is the written concurrence of the official with jurisdiction over the recreational property, in this case, Broomfield Open Space and Trails. The purpose of this document is to receive Broomfield's concurrence that the use of the 0.8 acres to East Interlocken Park will not adversely affect its activities, features and attributes protected under Section 4(f).

Section 4(f) *de minimis*

Section 4(f) of the United States Department of Transportation Act of 1966 (the "Act") prevents FHWA from approving projects that require the use of public parks, recreation areas, wildlife refuges or lands of historic significance, unless there is no feasible and prudent alternative to the use of that land. Land included under Section 4(f) is defined as publicly owned, recreation areas of significance. The park is considered a Section 4(f) property and the acquisition of its 0.8 acres is considered a use. These findings require a Section 4(f) Evaluation to analyze the impacts of the transportation use.

However, Congress has allowed FHWA to use 4(f) resources in special cases where the impacts are minimal or "trivial" without a complete 4(f) evaluation, where the use of a recreation area, including avoidance, minimization, and mitigation and enhancement measures, does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f). In this case,

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2000 South Holly Street
Denver, CO 80222
(303) 757-9459
(303) 757-9073 FAX

the acquisition of the grassy landscaped area and minor trail alignment will not permanently affect the features, activities and attributes of the park. CDOT believes the impacts are not adverse and that the criteria of a *de minimis* impact has been met. It will also identify the project team's consideration of impact avoidance, minimization and mitigation measures. Upon receiving Broomfield's concurrence of this finding, it is FHWA's intent to make a determination that the impacts to park will be *de minimis*. This determination will satisfy the Section 4(f) requirements for this project.

Impacts to East Interlocken Park

The East Interlocken Park is a multi-use, community park located on the south side of US36. Park amenities include multi-purpose fields, trails, picnic tables, and a shelter. A small pond is also located on the north side of the park. The preferred alternative requires the permanent acquisition of property from the north side of the park along US36. The acquisition would be necessary to accommodate the proposed widening of US36.The property to be acquired is a landscaped grassy area and a section of paved trail within the US36 ROW. Part of the trail would need to be closed during construction activities and a safe detour around the south side of the park would be provided. The area used under the preferred alternative would be relatively small (approximately 6 percent). The use would not result in a change of functionality for the remainder of the park and will not impact the activities, features, and attributes that qualify the resource under protection under Section 4(f).

Possible Planning to Avoid, Minimize, Mitigate or Enhance Impacts to the Trail Segment

The project team, in selecting an alternative, has considered impact avoidance, minimization and mitigation or enhancement measures. A retaining wall will be built along the north side of the park. It will decrease the amount of property acquisition required for the widening of US36. The design team evaluated shifting the alignment to minimize the use of the park, but shifting the alignment would require the acquisition of prime and unique farmland to the west. In addition, a large commercial building on the east side of US36 would need to be acquired. A trail detour around the south side of the park will be provided during construction activities. Additional mitigation measures have been identified in table on the following page.

Public Notice of the impacts and mitigation were published in the Draft Environment Impact Statement in June 2007. The document provided the public an opportunity to comment on the impacts and mitigation to the park.

As a result of the above measures, CDOT believes that the impacts will minimally, but not adversely, affect the activities, features and attributes of the park.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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2000 South Holly Street
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(303) 757-9073 FAX

Mitigation Measures for East Interlocken Park	
Use	**Mitigation Measures**
Disruption of use/enjoyment	• A public safety and security program will be developed and implemented for East Interlocken Park with the City and County of Broomfield, including access management, signage, and public information.
	• BMPs will be used to avoid or minimize construction-related nuisances in affected areas from noise/vibration, dust, light/glare, etc.
Loss of vegetation	• Disturbed areas will be reseeded with native grasses.
	• Native shrubs will be added as appropriate.
	• Trees will be replaced at a 1:1 ratio where conditions allow.
Soil erosion	• BMPs will be employed for erosion control
Temporary removal of trail	• The trail will be replaced and enhanced after construction activities are completed.
	• A trail detour will be provided during construction activities.
Property acquisition	• East Interlocken Park or other parks owned by Broomfield Open Space and Trails will be enhanced.
	• The proposed bikeway will be located on the edge of East Interlocken Park. This will give park users access to the trail system.
Visual intrusion	• Applicable regional and/or local design criteria will be included for sound walls in construction specifications.

Request for Concurrence

Please sign this document at your earliest convenience. It will serve as Broomfield Open Space and Trail's concurrence that it finds that the acquisition of 0.8 acres of East Interlocken Park will not adversely affect the activities, features and attributes that qualify the property for protection under Section 4(f). If you have any additional questions please feel free to contact me. We appreciate your assistance with this project.

K. S. 4-9-09

Kevin Standbridge — Date
Assistant City and County Manager

Sincerely,

David Singer, Environmental Planner
Colorado Department of Transportation, Region 6

CC: Jane Hann, CDOT Region 6

WESTMINSTER

September 22, 2009

Colorado Department of Transportation
Region 6
2000 South Holly Street
Denver, Colorado 80222

Attention: Mr. David Singer, Environmental Project Manager

City of Westminster
Department of
Parks, Recreation
and Libraries

4800 West 92nd Avenue
Westminster, Colorado
80031

303-658-2400
FAX 303-706-3926

Re: US 36 Final Environmental Impact Statement – Temporary Occupancy of Oakwood Park

Dear Mr. Singer:

In my capacity as the Director of Parks, Recreation and Libraries for the City of Westminster, I have jurisdiction over the use and maintenance of Oakwood Park. I have reviewed documentation supplied by the Colorado Department of Transportation pertaining to the US 36 Final Environmental Impact Statement (FEIS) and, more specifically, to potential impacts to Oakwood Park resulting from the implementation of the preferred alternative that is defined within the FEIS. It is my observation that the project would only require a temporary occupancy of approximately 0.1 acre of the park during construction and would not adversely impact any active recreational features of the park. I consider the scope of the proposed work to be minor and, contingent upon the full restoration of the portion of the park that is temporarily occupied, I anticipate no permanent adverse impacts to Oakwood Park as a result of the project.

Thank you for contacting City of Westminster staff to ascertain our concurrence with the results of your investigation into potential impacts to Oakwood Park. If you have any questions, please contact Mr. Dave Downing, City Engineer, who is the City's representative on the US 36 FEIS project. Mr. Downing can be reached at (303) 658-2116 or via e-mail at ddowning@cityofwestminster.us

Sincerely,

William Walenczak

William Walenczak
Director of Parks, Recreation & Libraries
City of Westminster

cc: Dave Downing, City Engineer

Printed on recycled paper

EIS Coordination

WESTMINSTER

July 6, 2004

US 36 EIS Consulting Team Members
C/O Jean Sanson
URS
1225 17th Street, Suite 200
Denver, CO 80202

Dear Team Members:

This letter is being sent on behalf of the Mayor and City Council members of the City of Westminster to clearly articulate the City's position on several matters currently being evaluated by the US 36 EIS Consulting Team. We would appreciate it if this information could be widely distributed to all individuals involved in formulating the recommendations of the draft US 36 EIS.

We wish to thank the team members for all of the excellent work that has taken place as a part of this project. We realize this project is somewhat akin to herding cats, and we appreciate your patience and willingness to evaluate our suggestions.

The following are points that we request be considered as the US 36 EIS effort goes down the home stretch.

Rail Grade Crossings

The RTD sponsored US 36 Major Investment Study (MIS) analyzed all grade crossings of the Burlington Northern Santa Fe Railroad between Denver Union Station and Boulder to determine which ones should be grade separated (see attached pages 6-17 and 6-18 from the MIS). The evaluation methodology is described on the attached document. Grade separations were recommended when 2020 average daily traffic exceeded 20,000 vehicles per day.

The following are the recommendations contained in the MIS that affect Westminster:

Crossing Location	Grade Separate
Federal Boulevard	Existing overpass
Lowell Boulevard	Yes
72nd Avenue	Yes
Bradburn Boulevard	Yes
76th Avenue	No
80th Avenue	No *
Sheridan Boulevard	Existing overpass
88th Avenue	Yes

Pierce Street	No
92nd Avenue	Existing overpass
Wadsworth Boulevard	Existing overpass
Church Ranch Boulevard	Existing overpass
104th Avenue	Existing overpass
US 36	Existing overpass
112th Avenue	No *

*Further analysis required.

The plan implied that grade separated crossings might be warranted at 80th Avenue and 112th Avenue based on future analysis.

The plan included some errors and omissions. There are not separate rail crossings of 104th Avenue and Church Ranch Boulevard. It is the same street. Also, the rail line crosses Old Wadsworth Boulevard twice, not once as shown. The existing overpass is the dangerous and grossly antiquated bridge near 103rd Avenue. The other crossing of Wadsworth Boulevard at approximately 94th Avenue was not even identified in the plan and accommodated 12,000 vehicles per day in 2000.

Also, according to the MIS (pages 6 – 17 attached), "It was assumed that all three streets (Lowell Boulevard, 72nd Avenue and Bradburn Boulevard) would be separated as a part of the same structure, and costs were increased accordingly to build a rail structure over the roadways." These proposals are important to us since Westminster bears an inordinate impact of commuter rail disruption compared to any of the other US 36 jurisdictions. Per page 6-18 of the MIS, of the 34 rail crossings from Denver to Boulder, 15 or 44% of the crossings are within Westminster.

The recommendations of the MIS gave the Westminster City Council comfort that the adverse impact of the increased frequency of train crossings of several Westminster streets would be mitigated by the proposed grade separations. We believed that, at least, Lowell Boulevard, 72nd Avenue, Bradburn Boulevard and 88th Avenue plus possibly 80th Avenue and 112th Avenue would be grade separated. The increase in train crossings if at grade is a significant public safety issue for the City.

To date, Westminster staff has received no assurance that the grade separated crossings recommended by the MIS will be included within the draft EIS. These concerns prompted a letter dated May 14, 2004 (attached), which lists Westminster's priorities for grade-separated crossings. These crossings are critical to the smooth flow of traffic across the City. The south Westminster crossings are vital to the City's ongoing redevelopment efforts in this lower income area with high concentrations of Latino and Asian minorities. The 88th Avenue crossing is critical to the flow of traffic around the Westminster Mall and Westminster Center area, which has over 2 million square feet of retail and thousands of jobs. The City expects all of the MIS grade separation recommendations will be included within the draft EIS at a minimum.

Lowering Rail Line Through South Westminster

The rail line crosses the heart of historic Westminster, with existing at-grade crossings on Lowell Boulevard, West 72nd Avenue and Bradburn Boulevard. The current tracks are close to three National Register properties:

Property and Address	Distance to railroad tracks
Bowles House, 3924 West 72nd Avenue	180'
Pleasant Despain School (Harris School) 7200 Lowell Boulevard	690'
Union High School, 3455 W. 72nd Avenue	850'

The tracks are also 425' from the Westminster Grange Hall, 3935 West 73rd Avenue, a locally designated landmark.

West 73rd Avenue from Bradburn to Lowell Boulevard was Westminster's Main Street for over a half-century. It remains a center of daily activity with the Grange Hall, park, Fire Station No. 1 and active local businesses all contributing to community life.

The City of Westminster is actively involved with this historic neighborhood in many revitalization projects, including land marking and restoration of neighborhood historic structures, a concept plan for supporting the continued development, revitalization and re-use of this area as a local Main Street district, major street improvements on West 73rd, Bradburn and Lowell, and in-fill residential and mixed-use development projects that are currently underway.

With appropriately designed grade separations at Lowell, 72nd and Bradburn, commuter rail could peacefully co-exist with this lovely historic neighborhood. Heavy commuter trains slicing through the area at short intervals could have devastating impacts, including:

1) Damage to historic structures due to noise and vibration
2) Constant visual interference with the historic context of the area
3) Constant disruption of pedestrian and vehicle connections in a district that extends to both sides of the railroad tracks
4) Noise impacts on the residents, business employees and clients and shoppers in the area that may be orders of magnitude higher than current railroad noise levels.

It may very well be that grade-separated tracks would substantially improve on these negative consequences. City staff has been told, however, that a grade-separation is not even being studied in the EIS for this area. If the issue is a matter of cost, rather than environmental impacts, then the alternatives must at least be studied and the cost issue dealt with separately.

The attitude of the team may, however, have been reflected in a consultant comment in a March 17, 2004, meeting called by the CDOT historian in which it was stated that Westminster "has no downtown." It was apparent that the team was not aware of the history and resources of the area. A memo was sent on April 13, 2004, to Robert J. Mutaw, URS Corporation, and Richard Starzak and Jessica B. Feldman, Myra L. Frank Jones & Stokes, attempting to list resources that merited further investigation.

City staff has repeatedly requested both verbally and in writing that the consulting team recommend the lowering of the rail line from east of Lowell Boulevard to west of Bradburn Boulevard as the optimal way to provide for grade-separated crossings in this historical South Westminster area. There is precedent for this type of construction in the City of Littleton where rail lines were lowered through the downtown area. RTD clearly benefits from this project in the operation of the Littleton light rail station.

The alternative to lowering the rail would be to build three street underpasses of the tracks as recommended by the MIS. This would severally damage the existing businesses and fabric of this historic neighborhood. Several side street connections to 72nd Avenue would likely be severed, disrupting the continuity of the neighborhood. The regrading, cuts, and retaining walls needed for this design approach would devastate the neighborhood, including impacting the National Register properties and the City's historic commercial area at 73rd Avenue.

Lowering the rail line through the area would allow Lowell Boulevard, 72nd Avenue and Bradburn Avenue to remain at roughly their existing and historical grade and street connections would remain intact throughout the area. The rail would be less visible and less noisy in the neighborhood. Also based on work done by OTAK, a Portland based consulting firm, the cost to lower the rail lines would be similar in cost to build the three interlinked grade-separated crossings requested in the MIS.

The Westminster City Council emphatically supports the lowering of the rail line through this area. Under federal law, these Westminster cultural resources are protected from unnecessary harm by federally funded transportation projects. The project must include all possible planning to minimize harm. So far, with the EIS study failing to study the grade-separation alternative, it appears that "all possible planning" has not yet occurred.

Proposed Commuter Rail Stations

Westminster is very thankful that three commuter rail stations are being recommended within our City. We are also pleased that the 70th Avenue/Irving Street Station and 88th Avenue/Harlan Street Stations are projected to have the highest ridership on the corridor. We offer the following comments on the three stations:

70th Avenue/Irving Street Station

Staff appreciates the consultant team's support of the 70th Avenue/Irving Street Station location. Ironically, the initial MIS did not recommend the South Westminster site and, later, only 100 parking spaces were proposed. Subsequently, the latest projections show a need for 2000 spaces! While the City strongly supports this station, a parking lot with 2000 spaces would create huge negative impacts and not be compatible with the City's plan to redevelop the surrounding area using the principals of new urbanism. To minimize the impact of large parking demands, the City strongly supports the construction of a 4-level parking structure integrated into the redevelopment plan in the first phase of the rail station construction.

The South Westminster station area redevelopment plan calls for construction of a road connecting Irving Street at 70th Avenue to 69th Avenue at Lowell Boulevard. Assuming that the MIS grade separation recommendations are followed, it would be reasonable for the Burlington Northern Santa Fe Railroad to allow a new at-grade crossing at this location (i.e., eliminate three existing at-grade crossings in the immediate vicinity but build one new one). This crossing would greatly enhance access to the station from Lowell Boulevard and the low-income neighborhood to the south. We understand that this discussion needs to occur with the railroad company representatives.

88th Avenue/Harlan Station Stations

The consultant team has prepared site plans for two possible commuter rail stations near 88th Avenue and Harlan Street. One station is located southeast of 88th Avenue/Harlan Street on the site of the Toys R Us/Linens N Things retail center.

The second possible station is located west of Harlan Street and north of 88th Avenue. The station would actually be located closer to Pierce Street than Harlan Street and a considerable distance from the Westminster Mall. Unfortunately, the station cannot be shifted closer to Harlan Street due to a curve in the track. Commuter rail parking is proposed both north and south of the railroad tracks. The site to the south is currently occupied by the City's Municipal Service Center, a large complex of buildings essential to the City's operations. This facility would be very costly to relocate assuming a suitable new location could be found.

At request of Westminster staff, the consultant team evaluated a third station location. This one places the station on top of a grade-separated underpass of the railroad at 88th Avenue (i.e., the road would go under the tracks). The station parking would occur at the northwest corner of 88th Avenue/Harlan Street on the site of an existing shopping center. Harlan Street could shift to the east to accommodate the 88th Avenue grade separation.

This alternative places the station location the closest to the Westminster Mall. The 88th Avenue grade separation would allow access under the rail line for commuter rail users to access the other side of the station. The underpass would also greatly relieve

traffic congestion on 88th Avenue that would occur without a grade-separated crossing.

The City favors this station location for a variety of reasons.

- It is the closest to the Westminster Mall, an obvious destination for shoppers and mall employees and thousands of employees in the immediate area. This rail station could help to support redevelopment efforts at the Westminster Mall.

- Access to the station would be excellent from 88th Avenue via Harlan Street. Harlan Street extends north for several miles to 136th Avenue becoming Westminster Boulevard and then Main Street in Broomfield. The existing Marshall Court is a cul de sac that could be extended east to intersect Harlan Street abutting the station parking lot and then east of Harlan Street onto the mall site and east to Sheridan Boulevard and the bus rapid transit (BRT) station along US 36.

- This location would not necessitate the closure of the City's Municipal Service Center that would be very costly to relocate.

- The 88th Avenue grade separated rail crossing would enhance traffic flow and provide excellent train rider access to the other side of the station.

For the preceding reasons, the City recommends the selection of this station location. This station should be included among any options forwarded as a part of the draft EIS.

Shops at Walnut Creek/Westminster Promenade Station

The City has been working with RTD staff members for several years to facilitate the relocation of the Church Ranch Park-N-Ride (located at the southeast corner of US36 and Church Ranch Boulevard) to a site in the Shops at Walnut Creek retail area that could also serve as a commuter rail station and bus/rail Park-N-Ride lot.

To accomplish this relocation, the City purchased land for the new station and is proceeding with the construction of a $3.5 million vehicular underpass of US 36 connecting the Shops at Walnut Creek to the Westminster Promenade. This underpass provides exceptional station access for RTD patrons and buses serving connecting routes. The underpass is specifically being designed to accommodate a future BRT station in the US 36 median. All of the infrastructure needed to make this a successful station location will be funded and in place by the end of 2006.

The rail station would have a spectacular setting overlooking Lower Church Lake and the mountains. It would be easily visible to the passengers of the thousands of

vehicles per day traveling on US 36. The station is integrated into the "town center" design of the Village at Walnut Creek and ties in well to the City's extensive trail system along Big Dry Creek, Walnut Creek, the planned trail around Lower Church Lake and along US 36 for bike commuters. This station is at the only location along the highway where US 36 and the rail line actually cross, thus affording convenient access from the commuter rail station to the BRT station. The City has also proposed to provide 144 city-owned parking spaces on the east side of US 36 in the Promenade project. A mixed-use project including residential units is proposed on the east side of US 36 near the station. The developers are planning their project to be oriented to the commuter rail and BRT stations.

After all of our efforts of serving as the most vocal advocate of commuter rail along this corridor and after years of negotiations and the expenditure of millions of dollars on the proposed bus/rail station, the City is disheartened that all of these efforts may have been for naught.

An extremely late-arriving proposal for another rail station at approximately 116th Avenue with far inferior access as compared to the Shops at Walnut Creek location and is dependent upon costly new street projects (120th Avenue interchange and 112th Avenue overpass) that are currently not funded and have no definitive construction time line has, apparently, prompted the last-minute consideration of a "compromise site" at 112th Avenue.

The EIS consulting team informs us that both the Shops at Walnut Creek and the 116th Avenue stations can be successful even though they would only be about 1½ miles apart. In fact, as we learned during a recent meeting with EIS consulting team members, the "compromise site" at 112th Avenue would be less successful in that this single station would reduce ridership by approximately 7%. While the 1½ mile spacing is closer than the recommended distance that consultants have previously advised, it is similar to the spacing of the recommended stations along the North Metro Commuter Rail Line. In the MIS for that corridor, stations are proposed in the following locations:

Station location	Distance to next station
160th Avenue	2 miles
144th Avenue	2 miles
124th Avenue	2 ½ miles
112th Avenue	1 ½ miles
100th Avenue	1 ½ miles
88th Avenue	1 ½ miles

The City of Westminster can support the 116th Avenue Station location despite its vastly inferior access situation, but only if the Shops at Walnut Creek Station is also constructed. The City does not support the 112th Avenue "compromise site."

Noise Impacts of Rail Lines

The City is extremely concerned about the increased noise along the railroad corridor caused by the additional commuter rail cars. This includes noise from horns blown at railroad crossings, many of which occur in residential neighborhoods. Much of the rail line as it runs through Westminster abuts densely developed residential areas. Contrast this with all jurisdictions to the north where relatively little of the rail line abuts residential areas. Thus, the noise impacts on Westminster will be disproportionate.

Also, the rail line as it passes through South Westminster abuts some of the lowest income areas within the US 36 corridor. There are significant minority populations in this area. These groups are less financially able to modify their homes (many of which are rental units) than higher income areas elsewhere along the corridor to mitigate the increased noise.

The consulting team has provided no information to Westminster staff on the noise, dust and vibration impacts of the commuter rail operations on Westminster residential areas. Lacking quantifiable data on noise impacts, the City assumes the noise impacts will be sufficient to require extensive mitigation efforts. These efforts should include:

1) Lowering the rail line in certain locations as previously discussed; and
2) Constructing sufficiently high masonry sound walls of variable heights to respond to the different conditions along all residential areas in Westminster.

Road Improvements

Westminster supports plans to construct additional general use travel lanes similar to what is being built in the T-REX project.

Any combination of the roadway packages proposed for US 36 has significant impacts on Westminster since most of the areas along the US 36 right-of-way (ROW) in Westminster are developed (unlike any other corridor city). All of the proposals require some ROW acquisition and some require extensive added ROW. While Westminster supports the addition of high-occupancy vehicle and general use lanes on US 36, the additional ROW needs to be acquired in such a manner to minimize the impact to residents and businesses as much as possible.

Sheridan Boulevard/US 36

The City favors improvements that would widen Sheridan Boulevard to six through lanes with double-left turn lanes for both northbound and southbound traffic over US 36. The alignment should spare the Pappadeaux restaurant to be located at the northwest quadrant of the intersection. The new bridge should be designed to accommodate a bike/pedestrian/vehicular underpass on the south side of US 36 that

would connect the Westminster Center Park-N-Ride east of Sheridan Boulevard to the Westminster Mall.

88th Avenue/US 36 Underpass

The City supports a plan that would shift the Sheridan Boulevard alignment west at 88th Avenue to provide adequate room to construct an 88th Avenue underpass at US 36. Package 2 shows an alignment for 88th Avenue and its connection to Yates Street that appears to be workable.

This improvement would help to relieve traffic on Sheridan Boulevard and provide vastly improved access to the Westminster Center parking structure located east of US 36.

The City also supports the construction of a southbound US 36 on ramp at 88th Avenue that would provide direct access to US 36.

Again, the City greatly appreciates the opportunity to participate in the US 36 EIS process. We strongly encourage you to endorse our positions. Please feel free to call City Engineer Dave Downing at (303) 430-2400, extension 2116 if you have any questions regarding the content of this letter.

Sincerely,

Nancy McNally

Nancy McNally, Mayor

Attachments

cc: Westminster City Council
Brent McFall, City Manager
Steve Smithers, Assistant City Manager
John Carpenter, Director of Community Development
David Downing, City Engineer

6.3.7 Rail Grade Crossings

There are more than two dozen locations along the Regional Rail alignnment where rail tracks cross roadways at-grade. These crossings were evaluated using the Federal Railroad Administration's (FRA) PCAPS software, which allows for the estimation of future grade crossing collision probabilities. These probabilities were calculated and summarized with the addition of commuter rail service, and crossings that reflected higher probabilities were recommended for grade separation. A list of every grade crossing, forecast 2020 traffic volume forecasts, and the probability of accidents is provided in **Table 6-4**.

Grade separations were conservatively based on an average daily traffic (ADT) volume threshold of 20,000. Grade separations are recommended at W. 72nd Avenue (Westminster), W 88th Avenue (Westminster), and S. Boulder Road (Louisville). Based on high accident probabilities, 55th St., 80th Ave., and Baseline Rd require further evaluation.

The W. 72nd Avenue crossing is close to two other crossings on the line – Lowell Boulevard and Bradburn Boulevard. It was assumed that all three streets would be separated as part of the same structure, and costs were increased accordingly to build a rail structure over the roadways. The 88th grade crossing would require the rail line to go over the roadway. The South Boulder Rd. grade crossing would carry rail under South Boulder Rd, approximately 200 feet east of the Main Street intersection. An additional crossing would be required at 120th Avenue. However this crossing will be required as part of the Wadsworth Interchange reconstruction project, and is not included in the MIS cost estimate.

Pearl Street in Boulder reflected a similar accident probability to the 120th Avenue crossing with commuter rail service, but it was not included in the recommended grade separation list since rail service may not cross Pearl Street. The City of Boulder is currently in the process of selecting a site for an inter-modal facility and the terminus of Regional Rail.

Costs were included in the LPA for improving the remaining crossings in the corridor to accommodate a second track, upgraded traffic control devices, new crossing surfaces, and other elements. It should be noted that this analysis has not been reviewed by the FRA or the Colorado Public Utilities Commission, and is therefore subject to change during the environmental assessment and engineering design phases of the project.

Table 6-4
Accident Prediction and Forecast
2020 Traffic

Roadway	# Lanes	2020 Daily Volume	Accident Prediction Rate (%)	Separate
Pecos St	2	13,900	3.52%	No
64th St	2	9,700	2.0%	No
Federal Blvd	6	47,000	-	Existing Overpass
Lowell Blvd	2	13,100	3.05%	Yes
72nd Ave	4	30,400	4.33%	Yes
Bradburn Ave	2	6,300	1.36%	Yes
76th Ave	2	600	1.8%	No
80th Ave	4	15,400	9.93%	No*
Sheridan Blvd	4	35,400	N/A	Existing Overpass
88th Ave	6	21,600	6.17%	Yes
Pierce St	2	3,400	6.9%	No
92nd St	4	20,600	N/A	Existing Overpass
Wadsworth Blvd	4	20,200	2.13%	Existing Overpass
Church Ranch Blvd	4	13,800	N/A	Existing Overpass
104th St	4	13,200	N/A	Existing Underpass
US 36	4	90,300	N/A	Existing Overpass
112th Ave	2	11,400	.8%	No*
120th Ave.	6	54,800	2.26%	Planned Overpass
Nickel St.	2	N/A	3.08%	No
Wadsworth Pkwy	4	56,500	N/A	Existing Overpass
Brainard Dr/Industrial Lane	2	7,200	1.64%	No
Carbon St	2	9,200	1.67%	No
Dillon Rd	2	18,600	1.88%	No
East St.	2	N/A	4.03%	No
Pine St.	4	7,800	2.42%	No
Griffith St.	2	N/A	.53%	No
South Boulder Rd.	4	31,600	3.15%	Yes
Baseline Rd.	2	6,900	10.01%	No*
75th St	2	7,500	N/A	Existing Underpass
SH 7	4	16,300	N/A	Existing Underpass
63rd St	2	N/A	3.72%	No
55th St	2	12,400	9.33%	No*
Foothills Pkwy	4	39,800	N/A	Existing Underpass
Pearl St.	4	31,300	2.61%	Maybe*

*Further analysis required.

6.3.8 HOV Access Points

To minimize the adverse affect of merging between general purpose lanes and the BRT/HOV lanes, access to the BRT/HOV facility will be limited to select locations. These locations will be designated based on distances between interchanges and the need to maintain safe and efficient traffic weave movements. Along most of the corridor, a 4 foot buffer will be constructed. Crossing of the buffer will be prohibited, with the exception of emergency and enforcement vehicles.

6.3.9 Operating Plan

Bus Operating Plan

Future service modifications for the LPA were recommended for Limited, Regional, Express and Local routes. A summary of routes are listed in **Table 6-5** and shown in **Figure 6-11**. Proposed bus service changes for the LPA result in improved bus service levels on US 36 to take advantage of BRT/HOV lanes. Figure 6-9 identifies projected 2020 peak and base period hourly bus volumes on US 36 segments and bus service from each BRT station to various destinations. This information is referenced in the "Transit Operations Plans and O&M Costs for Final Alternatives" prepared by Manuel Padron & Associates, April 25, 2001.

WESTMINSTER

May 14, 2004

Ms. Danielle Yearsley, P.E.
CH2M-Hill
9193 South Jamaica Street
Englewood, Colorado 80112-5946

RE: US 36 EIS – Street/Railroad Grade Separations

Dear Danielle:

City of Westminster
Department of
Community Development

4800 West 92nd Avenue
Westminster, Colorado
80030

303-430-2400
FAX 303-426-5857
TDD 303-428-0648

At last Tuesday night's open house, you indicated to me that now was the time for the City to provide feedback on our desires with respect to new grade separated crossings of the Burlington Northern/Santa Fe railroad. I had the opportunity to discuss this matter with the appropriate City Staff, and I would like to share our conclusions with you. The following is our prioritized list of grade separations that we feel should be included within the scope of both packages that include the component of rail service:

1.) **Bradburn Boulevard/72nd Avenue/Lowell Boulevard**

City Staff contemplates one continuous depression of the railroad in South Westminster that would take the tracks under all three of these streets. By "hiding" the trains in this manner, the unique character of this historic neighborhood might be preserved. Furthermore, both 72nd Avenue and Lowell Boulevard are arterial streets carrying over 16,500 and 12,000 vehicles per day, respectively. Both are also important emergency vehicle routes.

2.) **88th Avenue**

This critical emergency vehicle route carries approximately 26,000 vehicles per day.

3.) **Wadsworth Boulevard (at the 93rd Avenue alignment)**

While only two lanes wide, Wadsworth Boulevard still functions as a de facto minor arterial street in this portion of Westminster and unincorporated Jefferson County, carrying approximately 12,000 vehicles per day. The proximity of the track to several residential lots suggests that a depression of the railroad in this vicinity would be appropriate.

4.) **112th Avenue**

According to development plans already approved by the City & County of Broomfield and per several previous discussions between staffs of Westminster and Broomfield, 112th Avenue will eventually provide a key regional arterial connection between the City of Northglenn and the Jefferson County Airport, a distance of six miles. Both cities anticipate the future construction of a bridge to carry 112th Avenue over US 36. Under Broomfield's development plan, the roadway would curve

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through the new development to intersect Wadsworth Parkway (SH 121) at one of the entrances to the Airport. Wadsworth Boulevard would intersect 112th Avenue on the east and west sides of U.S. 36, thus eliminating the need to replace the existing Wadsworth Boulevard bridge over US 36.

5.) **80th Avenue**

This arterial street conveys approximately 22,000 vehicles per day and provides an important route for emergency vehicles.

6.) **76th Avenue**

This collector street serves as an emergency vehicle route within a large residential area of South Westminster.

The final current "at-grade" crossing of the Burlington Northern/Santa Fe railroad within Westminster is at Pierce Street, but it is not listed within this priority ranking.

Finally, City of Westminster officials noticed a peculiar designation on one of the display boards that was exhibited at the open house. The existing grade separated crossing of the railroad and Wadsworth Boulevard at the approximate 104th Avenue alignment was marked as "questionable." It is our opinion that it is beyond question that this dangerous bridge needs to be replaced. It would be unadvisable to spend a significant amount of money to widen the existing structure in order to install a second track. We envision a new crossing that would allow a wider and straighter street section for Wadsworth Boulevard to be constructed in this area.

Thank you for the invitation to provide these comments. Please feel free to contact me at (303) 430-2400, Extension 2116 if you have any questions.

Sincerely,

David R. Downing

David R. Downing, P.E.
City Engineer

cc: Rick Pilgrim, URS
Dave Shelly, Regional Transportation District
Steve Smithers, Assistant City Manager
John Carpenter, Director of Community Development

US 36 Mayors/Commissioners Coalition (MCC)

Boulder County

City of Boulder

City& County of Broomfield

City of Louisville

Town of Superior

City of Westminster

August 4, 2004

Jeff Wassenaar, US 36 Co-Project Manager
CDOT Region 6
Dave Shelley, US 36 Co-Project Manager
RTD

Dear Jeff and Dave:

On behalf of the US 36 Mayors and Commissioners Coalition (MCC), and as a significant majority of the Corridor Governments Committee (CGC) membership, I am writing to provide some feedback to the Executive Oversight Committee for the US 36 EIS prior to your upcoming meeting on the 9th of August. As you may recall, the Corridor Governments Committee met July 13, 2004 to discuss, along with other items, the US 36 DEIS schedule. This letter presents two questions and some comments for the EOC to consider regarding the preparation of the US 36 DEIS. The MCC's primary interest in the DEIS schedule is to ensure that there are opportunities for each jurisdiction to review and comment on the technical data that will form the basis of the DEIS prior to submittal for federal review.

Question #1

- What is the EOC's DEIS schedule strategy and recommendation for addressing the CGC concerns articulated at the August 9 meeting?

CGC members discussed the PE/FEIS Phase Options outlined by the US 36 project team and recommended the use of Option C with Alternative Refinement (see attachment). Opportunities for reviewing the DEIS were seen as especially important due to continued questions about DRCOG's population and employment forecast data and the results of the tolling enterprise study. Forecast data that is being updated to 2030 by DRCOG, CGC members noted, might result in recommendations that do not meet the needs and concerns of the corridor while incomplete tolling enterprise study data might result in unworkable recommendations for a tolling option. CGC members expressed a strong desire to have input during the Internal DEIS stage and before the submittal of the Administrative Draft to the Federal agencies. ***The MCC would like the EOC to select a PE/FEIS Phase process that will provide opportunities for input into the technical results that will form the DEIS and give clarity regarding when and how a Preferred Alternative will be chosen.***

Question #2

- What is the EOC's rationale for carrying four build packages into the DEIS? Is there a way to narrow the number of packages in the DEIS?

Recognizing that a Preferred Alternative will not be chosen in the DEIS, the CGC questioned how the DEIS would generate interest and funding for the corridor with so many options remaining. CGC members noted that having a Preferred Alternative identified in the DEIS would assist in generating funds

Boulder County

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City & County of Broomfield

City of Louisville

Town of Superior

City of Westminster

as well as communicating with the US Congress about the needs for the US 36 corridor. Some CGC members recommended an approach that would narrow the alternatives in the DEIS. ***The MCC would like EOC guidance regarding the rationale for carrying multiple transportation packages in the DEIS and the best way to generate interest and funds for the corridor.***

Lastly, given precedent from Tea -21, it is the expectation of the MCC that the Locally Preferred Alternative selected during the MIS process (Package #4) would remain as one of the build alternatives carried forward until selection of a Preferred Alternative.

Thank you for your consideration of these items. The MCC looks forward to your response following the EOC meeting on the 9th of August. Should you have additional questions please feel free to call Heather Balser with the City of Louisville at 303-335-4530.

Sincerely,

Charles Ask
Mayor, City of Louisville

US 36 Mayors/Commissioners Coalition (MCC)

Boulder County, City of Boulder, City& County of Broomfield, City of Louisville, Town of Superior, City of Westminster

US 36 MCC Responses to Public Meeting Questions Posed Late October 2004

1. Given the preliminary EIS results (benefits, impacts, and costs) what package or packages best meet your needs? Why?

Package 4 best meets the needs of the US 36 Mayors and Commissioners Coalition (MCC) and its member communities. The US 36 MCC defines Package 4 as:

- *Commuter Rail using the existing BNSF alignment;*
- *bi-directional Bus Rapid Transit along US 36 from I-25 into Boulder;*
- *pedestrian, bicycle, and bus-based transit connections and stations, park-and-rides, and stops along the corridors to connect people to the service;*
- *one added general purpose lane in each direction from I-25 to 96th Street;*
- *limited acceleration, deceleration, and climbing lanes along the corridor to address bottlenecking;*
- *a bikeway conveniently connecting the communities between Boulder and Westminster; and*
- *supporting transportation demand management and system management throughout the corridor to encourage mode-shift and smooth system operations.*

The diversity of US 36 travel in terms of direction, origin and destination, time of day, and travel purpose requires a robust set of travel options serving a broad travel shed. The bus rapid transit/HOV, commuter rail, bikeway and roadway improvements of Package 4 best serve our businesses, residential areas, schools, universities, federal facilities, and other important land uses.

Package 2 is the worst performing of the remaining alternatives in terms of meeting the corridor's purpose and need. As a result, the US 36 MCC recommends that Package 2 be removed from any further consideration in the EIS process.

2. How would you improve these packages? What modifications would you make?

The west end of the corridor has not been designed satisfactorily from two important perspectives related to purpose and need – upgrading an outdated facility and providing for multimodal connections. The US 36 MCC strongly supports the BRT/HOV element being designed and built into improvements at the Table Mesa interchange and perhaps beyond. Currently, all designs show BRT/HOV and BRT/Toll facilities stopping east of the Table Mesa interchange and forcing a weave of transit service across general purpose lanes. This design is unacceptable and must be corrected in the Draft EIS submittal to the federal agencies. Also, the added general purpose lane westbound from Davidson Mesa to Foothills must be removed and replaced with an auxiliary lane that

begins at the McCaslin interchange and ends at the scenic overlook. A westbound extended decel/exit lane could then be added just east of the Table Mesa interchange. These adjustments would address bottlenecking at both locations. The Table Mesa interchange is an outdated facility and needs to be upgraded similar to the rest of the $1.15B planned updating of outdated facilities in the US 36 corridor. Furthermore, the Table Mesa interchange does not sufficiently provide for multimodal access into and out of Boulder. Finally, local plans in Boulder and Boulder County are not honored by the current designs. All member communities, including the cities of Westminster and Louisville, the Town of Superior, and the City and County of Broomfield, support the above-noted changes to the Draft EIS package.

3. What issues or concerns do you have as the project moves forward?

There have been a number of concerns expressed by the public regarding noise and vibration, particularly related to commuter rail plans. We request that noise and vibration issues be seriously considered in all future work along the corridor and that proactive mitigation strategies be developed and employed in final design and construction of the corridor.

In addition, it appears that there are areas where businesses and/or residences are impacted by expanding right-of-way for transportation improvements. Where alternatives exist, as the project design moves forward, we expect sensitivity to local businesses and residences in order to preserve current uses and/or mitigate impacts.

If CDOT insists on continuing to consider Package 2, there is a deeper level of data and analysis required for any future decision-making related to tolling options. To date there has been little data regarding the performance of the tolling alternative, specifically performance data related to tolling charges, financing and revenues and what portions of transportation improvement costs within the US 36 corridor would be covered by US 36 tolling revenues. We request that this information be made available as soon as possible if Package 2 is continued for additional consideration.

The US 36 MCC and others in the region have been working hard to generate local and regional funding for US 36 improvements and inclusion of the US 36 plan in DRCOG's RTP. We want to ensure that credit is given to our region for this proactive approach to solving US 36 problems. For example we would like for local and regional investments and for significant transit ridership increases compared to current ridership to be fully credited at federal levels.

Finally, we request that CDOT and RTD jointly contribute to and implement the bus rapid transit element of the project. We have noted varying levels of support since the facility is not fully transit and not fully roadway. We request that RTD / CDOT team work together to have BRT recognized and funded at local, regional and federal levels. Specifically, we request that RTD and CDOT include BRT as a coordinated part of their federal agenda.

Consulting Agenda

US 36 Mayors/Commissioners Coalition (MCC)

Boulder County

City of Boulder

City of Broomfield

City of Louisville

Town of Superior

City of Westminster

November 22, 2004

Mr. Jeff Wassenar, Co-Project Manager US 36 EIS, CDOT
Mr. Dave Shelley, Co-Project Manager US 36 EIS, CDOT
Mr. Rick Pilgrim, Project Manager US 36 EIS, Consultant Team
URS Corporation
1225 17th Street, Suite 200
Denver, Colorado 80202

Dear Jeff, Dave and Rick:

On behalf of the MCC, I am writing this letter to communicate to the US 36 EIS project team the importance and urgency of resolving the design issues at the west end of the US 36 EIS corridor and to include those new designs in the alternative packages for inclusion in the Draft EIS. The US 36 MCC supports bus rapid transit (BRT) going to and through the Table Mesa interchange in order to give transit a travel-time advantage and not delay the service by requiring a weave of BRT vehicles across general purpose lanes, particularly south of the interchange. Furthermore, the MCC strongly supports focusing on fixing current and future bottlenecking through interchange redesign and acceleration and deceleration lanes rather than through building a continuous lane westbound from McCaslin to Table Mesa.

The MCC requests that CDOT, RTD and the consultant team work together with Boulder County and the City of Boulder to create design and implementation solutions that are acceptable to both Boulder County and the City of Boulder. The Boulder/Boulder County end of the US 36 corridor is likely the most transit friendly, transit oriented and transit successful part of US 36. It is counterintuitive to design the roadway element of US 36 so as not to give a travel time advantage to transit on the Boulder end. If the west end transit function does not work well it will affect the transit performance of the entire corridor. Also, the MCC is acutely aware that the purpose and need statement for the study identifies that local plans and policies must be honored in the process and the design. The MCC's view is that the City of Boulder and Boulder County have compromised significantly by providing approaches such as including a westbound climbing lane from McCaslin to the scenic overlook and by adding a deceleration lane to address bottlenecking at the Table Mesa/Foothills exit. The MCC has seen no evidence that the US 36 EIS team has attempted to work out an acceptable solution with the west corridor entities. Boulder County and the City of Boulder are the entities to determine whether the EIS designs meet their local plans. Our understanding is that current designs do not meet the needs of local plans.

Boulder County

City of Boulder

City of Broomfield

City of Louisville

Town of Superior

City of Westminster

It is urgent and essential that BRT/transit preference and the acceleration /deceleration lane approach be included in the Draft EIS to preserve that design approach for the final preferred alternative. The US 36 MCC will not support alternatives in the Draft EIS going to federal agency review without resolution that is satisfactory to the City of Boulder and Boulder County.

Furthermore, it has become quite evident that there is little interest and/or expertise within CDOT or RTD regarding the design and implementation of BRT. Especially now that FasTracks has passed, we request that more attention be paid to BRT implementation and that greater BRT expertise be added to staff and/or consultant teams.

If you have any questions regarding the intent of this letter please contact me or any of the other Mayors and/or Commissioners along the Corridor.

Respectfully,

Charles Sisk, Mayor
City of Louisville

CITY OF BOULDER

Department of Public Works/Transportation Division
PO Box 791
1739 Broadway
Boulder, Colorado 80306
(303) 441-3266
(303) 441-4271 FAX

December 7, 2004

Mr. Jeff Wassenar, Co-Project Manager US 36 EIS, CDOT
Mr. Dave Shelley, Co-Project Manager US 36 EIS, CDOT
Mr. Rick Pilgrim, Project Manager US 36 EIS, Consultant Team
URS Corporation
1225 17th Street, Suite 200
Denver, Colorado 80202

Dear Jeff, Dave and Rick:

The purpose of this letter is to document a number of the City's concerns that have previously been communicated to the US 36 EIS project team. While we appreciate the team's initial efforts to address these concerns as reflected in Dave Shelley's email of November 22, we must again emphasize the absolute necessity of resolving the design and impacts issues at the west end of the US 36 EIS corridor and including these in the alternative packages carried forward in the Draft EIS. We believe this analysis is vital to selecting the best long term investment package for the US 36 corridor.

As you know from our first review meeting related to issues on the west end of the corridor on November 8, 2004, we have a number of issues related to the modeling done to date. Our initial concerns related to the modeling are based on the limited information that has been made available and include the following:

- We question using the regional transportation model as the only tool to investigate the effectiveness and efficiency of the transportation system improvements being proposed. A regional travel demand model is unable to discern the performance improvements provided by partial lanes such as those proposed in the Local Preferred Alternative (LPA) from the Major Investment Study, or to model the operational weave movements at the termination of any proposed HOV or BRT lanes. We do not see any evidence that the LPA strategies of fixing current and future bottlenecking through interchange redesign and acceleration and deceleration lanes have been evaluated as part of this work. Nor are we convinced that additional lanes carried into Boulder are the best and most effective solution. Microscopic traffic simulation modeling may be required to have any substantive understanding of the implications and effectiveness of these proposed improvements. If the performance of proposed improvements is a criteria for carrying an option into the DEIS or if the configurations carried into the DEIS preclude other options, this modeling needs to occur prior to the DEIS. At a minimum, if there is not enough money left in the DEIS for such

analysis, analytical limitations of the regional model must be noted in the DEIS with micro-simulation identified as a tool for FEIS evaluation.

- The current model results as portrayed on page 21 of the draft *Boulder Terminus Evaluation* report show a significant shift in travel volume from regional roadways to US 36. The report provides a limited explanation of this graphic but the apparent shift of 900 AM peak hour vehicle trips from Hwy 93, Arapahoe, South Boulder Road and Baseline does not make sense in the real world. Assuming that trips are still occurring from the same origins and destinations, the vehicle travel time savings on US 36 from any package of improvements do not seem to justify the shift of traffic from these other facilities to US 36. The DRCOG model has historically over estimated trips on the freeway system and we are concerned that this number may be a reflection of that propensity of the model.
- While we have not received enough information to fully evaluate the modeling results, initial indications from the current modeling shows that it is not reflecting current travel behavior in Boulder, much less expected behavior in the future. One handout shows a 3% transit mode share for the US 36 2025 No-Action AM peak hour to/from Boulder, but the corridor currently has almost a 6% transit mode share for the corridor as a whole, which likely results from the higher transit mode share for the Boulder end. The February 2003 DRCOG *Commuter Transportation Survey* found a 7% RTD commute mode share for the region. City of Boulder surveys show that in 2003 Boulder residents had a 9.8% transit mode share for the work commute, up from 4% in 1990. And a similar pattern exists for Boulder employees, who had a 6% transit mode share for the work commute in 2001, up from 1.7% in 1991. Furthermore, during the morning peak, the Broadway corridor in Boulder has a 19% transit mode share. Given these trends, Boulder's policies and future transit travel time advantage compared to today, it does not make sense that transit mode share for this study would be set at a fraction of today's condition. The projection of 10 daily transit trips from the Boulder Transit Village in the no action alternative is one example that is not believable given this site's high level of connection to the local transit and bicycle/pedestrian system and anticipated development on the site and in the surrounding area. It is more realistic to consider a transit mode share that is higher than today's actual transit mode share. Metrics reports reflecting existing transportation measurements and the Transportation Master Plan can be found on line at www.ci.boulder.co.us/publicworks/depts/transportation/masterplan or go to city's main page of www.ci.boulder.co.us and click on "E-Gov", then click on "Transportation Master Plan".

While closely related to the last bullet above, a broader and more fundamental issue in the work presented is the misunderstanding, or lack of recognition, for Boulder's transportation policy, both in terms of existing results and future expectations. While the discussion in the draft *Boulder Terminus Evaluation* report contains the goals and objectives from the 2003 *Transportation Master Plan*, the only objective that receives further consideration is the reduction in congestion. Ignored are the fundamental goals of developing a multimodal transportation system and one that supports broader community goals, which produces policy interventions aimed at influencing mode share away from the single occupant vehicle. This policy direction has produced a number of initiatives including Eco Pass enrollment, the local high frequency transit network, connected bicycle, pedestrian and transit distribution systems, marketing and encouragement, managed parking and Transportation Management Organizations that have resulted in the increasing alternative mode share for the city. Boulder and Boulder

County have policies and programs which support mode choice and plan to expand these to continue to increase the transit mode share. With a "transit preference" infrastructure on the Boulder end of the corridor, we fully expect that the transit mode share will only increase above existing levels. As the draft *Boulder Terminus Evaluation* report notes, only a 12% mode shift is needed to eliminate the F LOS in the AM peak. To ignore these results and existing policy direction in the modeling and analysis of alternatives directly conflicts with local goals and objectives. As we requested at our last meeting, the existing modal distributions for Boulder and the ongoing policy interventions need to be reflected in the EIS process. We remain available to work with the US 36 EIS team to include both current Boulder travel behavior and the future interventions resulting from existing policy into the modeling and analysis for the EIS.

The next set of concerns relates to design issues and was discussed extensively at the November 8, 2004 meeting but remain critical to the success of transit service on the corridor.

- The current alternatives show the HOV or BRT lanes ending in the vicinity of Cherryvale Road with the expectation that vehicles make the transition across two or three lanes of traffic to the Foothills exit or the Table Mesa Park and Ride facility. The discussion in the draft *Boulder Terminus Evaluation* rightly concludes that "the mainline LOS controls the overall operations" of the weave. But then the discussion moves in a logically inconsistent direction by saying that "there would be no impacts to traffic operations as a result of the weave" and that "no weaving problems are anticipated ..." (p. 27). We cannot see how merging up to 860 HOV vehicles and 42 buses into traffic at LOS F is not a significant problem having a major impact on transit operations and significantly reducing the transit travel time advantage. We also do not believe that the only issue is the 375 vehicles doing the weave and exiting on Foothills Parkway as suggested by Figure 7. The notion of asking buses to do a left side merge across two or three general purpose lanes in LOS F traffic to the east of Table Mesa when the merge could occur in one third the volume of traffic west of Table Mesa seems problematic at best and needs significant additional analysis. As suggested earlier, this is an operational issue that would seem to be best evaluated using the appropriate microscopic traffic simulation modeling tools.

  WEAVING BEFORE TM PNR
- We believe that the analysis of potential improvements to the Table Mesa Interchange and access to the Table Mesa Park and Ride is incomplete and inadequate to meet local needs or to ensure successful transit service in the corridor. The current design concepts seem to be premised on the assumption that the replacement of the Table Mesa bridge structure is too expensive to the considered. This judgment is inappropriate at this stage in the EIS process and at any stage must be balanced against the operational benefits to transit of improved designs. We do not currently have the analysis to make this assessment. At a minimum, design options are needed that carry the BRT facility to Table Mesa and that minimize the access time to the Table Mesa Park and Ride.

  ANALYSIS OF IMPROVEMTS. TO TM PNR, INTERCHG

Our final area of concern relates to the lack of comprehensive impact analysis for the City of Boulder from the additional vehicular traffic resulting from some of the alternatives. We do not believe that the limited number of intersections evaluated represent the full impacts of adding up to 15,000 additional vehicles to the local street system or that the suggested improvements would mitigate that impact. Furthermore, returning to the point of moving 900 vehicles per hour from other roadways, shifting traffic that currently has direct through-lane, network access to left-turning access is much less desirable for the system.

LACK OF COMPREHENSIVE IMPACT ANALYSIS OF ADDL VEH.

In summary, we find that the analysis to date is incomplete and does not accurately reflect current or future conditions on the western end of the US 36 corridor. It is also clear from the materials presented that this analysis is not ready to advance to a draft EIS. We have noted numerous inconsistencies and changes in the data presented and it is not yet structured in a way that allows for a comprehensive analysis and understanding of its results. However, we remain committed to finding the best and most appropriate transportation solution for the US 36 corridor through the EIS process and are eager to work with the project team to remedy the problems identified above.

Sincerely,

Tracy Winfree, Director
Public Works for Transportation
City of Boulder

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DEC 10 2004
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US 36 Mayors/Commissioners Coalition (MCC)

Boulder County, City of Boulder, City& County of Broomfield, City of Louisville, Town of Superior, City of Westminster

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December 9, 2004

Mr. Jeff Wassenar, Co-Project Manager US 36 EIS, CDOT
Mr. Dave Shelley, Co-Project Manager US 36 EIS, CDOT
Mr. Rick Pilgrim, Project Manager US 36 EIS, Consultant Team
URS Corporation
1225 17th Street, Suite 200
Denver, Colorado 80202

Dear Jeff, Dave, and Rick,
Please find attached a letter from the City of Boulder documenting a number of concerns raised at previous EIS meetings. The US 36 MCC staff representatives have reviewed the technical letter from the City of Boulder and support the questions raised about the technical analysis and conclusions as outlined in the letter. As stated previously, the MCC believes it is critical to resolve the west end design issues to accommodate commuting to and from ALL neighboring jurisdictions along U.S. 36. Boulder, along with the MCC representatives, looks forward to your response

Sincerely,

Heather Balser
Assistant City Manager for Governmental Relations, City of Louisville

US 36 CORRIDOR
Environmental Impact Statement

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

April 19, 2005

US 36 Mayors and Commissioners Coalition
Ms. Heather Balser
Assistant City Manager of Governmental Relations
City of Louisville
749 Main Street
Louisville, CO 80027

RE: RESPONSE TO LETTER RECEIVED REGARDING US 36 EIS/ BASIC ENGINEERING PROJECT; NH 0361-070 (14133); 03HA6 00124; CMS 03-080

Dear Ms. Balser:

Thank you for your letter of December 9, 2004 that provided comments to the Project Team. This letter offers an initial response to those comments for your consideration and further discussion as we move forward in the EIS process. The initial response is intended to provide you with a sense for the way we will address the issue in the Draft Environmental Impact Statement available for public review later this year.

Comment	Response
Question using regional transportation model as the only tool to investigate the effectiveness and efficiency of the transportation system improvements being proposed.	The US 36 Corridor DEIS must use the DRCOG Regional Model as required by federal guidelines. A more detailed subarea analysis was conducted to ensure the adequacy of the forecasts from the regional model. The Project team was satisfied the regional model is providing logical and consistent forecasts for future years. The Project Team has also examined the Boulder TMP policies and developed an understanding of the implications of the policy measures on travel demands. We have concluded that the regional model is the best available tool at this time.

Comment	Response
Shift of 900 AM Pk Hr vehicle trips from other roads to US 36 does not make sense.	The shift occurs because additional capacity was added to US 36 east of the Foothills Interchange. Vehicles from other roadways such as Arapahoe and Baseline are attracted to the additional capacity along US 36 in the model because the US 36 route is the shortest path or quickest travel time for these vehicles.
Current modeling does not reflect current travel behavior, much less expected behavior in the future.	The US 36 Project Team has continued to adjust and work with the regional model to gain consensus on the model results. Despite the concurrence on the regional model, the volumes in the Boulder area were still not as low as the forecasts from the independently developed City of Boulder model. It was determined that the Boulder model assumed that the City policy of no-growth in long-term traffic and SOV reduction to 25% of all trips was met by the year 2025. If Boulder policy is followed, it appears that the number of trips entering Boulder in the AM peak hour would decrease significantly. These assumptions were not made in the regional model and thus the volumes in the regional model are expected to be larger than what was predicted by the Boulder model. The assessment of the regional model shows that the Boulder trip generations and distributions are reasonable.
Misunderstanding/lack of recognition of Boulder's transportation policy, both in terms of existing results and future expectations.	Same response as above.
Weaving before Table Mesa pnR needs more discussion/analysis	New Design Options have been created for this segment of US 36 that would reduce or eliminate the need for buses to weave out of the Toll or HOV Lanes. The weaving discussion and analysis for these new options is presented in the DEIS.
Analysis of potential improvements to the Table Mesa interchange and access to the pnR is incomplete and inadequate	New Design Options have been created to address this concern and these new options are included in the DEIS.
Lack of comprehensive impact analysis for the City of Boulder from the additional vehicular traffic resulting from some of the alternatives	Refer to Technical Memorandum - Boulder West End.

Please reply to this letter if we have misunderstood your comments or if our response is unclear. We hope this response has been helpful toward your understanding of the direction of the work on the EIS project. We also appreciate the good working relationship that we have established on this project and we look forward to further positive exchanges to identify a successful improvement program.

Sincerely;
US 36 Project Team

Jeffrey Wassenaar, PE
CDOT Co-Project Manager

Dave Shelley
RTD Co-Project Manager

US 36 CORRIDOR
Environmental Impact Statement

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

April 19, 2005

US 36 Mayors and Commissioners Coalition
Honorable Mayor Charles Sisk
City of Louisville
749 Main Street
Louisville, CO 80027

RE: RESPONSE TO LETTER RECEIVED REGARDING US 36 EIS/ BASIC ENGINEERING PROJECT; NH 0361-070 (14133); 03HA6 00124; CMS 03-080

Dear Mayor Sisk:

Thank you for your letter of August 4, 2004 that provided comments to the Project Team. This letter offers an initial response to those comments for your consideration and further discussion as we move forward in the EIS process. The initial response is intended to provide you with a sense for the way we will address the issue in the Draft Environmental Impact Statement available for public review later this year.

Comment	Response
The MCC would like the EOC to select a PE/FEIS phase process that will provide opportunities for input into the technical results that will form the DEIS and give clarity regarding when and how a Preferred Alternative will be chosen.	The US 36 Project team will develop/describe a process that incorporates MCC input. We expect to begin working with the Technical Support Committee and the Corridor Governments Committee in Fall 2005 to coordinate these efforts.
The MCC would like EOC guidance regarding the rationale for carrying multiple transportation packages in the DEIS and the best way to generate interest and funds for the corridor.	Alternatives definition and evaluation process (including multiple packages) is included in the DEIS. Multiple packages are under review to provide a "reasonable range" of means and methods to meet the needs for transportation in the US 36 Corridor. The range provides the public and decision-makers with a basis for comparison between and among different actions.

Comment	Response
The Locally Preferred Alternative selected during the MIS process (Package #4) would remain as one of the build alternatives carried forward until selection of a Preferred Alternative.	Package 4 in Chapter 2 of DEIS is one of the build alternatives to be carried forward.

Please reply to this letter if we have misunderstood your comments or if our response is unclear. We hope this response has been helpful toward your understanding of the direction of the work on the EIS project. We also appreciate the good working relationship that we have established on this project and we look forward to further positive exchanges to identify a successful improvement program.

Sincerely;
US 36 Project Team

Jeffrey Wassenaar, PE
CDOT Co-Project Manager

Dave Shelley
RTD Co-Project Manager

US 36 CORRIDOR
Environmental Impact Statement

From CDOT/RTD

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

Project No. NH 0361-070(14133)

April 19, 2005

US 36 Mayors and Commissioners Coalition
Honorable Mayor Charles Sisk
City of Louisville
749 Main Street
Louisville, CO 80027

RE: RESPONSE TO LETTER RECEIVED REGARDING US 36 EIS/ BASIC ENGINEERING PROJECT; NH 0361-070 (14133); 03HA6 00124; CMS 03-080

Dear Mayor Sisk:

Thank you for your letter of November 22, 2004 that provided comments to the Project Team. This letter offers an initial response to those comments for your consideration and further discussion as we move forward in the EIS process. The initial response is intended to provide you with a sense for the way we will address the issue in the Draft Environmental Impact Statement available for public review later this year.

Comment	Response
Resolve design issues at the west end of the US 36 corridor	Dave Shelley previously sent an email 11/22 ("Boulder Terminus work") to describe the process to consider Design Options. The definition of the Design Options was completed in November and December 2004 and included in the DEIS document for review. An extensive process was used to analyze the Alternative Packages and the Design Options that could be considered in place of the improvements assumed in the Packages. Results are documented in the Technical Memo - Boulder West End Design Options.

Comment	Response
Include new designs in the alternative packages for inclusion in the DEIS	Design options detailed in Chapter 2 of the DEIS. Also see Technical Memo - Boulder West End Design Options.

Please reply to this letter if we have misunderstood your comments or if our response is unclear. We hope this response has been helpful toward your understanding of the direction of the work on the EIS project. We also appreciate the good working relationship that we have established on this project and we look forward to further positive exchanges to identify a successful improvement program.

Sincerely;
US 36 Project Team

Jeffrey Wassenaar, PE
CDOT Co-Project Manager

Dave Shelley
RTD Co-Project Manager

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

April 19, 2005

Tracy Winfree
Director of Public Works for Transportation
Department of Public Works/Transportation Division
PO Box 791
1739 Broadway
Boulder, CO 80306

RE: RESPONSE TO LETTER RECEIVED REGARDING US 36 EIS/ BASIC ENGINEERING PROJECT; NH 0361-070 (14133); 03HA6 00124; CMS 03-080

Dear Ms. Winfree:

Thank you for your letter of December 7, 2004 that provided comments to the Project Team. This letter offers an initial response to those comments for your consideration and further discussion as we move forward in the EIS process. The initial response is intended to provide you with a sense for the way we will address the issue in the Draft Environmental Impact Statement available for public review later this year.

Comment	Response
Question using regional transportation model as the only tool to investigate the effectiveness and efficiency of the transportation system improvements being proposed.	The US 36 Corridor DEIS must use the DRCOG Regional Model as required by federal guidelines. A more detailed subarea analysis was conducted to ensure the adequacy of the forecasts from the regional model. The Project team was satisfied the regional model is providing logical and consistent forecasts for future years. The Project Team has also examined the Boulder TMP policies and developed an understanding of the implications of the policy measures on travel demands. We have concluded that the regional model is the best available tool at this time.

Comment	Response
Shift of 900 AM Pk Hr vehicle trips from other roads to US 36 does not make sense.	The shift occurs because additional capacity was added to US 36 east of the Foothills Interchange. Vehicles from other roadways such as Arapahoe and Baseline are attracted to the additional capacity along US 36 in the model because the US 36 route is the shortest path or quickest travel time for these vehicles.
Current modeling does not reflect current travel behavior, much less expected behavior in the future.	The US 36 Project Team has continued to adjust and work with the regional model to gain consensus on the model results. Despite the concurrence on the regional model, the volumes in the Boulder area were still not as low as the forecasts from the independently developed City of Boulder model. It was determined that the Boulder model assumed that the City policy of no-growth in long-term traffic and SOV reduction to 25% of all trips was met by the year 2025. If Boulder policy is followed, it appears that the number of trips entering Boulder in the AM peak hour would decrease significantly. These assumptions were not made in the regional model and thus the volumes in the regional model are expected to be larger than what was predicted by the Boulder model. The assessment of the regional model shows that the Boulder trip generations and distributions are reasonable.
Misunderstanding/lack of recognition of Boulder's transportation policy, both in terms of existing results and future expectations.	Same response as above.
Weaving before Table Mesa pnR needs more discussion/analysis	New Design Options have been created for this segment of US 36 that would reduce or eliminate the need for buses to weave out of the Toll or HOV Lanes. The weaving discussion and analysis for these new options is presented in the DEIS.
Analysis of potential improvements to the Table Mesa interchange and access to the pnR is incomplete and inadequate	New Design Options have been created to address this concern and these new options are included in the DEIS.
Lack of comprehensive impact analysis for the City of Boulder from the additional vehicular traffic resulting from some of the alternatives	Refer to Technical Memorandum - Boulder West End.

Please reply to this letter if we have misunderstood your comments or if our response is unclear. We hope this response has been helpful toward your understanding of the direction of the work on the EIS project. We also appreciate the good working relationship that we have established on this project and we look forward to further positive exchanges to identify a successful improvement program.

Sincerely;
US 36 Project Team

Jeffrey Wassenaar, PE
CDOT Co-Project Manager

Dave Shelley
RTD Co-Project Manager

RECEIVED
MAY 17 2005
URS Corp.

WESTMINSTER

May 12, 2005

Mr. Rick Pilgrim, P.E.
URS Corporation
1225 – 17th Street, Suite 200
Denver, Colorado 80202

RE: US 36 EIS – Express Toll Proposal

Dear Rick:

City of Westminster
Office of the
City Manager

4800 West 92nd Avenue
Westminster, Colorado
80030

303-430-2400
FAX 303-430-1809
TDD 303-428-0648

Thank you for sharing with us the recent proposal from the US 36 EIS consulting team regarding the potential access to express toll lanes on the highway via "drop ramps" located on Westminster Boulevard. City Staff has had a chance to evaluate this proposal, and I wish to convey our thoughts on that plan at this time.

The City of Westminster has several reservations about the proposed location of the "drop ramps." During the meeting in which this plan was presented, it was stated that your traffic analysis revealed that a minimal number of motorists would seek access to the facility from the south, specifically from the intersection of 92nd Avenue/Westminster Boulevard. City Staff is dubious that this could be an accurate observation based upon the great number of residences that are located to the south and west of the 92nd Avenue/Westminster Boulevard intersection and the limited number of access points that will be provided to the express toll lanes. As you know, the portion of Westminster Boulevard located between 92nd Avenue and 96th Avenue is only three lanes wide and the proximity of adjacent residences would make it impractical to anticipate that the roadway could ever be widened. Staff is opposed to a plan that would direct a large increase in traffic onto a City street that is not designed to carry such a volume. In the same meeting, it was also stated that your traffic analysis indicated that most motorists would use Westcliffe Parkway in lieu of 92nd Avenue to reach the "drop ramps." Again, Staff is opposed to the proposed use of a City street for a purpose for which it was never intended. Westcliffe Parkway is a collector street with a very residential character and would be an inappropriate path for cut-through commuters. Finally, the City's previous significant investment in architectural, aesthetic enhancements to the Westminster Boulevard Bridge would be ruined by the construction of the ramps. The City of Westminster takes great pride in the identity that we have created with the appearance of all of our recently constructed bridges and we are not inclined to forfeit that trademark.

As an alternative, City Staff offers a proposal that could represent a significant cost savings for the US 36 Corridor improvements sponsors. We are aware that the existing (Old) Wadsworth Boulevard Bridge over US 36 is not sufficient to accommodate any potential widening of the highway and will, undoubtedly, be demolished. We also presume that there would be an obligation to replace this bridge in order to maintain local access across US 36 in this general vicinity. Westminster and Broomfield Staffs have already held preliminary discussions on the feasibility of establishing 112th Avenue as the future crossing of the highway in this area instead of Wadsworth Boulevard, and this

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proposal seemed favorable to both cities. In fact, a future 112th Avenue crossing of US 36 is anticipated by the Broomfield Transit Village development plans for the property located to the north of the 112th Avenue alignment between US 36 and Wadsworth Parkway (State Highway 121). Therefore, it would appear that the incorporation of "drop ramps" to US 36 express toll lanes from a new 112th Avenue Bridge could be accomplished much more easily and efficiently than a proposal to retrofit these ramps onto an existing structure. We urge you to give this idea, which would likely be supported by both Westminster and Broomfield, serious consideration.

Thank you for the opportunity to provide this feedback. If you have any questions, please feel free to contact me at (303) 430-2400, Extension 2014.

Sincerely,

Steve Smithers
Assistant City Manager

cc: John Carpenter, Director of Community Development
Dave Downing, City Engineer

From MCC

US 36 Mayors/Commissioners Coalition (MCC)

Boulder County

City of Boulder

City& County of Broomfield

City of Louisville

Town of Superior

City of Westminster

May 24, 2005

Mr. Dave Shelley
RTD
1600 Blake Street
Denver, CO 80202

Mr. Jeff Wassenaar
CDOT
2000 South Holly Street
Denver, CO 80222

RE: U.S. 36 DEIS and Preferred Alternative Schedule

Dear Dave and Jeff:

I am writing on behalf of the U.S. 36 Mayors and Commissioners' Coalition with regard to the most recent schedule for the U.S. 36 DEIS and Preferred Alternative. We understand the current schedule to be as follows:

DEIS
Submit Draft for Federal agency review - week of June 20, 2005
Submit Draft for Federal Legal Sufficiency Review - week of August 8, 2005
Begin Public Comment Review (DEIS available to public) - October 3, 2005
Public Hearings - week of November 7, 2005

Preferred Alternative
Begin review of packages - week of September 5, 2005
Meet with TSC/CGC/EOC to review results of package rankings - week of November 7, 2005
TSC/CGC/EOC review final package recommendations - week of December 12, 2005
Project team consensus on preferred alternative - week of January 16, 2006
TSC/CGC/EOC review preliminary recommendation - Week of February 6, 2006
Public meeting on preferred alternative - week of February 20, 2006

The above schedule varies from the US 36 EIS Project Schedule described in the US 36 Mobility Partnership Project Update from February of this year. That February Project Update states that in fall of 2005 the Draft EIS will be distributed to the public, public hearings held with opportunities for review and comment and a Preferred Alternative identified. The Final EIS was to be distributed and finalized in winter of 2005/Spring 2006. The current schedule suggests identification of the Preferred Alternative in winter of 2005/spring 2006 rather than the fall of 2005.

More specifically, we are gravely concerned about waiting until the week of November 7 for the CGC to resume discussions leading to the Preferred Alternative. In fact, we were told that meetings to include new information that would help us learn all the facts related to the alternative packages would continue in the spring of 2005. This was to assure an informed policy level conversation leading to the ability to participate in the selection of a preferred alternative in a timely manner.

Additionally, there has been speculation that the holdup is due to a delay in obtaining tolling revenue figures. Based on our understanding of recent CTE

activity, substantial effort has been made on this topic with preliminary revenue projections now available. Thus, it appears no delay is warranted as a result of incomplete information regarding tolling. Please clarify whether this is a correct assumption moving forward. And if not the cause for delay, what is the reasoning behind the extended schedule?

Please advise us of a schedule to begin review of information included in the administrative draft and the process to continue discussion regarding the preferred alternative.

Sincerely,

Charles Sisk
Mayor, City of Louisville

Cc: Pam Hutton, CDOT
Liz Rao, RTD
Rick Pilgrim, URS
U.S. 36 Mayors and Commissioner Coalition

Regional Transportation District

1600 Blake Street
Denver, Colorado 80202-1399
303.628.9000
RTD-Denver.com

June 29, 2005

Boulder County Commissioners
Boulder County Courthouse, 3rd Floor
1325 Pearl, Boulder, CO
PO Box 471
Boulder, Colorado 80306

Office of the Boulder City Council
P.O. Box 791
1777 Broadway
Boulder, CO 80306

Dear Commissioners and Council Members:

Recent communications from several members of the public and business owners have brought to our attention the need to provide additional information and clarification regarding the identification of candidate sites for a possible commuter rail maintenance facility and/or an overnight layover facility for commuter rail. We cannot emphasize enough that the US 36 Draft Environmental Impact Statement (DEIS) is not selecting a site for these proposed facilities; the process is identifying possible candidate locations for analysis of potential impacts as a necessary step in the selection of a site.

The National Environmental Policy Act (NEPA) requires that we identify and evaluate the range of alternatives for future action for potential impacts to the natural and man-made environment and balance these impacts with the proposed benefits of the project. Therefore, the US36 EIS project team has identified and evaluated numerous sites that could be suitable for the proposed maintenance and/or layover facilities. Public input is very important to making the best transportation decisions. The comments we have received have been included in the official record for the US 36 EIS.

As you probably know, the US 36 EIS project team is hosting a public meeting at the East Boulder Senior Center, 5660 Sioux Drive, Thursday, June 30 at 6:30 pm to present information about the process, our recommendations thus far, and to hear from the public. However, you may not know the following recommendation regarding the maintenance facility sites in Boulder.

The project team has recommended that three previously considered north-end commuter rail maintenance facility sites be removed from further consideration. Following review of environmental effects the project team is proposing that the candidate maintenance facility sites near Celestial Seasonings (Jay Road to Celestial Seasonings and Celestial Seasonings to 63rd Street) and Arapahoe Road between 48th and 63rd Street (north side of the tracks) not be considered further.

#1 RTD TRANSIT AGENCY 2003

Two remaining candidate commuter rail maintenance facility sites in the Boulder area will be carried forward for public review and further environmental evaluation. The candidate sites along the BNSF railroad tracks that are under consideration for a north-end commuter rail maintenance facility are along Arapahoe Road from 48th Street to 63rd Street (south side of the tracks) and along the Diagonal Highway/119 from 63rd Street to Highway 52.

We appreciate your concerns regarding the US 36 EIS process and look forward to continuing working with you and the citizens of Boulder County as the project progressed toward implementation. Please contact me or Dave Shelley, RTD's Project Manager, with any questions. Dave can be reached at 303.299.2408 or by e-mail at dave.shelley@rtd-denver.com

Sincerely,

Elizabeth A. Rao
Assistant General Manager
Planning and Development

c: Dick McLean, RTD Director, District O
Scott Reed, Director of Public Affairs
Dave Shelley, Manager, Corridor and Regional Planning
Jeff Wassenaar, CDOT Co-Project Manager, US 36 EIS
Rick Pilgrim, URS

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

Project No. NH 0361-070(14133)

October 20, 2005

US 36 Mayors and Commissioners' Coalition (MCC)

Attn: Ms. Heather Balser
Assistant City Manager for Governmental Relations
City of Louisville
749 Main Street
Louisville, CO 80027

RE: RESPONSE TO LETTERS RECEIVED REGARDING US 36 EIS/ BASIC ENGINEERING PROJECT

Dear US 36 MCC:

This letter acknowledges the September 9, 2005 letter received from the US 36 Mayors and Commissioners' Coalition by the US 36 Project Team. The US 36 EIS project schedule has shifted due to a variety of factors. These factors consist of the following:

- The need to address unresolved issues such as the commuter rail maintenance facility and toll lane access has required additional time,
- Other technical analyses on environmental impacts including historic resources and public open space and parklands has taken longer than expected,
- Affected agency coordination and input has required more time to complete.

As a Project Team, we are disappointed that we could not continue to keep the project on the expected schedule. However, we are continuing to make substantial progress towards completion of the DEIS.

The following is a response to the questions you posed regarding the US 36 EIS schedule.

- **When will the DEIS documents be reviewed by the federal agencies?**

  The initiation of federal agency review of the DEIS will begin in late 2005 and is anticipated to conclude sometime in early 2006.

- **When will the DEIS be distributed to the public for their review and comment?**

  The US 36 EIS Project Team on behalf of the Federal Highway Administration and the Federal Transit Administration plans on distributing the DEIS in late spring or early summer 2006.

- **When will public hearings be held?**

  The US 36 DEIS public hearing is tentatively scheduled for early summer of 2006.

- **When will a Preferred Alternative be identified?**

  The Preferred Alternative identification process will begin in late 2005 with the development of evaluation criteria and measures and conclude in late summer of 2006 with a preliminary recommendation identifying a preferred alternative.

In the future, we will notify the MCC if there is any change regarding the US 36 EIS schedule in a more timely manner. In addition, we will begin to provide notice to the public at-large concerning the delay in our schedule.

We appreciate your committed partnership and we look forward to continue working in a collaborative fashion with the MCC as the US 36 EIS decision making process moves forward.

Sincerely,

US 36 Project Team

Jeffrey Wassenaar, PE
CDOT Co-Project Manager

Dave Shelley
RTD Co-Project Manager

Copies:
Pam Hutton, CDOT
Liz Rao, RTD
Rick Pilgrim, URS

U.S. Department of Transportation
Federal Highway Administration

12300 W. Dakota Ave., Ste. 180
Lakewood, CO 80228

March 15, 2006

Colorado Federal Aid Division

Mr. Clarence W. Marsella
General Manager
Regional Transportation District
1600 Blake Street
Denver, CO 80202-1399

Dear Mr. Marsella:

In response to your letters of February 15, 2006, we believe it is necessary that you provide our offices additional information in order to assure that certain conditions and requirements are met to satisfy 23 CFR 771,111(f). This information is needed prior to our making a final determination of whether it is possible to separate the transit alternatives from the highway alternatives on both the I-70 East and US 36 environmental studies. Whether or not the determination is made to separate these studies, our offices recommend that your agency continues to work with CDOT to define your respective project responsibilities and agree on how these issues will be resolved.

As stated in your letters, there are three regulatory tests that are relevant. The action evaluated must:

- Connect logical termini and be of sufficient length to address environmental matters on a broad scope;
- Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
- Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements.

An expanded description of the different travel markets for transit and highway improvements is needed to more definitively establish independent utility. For example, you have provided good documentation on the fact that an expansion of I-70 or US36 does not affect the ridership of the commuter rail projects. Please demonstrate that commuter rail improvements, compared to no commuter rail, does not have an effect on the alternatives for the highway improvements.

Specifically we are requesting additional documentation of the traffic impacts from station areas. This analysis and documentation should describe the scope of potential traffic impacts at station areas to determine if the level of impact from stations is large enough to affect the highway alternatives. It is not necessary at this time to fully detail and mitigate any potential station area traffic impacts. Please provide enough information to allow an informed judgment about whether the scope of these impacts could be adequately addressed in a separate transit NEPA document without restricting the highway alternatives. For example, if a station location generated enough traffic such that it would affect a nearby interchange to the point where the highway concept proposed would operate unacceptably and therefore require a modification to the alternative's design.

If these actions do proceed separately, work will be needed to refine the purpose and need for the transit and highway elements. We expect that RTD's evaluation of traffic impacts in the separate document would still need to discuss local transit needs and any necessary mitigation measures will be committed to in the ROD. In addition, because of the potential for traffic impacts to other CDOT facilities, (facilities that are not associated with the highway alternatives of US 36 and I-70 East EIS), we are recommending that CDOT be invited to be a Cooperating Agency. This will provide for a formal coordination process in which CDOT's concerns, regarding traffic impacts and any related improvements to CDOT facilities, will be adequately considered and coordinated with RTD.

Sincerely yours,

Lee Waddleton
Regional Administrator
Federal Transit Administration

David A. Nicol, P.E.
Division Administrator
Federal Highway Administration

cc: Mr. Tom Norton, Executive Director, CDOT
Mr. Bill Vidal, City and County of Denver
Ms. Pam Hutton, CDOT Region 6

RTD FASTRACKS

1560 Broadway, Suite 700, Denver, CO 80202
phone 303.299.6990

March 21, 2006

Mr. Lee Waddleton, Regional Director
Federal Transit Administration
12300 West Dakota Avenue
Suite 310
Lakewood, CO 80228-2583

Mr. David Nicol, Division Administrator
Federal Highway Administration
12300 West Dakota Avenue
Suite 180
Lakewood, CO 80228

Subject: Response to March 15th letter requesting additional information on independent utility for the I-70 East and US 36 Corridors

Dear Messrs. Waddleton and Nicol:

Thank you for your response to RTD's request for determination that the I-70 East and US 36 Rail corridors meet the requirements to satisfy 23 CFR 771, 111(f) to separate the transit alternatives from the highway alternatives on the current NEPA studies. In your letter, you requested that RTD:

- Provide an expanded description of the different travel markets for transit and highway improvements.
- Demonstrate that commuter rail improvements, compared to no commuter rail, do not have an effect on the alternatives for highway improvements, specifically:
  - ✓ Document the traffic impacts from station areas in terms of their potential affect on highway alternatives to determine if the level of impact from stations is large enough to affect the highway alternatives.
  - ✓ Provide information to allow an informed judgment about whether the scope of these impacts could adequately be addressed in a separate transit NEPA document without restricting the highway alternatives.

To address your request for additional information, RTD conducted a separate analysis for each corridor, which is summarized below. Complete analyses of how each corridor meets all three regulatory tests are contained in Attachment 1 – *Independent Utility for I-70 East Corridor Highway and Transit Alternatives*, and Attachment 2 - *Independent Utility for US 36 Corridor Rail and Highway Alternatives.*

I-70 East Corridor

To more clearly establish the different travel markets for highway and rail alternatives and to test the impact of the transit alternative on I-70 and its interchanges, the 2030 DRCOG regional travel model was run assuming a transit build alternative with no highway improvements. Daily and peak hour volumes on I-70 were compared to a no-action

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1560 Broadway, Suite 700, Denver, CO 80202
phone 303.299.6990

scenario, as show in Figures 1through 3. As shown in these figures, volumes on I-70 are the generally same or slightly lower with the transit alternative, both on a daily and peak hour basis.

Figure 1 - Year 2030 Daily Volume Comparison
I-70 Segment Two-way Volume

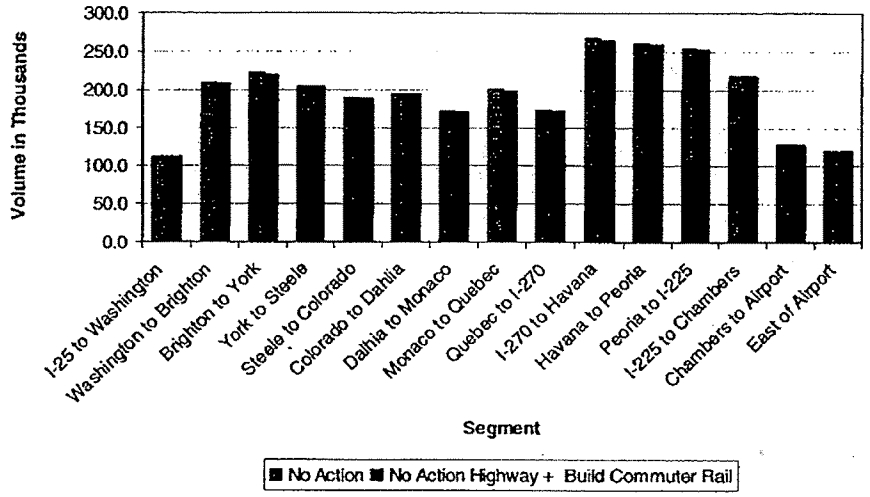
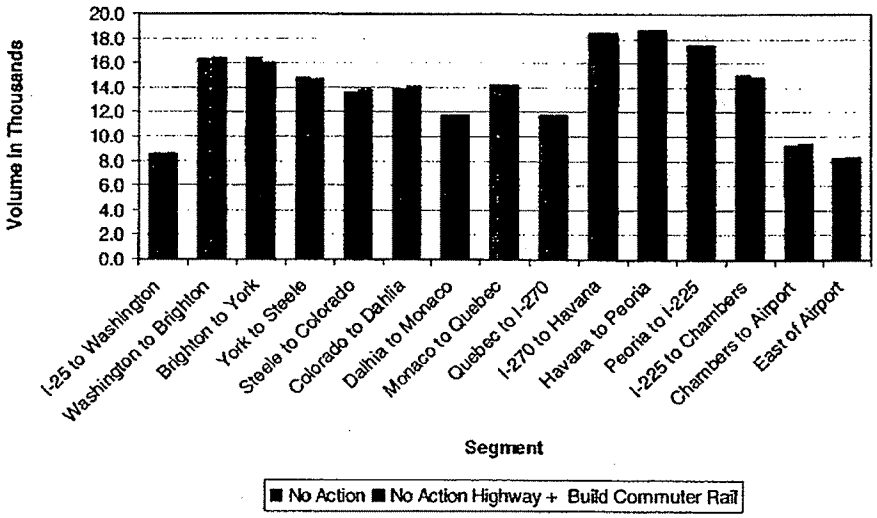


Figure 2 - Year 2030 AM Peak Hour Volume Comparison
I-70 Segment Two-way Volume



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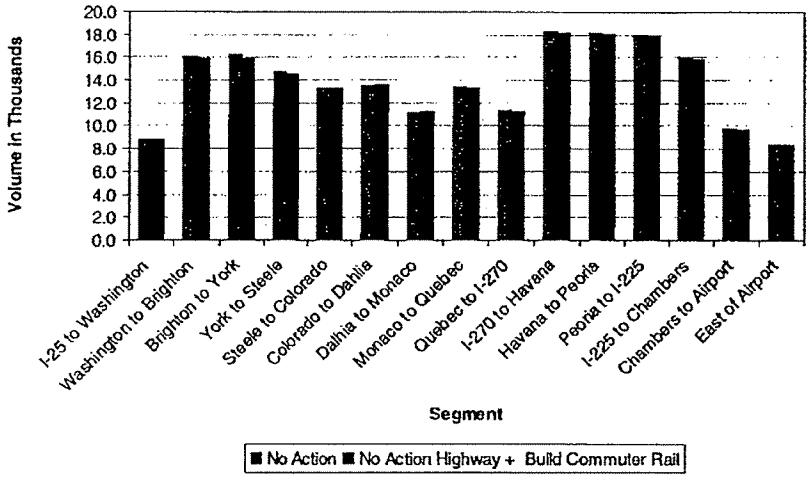
phone 303.299.6990

Figure 3 - Year 2030 PM Peak Hour Volume Comparison
I-70 Segment Two-way Volume



Directional peak hour volumes on I-70 were also compared with similar results, as shown in Table 1.

Table 1
Future (2030) I-70 Peak Hour Volumes

	2030 Peak Hour Volumes (in thousands)							
	No Action				No Action Hwy with Commuter Rail			
	AM		PM		AM		PM	
I-70 Segment	EB	WB	EB	WB	EB	WB	EB	WB
I-25 to Washington	4.9	3.7	3.9	4.9	4.9	3.7	3.9	4.9
Washington to Brighton	9.3	7.0	7.4	8.6	9.4	7.0	7.3	8.5
Brighton to York	9.0	7.4	7.8	8.4	8.8	7.2	7.6	8.2
York to Steele	7.8	7.0	7.0	7.7	7.8	6.9	7.0	7.6
Steele to Colorado	7.1	6.5	6.7	6.6	7.3	6.5	6.9	6.5
Colorado to Dahlia	7.1	6.8	6.7	6.8	7.3	6.9	6.8	6.8
Dahlia to Monaco	5.8	5.9	5.7	5.5	5.9	5.9	5.8	5.4
Monaco to Quebec	6.6	7.6	7.0	6.4	6.6	7.5	7.0	6.3
Quebec to I-270	5.2	6.5	6.0	5.4	5.2	6.5	6.0	5.3
I-270 to Havana	9.0	9.5	9.2	9.1	9.0	9.5	9.2	9.0
Havana to Peoria	8.6	10.1	9.4	8.8	8.6	10.1	9.4	8.7
Peoria to I-225	8.4	9.1	10.6	7.4	8.4	9.1	10.6	7.3
I-225 to Chambers	9.4	5.6	11.0	5.0	9.2	5.6	10.9	4.9
Chambers to Airport	4.0	5.3	5.0	4.7	4.1	5.3	5.0	4.7
East of Airport	3.4	4.9	4.5	3.8	3.5	4.9	4.5	3.8
Source	*2030 No Action Model*				*2030 Model Run M3-Test*			

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1560 Broadway, Suite 700, Denver, CO 80202
phone 303.299.6990

Peak hour interchange ramp volumes were compared for the no action and build rail alternatives, as show in Table 2. The results indicate that traffic from stations will have a minimal impact (200 vehicles or less) on the I-70 interchanges.

Table 2
Future (2030) Interchange Peak Hour Volumes

	2030 Peak Hour Volumes (in thousands)			
	No Action		No Action Highway with Commuter Rail	
Ramp Totals	**AM**	**PM**	**AM**	**PM**
Colorado Boulevard	3.6	3.5	3.8	3.7
Quebec Street	3.3	3.1	3.3	3.1
Peoria Street	6.7	6.1	6.7	6.1
Airport Boulevard (north of I-70)	2.2	2.6	2.2	2.6
Source	*2030 No Action Model*		*2030 Model Run M3-Test*	

A rail-highway crossing feasibility analysis was conducted to examine safety and traffic operations at locations where the commuter rail alternative crossed all roadways and drainage areas. There are six locations where commuter rail would cross a state or federal highway and the recommendations as part of the build commuter rail alternative are summarized in Table 3.

RTD FASTRACKS
1560 Broadway, Suite 700, Denver, CO 80202
phone 303.299.6990

Table 3
Commuter Rail Grade Crossing Summary
for State and Federal Roadways

Crossing Name and Location	Grade Separated	Recommended Commuter Rail Crossing Method	Reasons
Colorado Blvd	Y	CRT under Colorado Blvd.	Roadway is already grade separated; room under existing bridge for CRT. No modifications to bridge necessary.
Quebec Street Southbound Local	N	At-grade crossing	Meets safety and traffic operation requirements for an at-grade crossing
Quebec Street	Y	CRT over Quebec St. on a new structure	Roadway is already grade-separated; RTD will build new bridge next to existing UP bridge.
Quebec Street Northbound Local	N	At-grade crossing	Meets safety and traffic operation requirements for an at-grade crossing
I-225	Y	CRT under I-225	Roadway is already grade-separated; room under existing bridge for CRT. No modifications to bridge necessary.
I-70	Y	CRT over I-70	Crossing interstate at-grade not acceptable; RTD will build new bridge over I-70.

I-70 East Summary

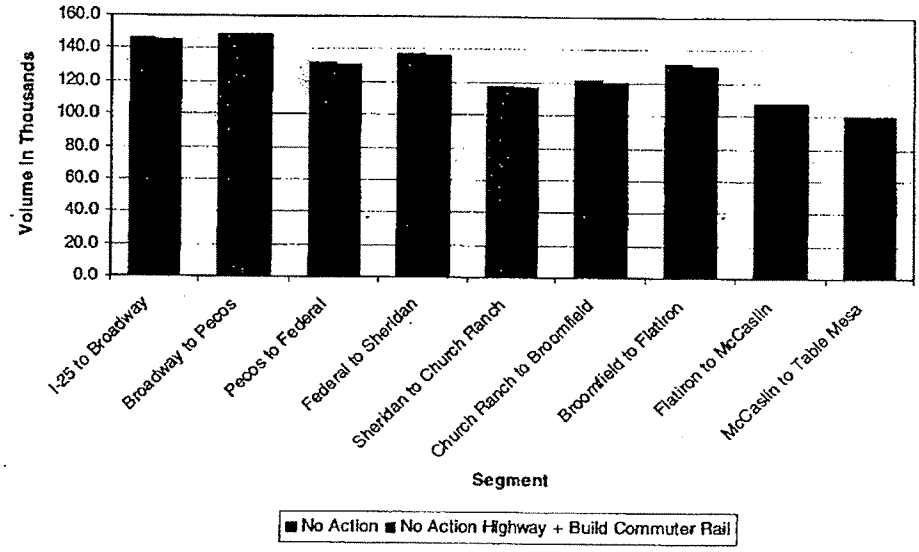
The results of the travel forecasts indicate that there are different travel markets for highway and transit alternatives; that the transit alternative will have no significant impact on I-70 or the interchanges and that the scope of these minimal impacts could be adequately addressed in a separate transit NEPA document.

RTD FASTTRACKS
1560 Broadway, Suite 700, Denver, CO 80202
phone 303.299.6990

US 36 Corridor

To establish the different travel markets for highway and rail alternatives and to test the impact of the transit alternative on US 36 and its interchanges, the 2030 DRCOG regional travel model was run assuming a build rail alternative and a no action alternative. Daily and peak hour volumes on US 36 were compared for these two scenarios, as shown in Figures 4 through 6. As shown in these figures, volumes on US 36 are generally the same or slightly lower with the transit alternative, both on a daily and peak hour basis.

Figure 4 - Year 2030 Daily Volume Comparison
US 36 Segment Two-Way Volume



RTD FASTRACKS
1560 Broadway, Suite 700, Denver, CO 80202
phone 303.299.6990

Figure 5 - Year 2030 AM Peak Hour Volume Comparison
US 36 Segment Two-Way Volume

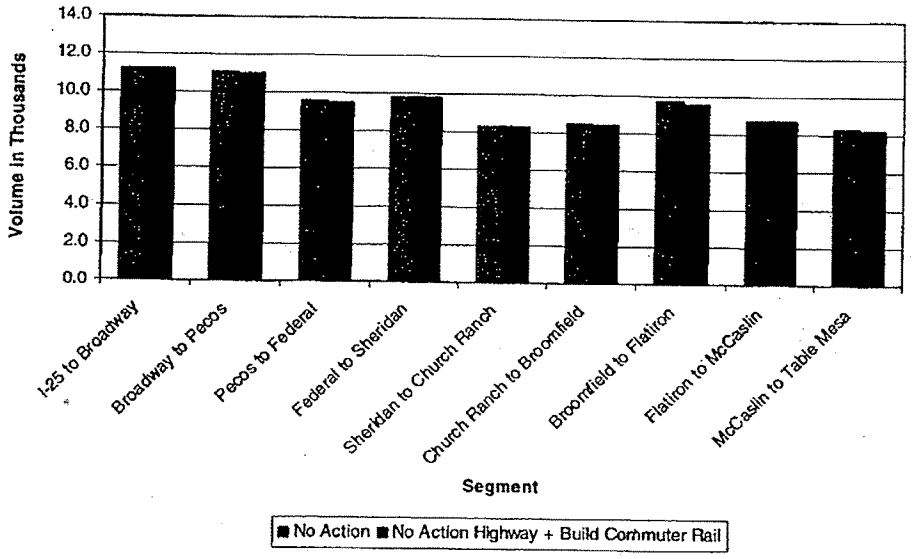
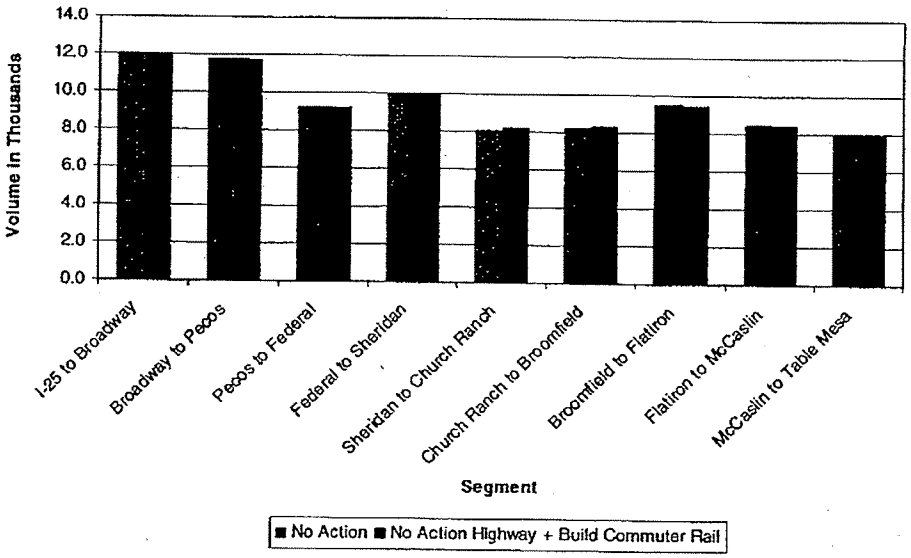


Figure 6 - Year 2030 PM Peak Hour Volume Comparison
US 36 Segment Two-Way Volume



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Directional peak hour volumes on US 36 were also compared with similar results, as shown in Table 3.

Table 3
US 36 Peak Hour Volumes (Year 2030)

	Peak Hour 2030 Volumes (in thousands)							
	No Action				No Action Highway + Build Commuter Rail			
	AM		PM		AM		PM	
US 36	EB	WB	EB	WB	EB	WB	EB	WB
I-25 to Broadway	5.6	5.6	4.3	7.7	5.6	5.6	4.3	7.7
Broadway to Pecos	5.9	5.2	4.6	7.1	5.8	5.2	4.6	7.1
Pecos to Federal	4.4	5.2	3.5	5.7	4.4	5.1	3.5	5.7
Federal to Sheridan	4.5	5.3	4.0	5.9	4.5	5.3	4.0	5.9
Sheridan to Church Ranch	4.0	4.3	3.9	4.2	3.9	4.4	3.9	4.3
Church Ranch to Broomfield	4.0	4.5	4.0	4.2	3.9	4.5	4.1	4.2
Broomfield to Flatiron	4.4	5.3	5.0	4.5	4.3	5.3	5.0	4.4
Flatiron to McCaslin	4.5	4.2	4.1	4.3	4.5	4.2	4.1	4.3
McCaslin to Table Mesa	3.5	4.8	4.3	3.7	3.4	4.8	4.3	3.7
Source	*2030-NoAction Model*				*2030-CommuterRail Model*			

To quantify traffic impacts at station areas, total entering traffic at the nearest major street intersection closest to a rail station was analyzed (in most cases, one involving a state highway). Projected traffic volumes were compared for the no action and the build rail alternatives. Table 4 demonstrates that rail station traffic will a have a minimal impact to key roadway intersections.

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Table 4
Peak Hour Traffic at Key Intersections
Near Rail Stations (Year 2030)

		Daily 2030 Intersection Entering Volumes (in thousands)			
		No Action		No Action Highway + Build Commuter Rail	
Rail Station Location	Major Street Intersection	AM	PM	AM	PM
South Westminster	72nd Avenue and Federal Boulevard (US 287)	8.1	8.3	8.2	8.5
Westminster Mall	88th Avenue and Sheridan Boulevard (SH 121)	5.5	5.6	5.5	5.6
Church Ranch	Church Ranch Boulevard and Wadsworth Boulevard	5.0	5.1	4.9	5.0
Broomfield	Midway Blvd/US 287	5.8	5.9	5.8	5.9
Flatiron	Carbon Drive and 96th Street	4.8	4.7	4.8	4.7
Louisville	South Boulder Road and SH 42	5.7	6.0	5.8	6.1
East Boulder	63rd Avenue and Arapahoe	2.4	2.5	2.4	2.5
30th and Pearl	28th Avenue (US 36)	4.3	4.5	4.3	4.5
Source		*2030-NoAction Model*		*2030-CommuterRail Model*	

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As a final analysis, the locations of potential rail/highway interfaces were identified (state and federal highways) to determine if additional capital investments were required. A safety analysis of the grade crossings was conducted to determine if the introduction of commuter rail service would result in unacceptable safety hazards to automobile traffic. The analysis methodology conformed to the requirements in the safety portion of the *Highway Capacity Manual* and used FRA predictive tools (GradeDec 2000 software) and thresholds for acceptable safety risk. This methodology was applied to all rail crossings. The results showed that four of the crossings could achieve the FRA threshold without any modifications to the existing crossing protection. The remaining crossings could have their predicted crash rate reduced to satisfy the FRA threshold by enhancing the crossing protection with features such as barrier curbs and gates. RTD has established the minimum level of crossing protection for all public crossings as including such gates and median barriers. The result of this comparison was that commuter rail service would not result in unacceptable added safety risk to traffic at any crossing after reasonable mitigation treatments are applied, and no grade separations are required.
As shown in Table 5, no major capital investments are required at these locations.

Table 5
Key Rail/Highway Crossings

Location	Type of Interface	Major Capital Investment Required for Mitigation?
At Grade Crossings		
• Pecos Street	At-grade crossing	No
• 88th Avenue	At-grade crossing	No
• Dillon Road	At-grade crossing	No
• South Boulder Road	At-grade crossing	No
• Baseline Road	At-grade crossing	No
• Jay Road	At-grade crossing	No
Structure Crossings of Existing Facilities		
• I-25	Rail under	No
• I-70	Rail under	No
• I-76	Rail under	No
• Federal Boulevard	Rail under	No
• SH 96/ Sheridan Boulevard	Rail under	No
• SH 287/Wadsworth	Rail under	No
• 75th Street	Rail over	No
• SH 7/Arapahoe Road	Grade separation by SH 7 project (rail over); new bridge added by Rail project for 2nd track	No

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US 36 Summary

The results of the travel forecasts indicate that there are different travel markets for highway and transit alternatives; that the transit alternative will have no significant impact on US 36 or the station areas and that the scope of these minimal impacts could be adequately addressed in a separate transit NEPA document.

RTD Request for Finding of Independent Utility on I-70 East and US 36 Corridors

Based on the analyses done for both of these corridors, RTD requests that FTA and FHWA concur that the corridors adequately meet the requirements of 23 CFR 771,111(f) and that RTD be allowed to proceed with separate transit NEPA documents for the rail alternatives in each of these corridors.

RTD commits to including CDOT in the both the East and US 36 Rail Corridor NEPA processes as a Cooperating Agency. This commitment includes involvement of CDOT in evaluation of any areas where the rail corridor may affect highways that are under CDOT's jurisdiction consistent with the CDOT/RTD Master IGA already in place. Appropriate mitigation for any areas of concern to CDOT will be discussed with the Environmental Advisory Team and the Senior Management Oversight Group and resolved in accordance with the IGA.

RTD looks forward to continuing the partnership we have with CDOT in these corridors and continuing our joint EIS with CDOT on the US 36 Roadway/Transit EIS. We anticipate that the two agencies will continue with the same team to take advantage of shared information and public processes, where appropriate, and to complete both NEPA documents in a timely and cost-effective manner.

Sincerely,

Clarence W. Marsella
General Manager

cc: Tom Norton, Executive Director, CDOT
Bill Vidal, Manager, Public Works, City and County of Denver

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Attachment 1

Independent Utility for I-70 East Corridor Highway and Transit Alternatives

The purpose of this memorandum is to discuss independent utility for the highway and transit alternatives for the I-70 East Corridor. Under the Code of Federal Regulations (CFR) Title 23, Section 771.111 (f), "In order to ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each EIS or finding of no significant impact (FONSI) shall:

1) Connect logical termini and be of sufficient length to address environmental matters on a broad scope;
2) Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
3) Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements."

As part of the I-70 East Corridor Environmental Impact Statement (EIS), both highway and transit alternatives have been evaluated to address the safety, congestion, and mobility issues in the corridor. At the completion of the alternative evaluation process, separate corridors were identified for the highway and transit elements of the EIS. The proposed highway alternatives extend from I-25 to Tower Road either on the existing I-70 alignment or a realignment of I-70 around the Elyria and Swansea neighborhoods. The proposed transit alternatives for the I-70 East Corridor follow the Union Pacific Railroad (UPRR) from Denver Union Station (DUS) to approximately Airport Boulevard and then continue north and east to the Denver International Airport (DIA). These two corridors are approximately ½ to 1 mile apart and have different termini. As discussed below, the highway and transit alternatives being considered for the I-70 East Corridor each meet the three requirements listed under 23CFR 771.111(f) and could be considered as stand-alone actions under the National Environmental Policy Act (NEPA).

Logical Termini

The proposed highway alternatives begin at the interchange of I-70 and I-25 which was recently improved as part of a long-term reconstruction project. The alternatives continue approximately 13 miles east to Tower Road and include 15 interchanges. Traffic volumes along the highway corridor are consistent between I-25 and Tower Road and then diminish as I-70 continues east towards E-470. The corridor has logical termini because it begins on the west end at the most heavily traveled interchange in the state and ends at Tower Road on the east where significant development is expected in the future at the last major interchange on the eastern edge of the Denver metropolitan area. Tower Road also serves as the western edge of the E-470/I-70 Interchange Environmental Assessment.

The proposed transit alternatives begin at DUS which is the planned transportation hub for the Denver metropolitan area and end at DIA, the fifth largest airport in the United States (U.S.). The transit corridor is approximately 23 miles long and by connecting downtown Denver to the airport, provides a significant economic benefit to Denver and

the state of Colorado. A transit line has been discussed in planning studies dating back to the 1980s and has always been a significant priority for transportation in the Denver area.

Independent Utility/Significance

I-70 is one of the most heavily traveled and congested highways in the Region and State. It provides a number of important transportation functions including interstate/intrastate travel, east-west regional access across the Denver metropolitan area, and linkage as an inner beltway between I-225 and I-270. As part of the alternatives analysis process for the I-70 East Corridor, several options were considered that improved parallel transportation systems instead of I-70. None of the options reduced traffic volumes on I-70 to a point where additional capacity on I-70 would not be required. Because of the lack of major east-west roadways in the area, I-70 serves as a vital link no matter what other types of improvements are made to the rest of the transportation system. Given these issues, improvements to I-70 between I-25 and Tower Road are reasonable and usable regardless of any other transportation improvements that are made in the area.

With the passing of FasTracks in November 2004, DUS serves as the future transportation hub for Denver's transit system. A critical link in that system is the connection between downtown Denver and DIA. Transit service on the East Corridor between downtown Denver and DIA is expected to carry over 35,000 daily riders by the year 2030. These riders include a mix of local community members traveling between neighborhoods, business travelers accessing hotels and conventions downtown, regional riders coming from other parts of the metropolitan area, and airport workers accessing their jobs at DIA. The addition of transit service in the East Corridor provides an added mobility that does not exist today. Due to the high demand for transit in the corridor and the local financial commitment of FasTracks funding initiative, implementation of the East Corridor is a usable and reasonable expenditure regardless of any other improvements that could be made in the area.

To test the relationship between the transit and highway improvements, travel demand modeling results from the EIS analysis were compared to show the difference in transit ridership between adding additional capacity to I-70 or realigning it. As shown in the accompanying table, there is minimal change in transit ridership regardless of the improvements made to the highway.

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Attachment 1
Independent Utility for I-70 East Corridor Highway and Transit Alternatives

2030 Transit Results Summary

I-70 Highway Improvements	Percent Change in Commuter Rail Boardings
Adding 1 general purpose lane in each direction compared to adding 2 general purpose lanes in each direction	-0.5%
Realigning I-70 compared to adding 2 general purpose lanes in each direction	-1.1%

Additional model runs were also conducted to test the impact of the transit system on the highway, interchanges, and the streets that connect the highway to potential station locations. This analysis was done assuming a transit build alternative with no highway improvements. As shown in the attached figures and tables, there are minimal changes in the traffic volumes on the I-70 mainline, interchange ramps, and streets south of I-70 associated with the transit alternative. These minimal changes support the independent utility between the highway and transit elements of the I-70 East Corridor.

Consideration of Other Alternatives

Neither the highway or transit alternatives restrict future considerations for the implementation of other alternatives in the project area. In addition, the I-70 East Corridor highway and transit alternatives are in separate corridors and thus do not restrict each other. Alternatives for I-70 are north of the transit alternatives and thus do not restrict the transit connection between downtown Denver and DIA. Similarly, the transit alternatives between downtown Denver and DIA follow the UPRR corridor and thus do not restrict any improvements to I-70.

Based on the discussion above, both the highway ands transit alternatives being considered in the I-70 East Corridor EIS meet the requirements under 23CFR 771.111 and could be completed as separate stand-alone NEPA studies.

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Attachment 1
Independent Utility for I-70 East Corridor
Highway and Transit Alternatives

I-70 Volumes

- **Daily**
- **Peak Hour**

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Attachment 1

Independent Utility for I-70 East Corridor Highway and Transit Alternatives

Figure 1 - Year 2030 Daily Volume Comparison
I-70 Segment Two-way Volume

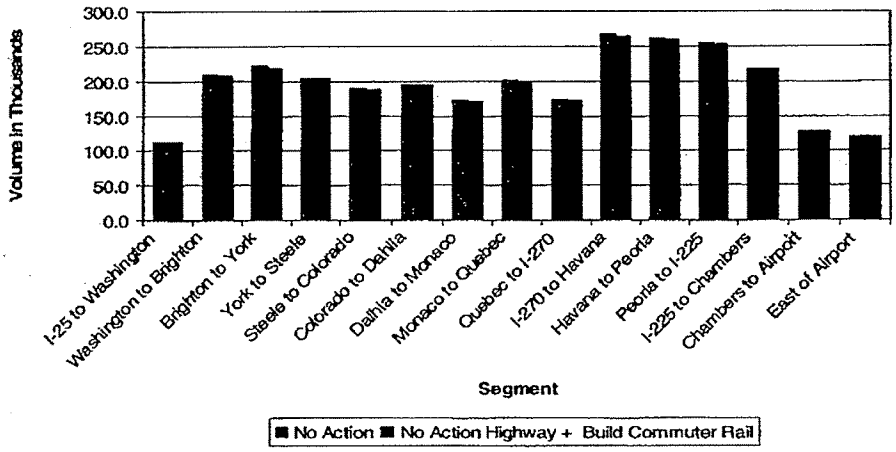


Table 1
Future (2030) I-70 Daily Volumes

	2030 Daily Volumes (in thousands)			
	No Action		No Action Highway with Commuter Rail	
I-70 Segment	**EB**	**WB**	**EB**	**WB**
I-25 to Washington	55.9	56.4	55.9	56.1
Washington to Brighton	107.8	102.2	106.9	101.0
Brighton to York	113.2	109.4	111.9	106.9
York to Steele	102.6	102.5	102.4	101.3
Steele to Colorado	96.8	92.3	97.9	90.3
Colorado to Dahlia	99.2	96.2	100.1	94.3
Dahlia to Monaco	87.0	84.1	87.5	82.3
Monaco to Quebec	101.0	99.3	101.1	96.3
Quebec to I-270	87.4	86.7	87.5	84.6
I-270 to Havana	133.1	133.8	133.3	131.7
Havana to Peoria	130.0	131.2	130.1	129.2
Peoria to I-225	138.2	115.7	138.4	114.0
I-225 to Chambers	145.5	72.4	144.3	72.3
Chambers to Airport	63.3	65.2	63.3	65.0
East of Airport	59.6	60.5	59.5	60.4
Source	*2030 No Action Model*		*2030 Model Run M3-Test*	

Attachment 1
Independent Utility for I-70 East Corridor Highway and Transit Alternatives

Figure 2 - Year 2030 AM Peak Hour Volume Comparison
I-70 Segment Two-way Volume

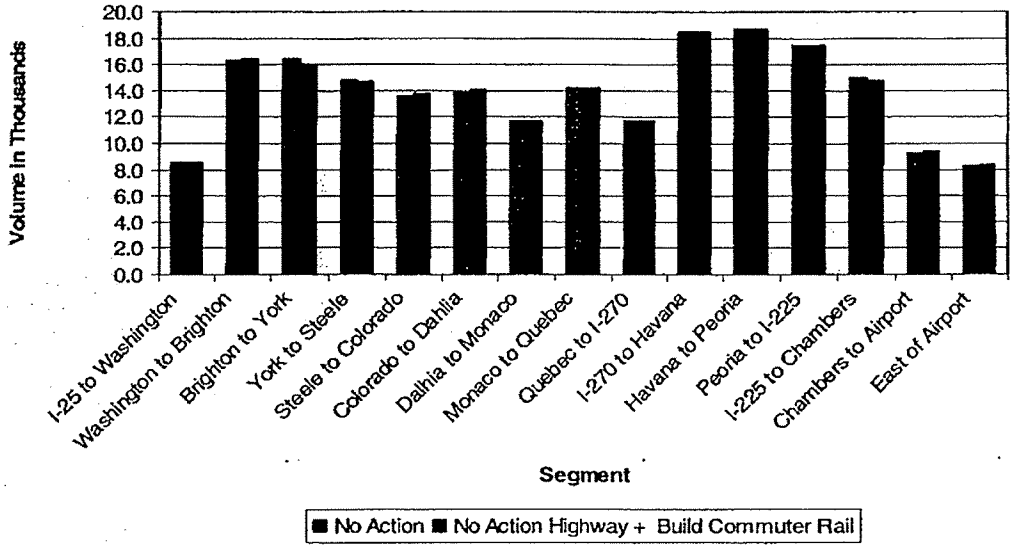
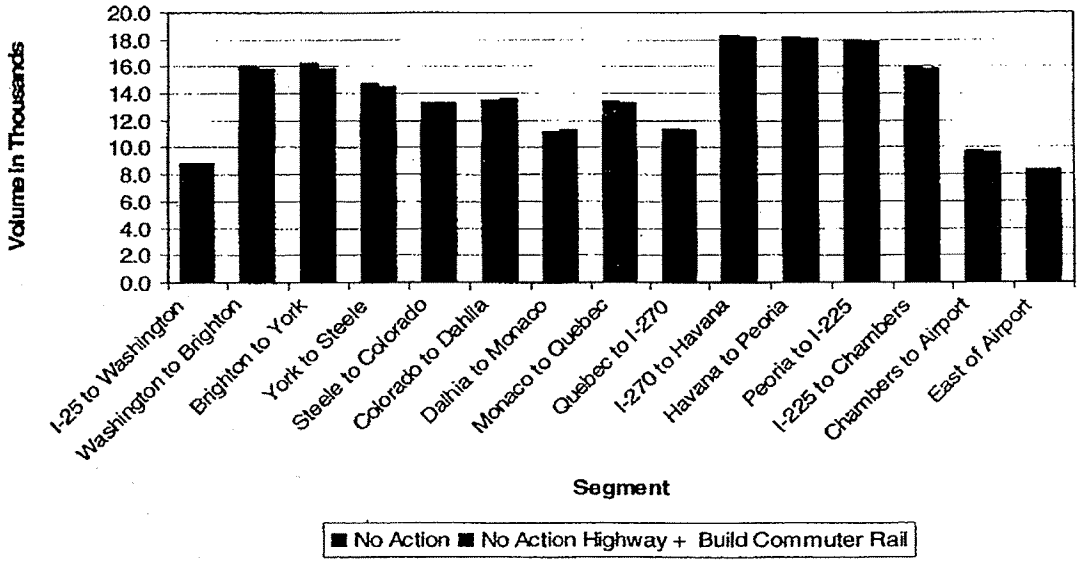


Figure 3 - Year 2030 PM Peak Hour Volume Comparison
I-70 Segment Two-way Volume



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Attachment 1

Independent Utility for I-70 East Corridor
Highway and Transit Alternatives

Table 2
Future (2030) I-70 Peak Hour Volumes

	2030 Peak Hour Volumes (in thousands)							
	No Action				No Action Highway with Commuter Rail			
	AM		PM		AM		PM	
I-70 Segment	EB	WB	EB	WB	EB	WB	EB	WB
I-25 to Washington	4.9	3.7	3.9	4.9	4.9	3.7	3.9	4.9
Washington to Brighton	9.3	7.0	7.4	8.6	9.4	7.0	7.3	8.5
Brighton to York	9.0	7.4	7.8	8.4	8.8	7.2	7.6	8.2
York to Steele	7.8	7.0	7.0	7.7	7.8	6.9	7.0	7.6
Steele to Colorado	7.1	6.5	6.7	6.6	7.3	6.5	6.9	6.5
Colorado to Dahlia	7.1	6.8	6.7	6.8	7.3	6.9	6.8	6.8
Dahlia to Monaco	5.8	5.9	5.7	5.5	5.9	5.9	5.8	5.4
Monaco to Quebec	6.6	7.6	7.0	6.4	6.6	7.5	7.0	6.3
Quebec to I-270	5.2	6.5	6.0	5.4	5.2	6.5	6.0	5.3
I-270 to Havana	9.0	9.5	9.2	9.1	9.0	9.5	9.2	9.0
Havana to Peoria	8.6	10.1	9.4	8.8	8.6	10.1	9.4	8.7
Peoria to I-225	8.4	9.1	10.6	7.4	8.4	9.1	10.6	7.3
I-225 to Chambers	9.4	5.6	11.0	5.0	9.2	5.6	10.9	4.9
Chambers to Airport	4.0	5.3	5.0	4.7	4.1	5.3	5.0	4.7
East of Airport	3.4	4.9	4.5	3.8	3.5	4.9	4.5	3.8
Source	*2030 No Action Model*				*2030 Model Run M3-Test*			

I-70 Interchanges

- **Daily**
- **Peak Hour**

Attachment 1
Independent Utility for I-70 East Corridor Highway and Transit Alternatives

Table 3
Future (2030) Interchange Daily Volumes

	2030 Daily Volumes (in thousands)	
	No Action	No Action Highway with Commuter Rail
Ramps Total	Total	Total
Colorado Boulevard	47.4	51.0
Quebec Street	54.9	54.3
Peoria Street	80.2	79.9
Airport Boulevard (north of I-70)	29.3	29.6
Source	*2030 No Action Model*	*2030 Model Run M3-Test*

Table 4
Future (2030) Interchange Peak Hour Volumes

	2030 Peak Hour Volumes (in thousands)			
	No Action		No Action Highway with Commuter Rail	
Ramp Totals	**AM**	**PM**	**AM**	**PM**
Colorado Boulevard	3.6	3.5	3.8	3.7
Quebec Street	3.3	3.1	3.3	3.1
Peoria Street	6.7	6.1	6.7	6.1
Airport Boulevard (north of I-70)	2.2	2.6	2.2	2.6
Source	*2030 No Action Model*		*2030 Model Run M3-Test*	

Volumes on Arterials South of I-70

- Daily
- Peak Hour

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Attachment 1

Independent Utility for I-70 East Corridor Highway and Transit Alternatives

Figure 4 - Year 2030 Daily Volume Comparison
Arterial Volumes South of I-70

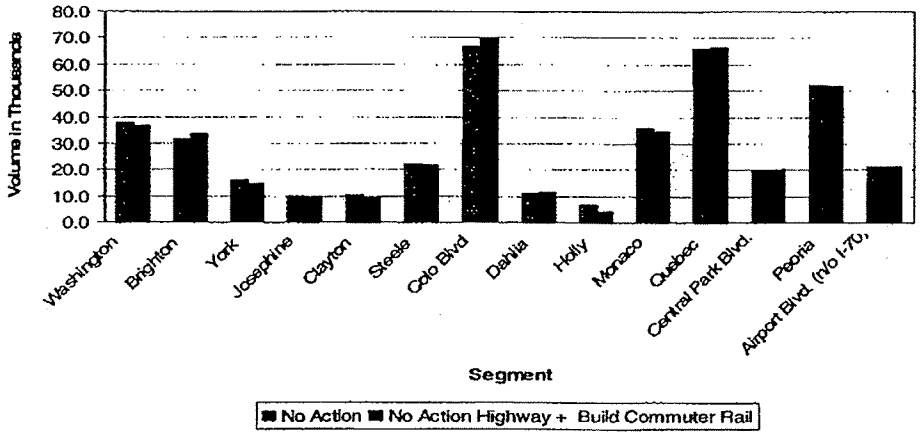


Table 5
Future (2030) Arterial Daily Volumes

	2030 Daily Volumes (in thousands)	
	No Action	No Action Highway with Commuter Rail
Arterials south of I-70	**Total**	**Total**
Washington Street	37.6	36.5
Brighton Boulevard	31.7	33.8
York Street	15.9	14.9
Josephine Street	9.8	9.4
Clayton Street	10.1	9.4
Steele Street	22.0	21.7
Colorado Boulevard	66.8	69.8
Dahlia Street	10.9	11.5
Holly Street	6.7	4.3
Monaco Street	35.8	34.7
Quebec Street	65.9	66.5
Central Park Boulevard	20.1	20.0
Peoria Street	52.1	51.8
Airport Boulevard (north of I-70)	21.4	21.4
Total	**406.8**	**405.7**
Source	*2030 No Action Model*	*2030 Model Run M3-Test*

Attachment 1
Independent Utility for I-70 East Corridor Highway and Transit Alternatives

Figure 5 - Year 2030 AM Peak Hour Volume Comparison
Arterial Volumes South of I-70

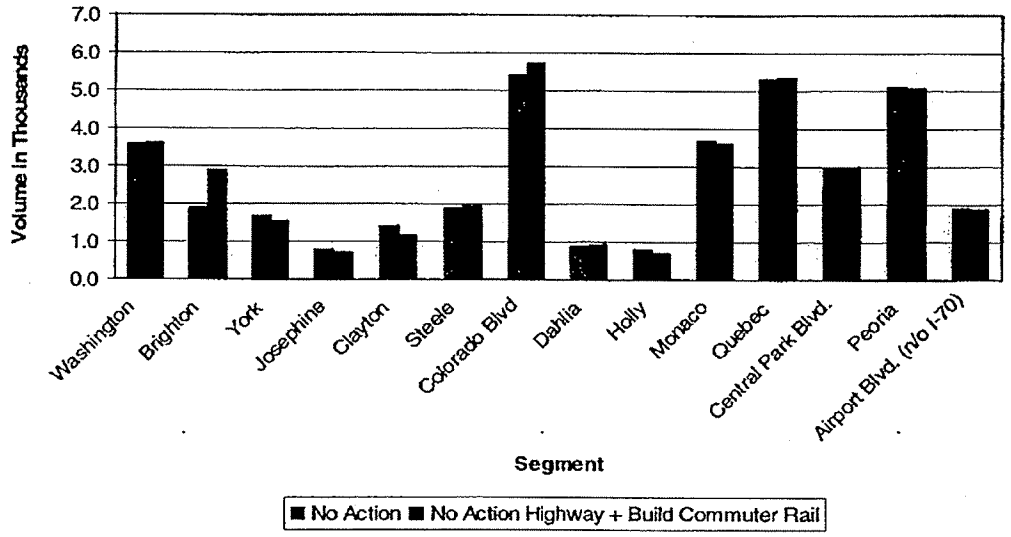
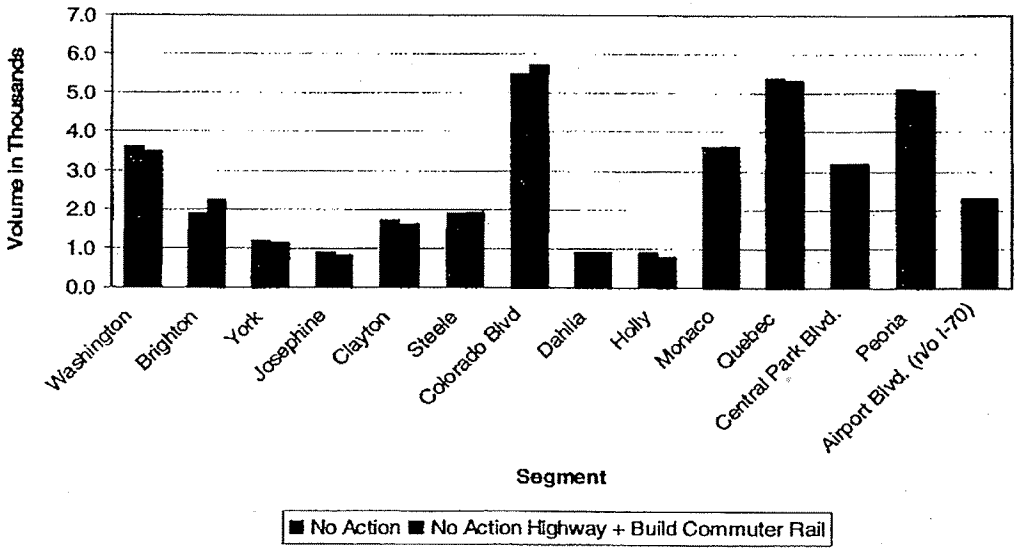


Figure 6 - Year 2030 PM Peak Hour Volume Comparison
Arterial Volumes South of I-70



Attachment 1
Independent Utility for I-70 East Corridor Highway and Transit Alternatives

Table 6
Future (2030) Arterial Peak Hour Volumes

	2030 Peak Hour Volumes (in thousands)							
	No Action				No Action Highway with Commuter Rail			
Arterials s/o I-70	**AM**		**PM**		**AM**		**PM**	
	SB	**NB**	**SB**	**NB**	**SB**	**NB**	**SB**	**NB**
Washington Street	2.4	1.2	1.5	2.1	2.4	1.2	1.4	2.1
Brighton Boulevard	1.3	0.6	0.7	1.2	1.8	1.1	0.9	1.3
York Street	1.7	0.0	1.2	0.0	1.6	0.0	1.1	0.0
Josephine Street	0.0	0.8	0.0	0.9	0.0	0.7	0.0	0.8
Clayton Street	0.8	0.6	0.7	1.0	0.7	0.5	0.7	0.9
Steele Street	1.1	0.8	0.9	1.0	1.0	0.9	0.8	1.1
Colorado Boulevard	2.8	2.6	2.7	2.8	3.1	2.7	2.9	2.8
Dahlia Street	0.5	0.4	0.4	0.5	0.5	0.5	0.4	0.5
Holly Street	0.5	0.3	0.5	0.4	0.4	0.3	0.4	0.4
Monaco Street	1.9	1.8	1.7	1.9	1.8	1.8	1.7	1.9
Quebec Street	3.3	2.0	2.9	2.5	3.3	2.0	2.8	2.5
Central Park Boulevard	1.4	1.6	1.6	1.6	1.4	1.6	1.6	1.6
Peoria Street	3.2	1.9	2.1	3.0	3.2	1.9	2.1	3.0
Airport Boulevard (north of I-70)	0.0	1.9	0.0	2.3	0.0	1.9	0.0	2.3
Total	20.9	16.5	16.9	21.2	21.2	16.9	16.9	21.2
Source	*2030 No Action Model*				*2030 Model Run M3-Test*			

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Attachment 1

Independent Utility for I-70 East Corridor Highway and Transit Alternatives

Rail/Highway Crossings

A crossing feasibility analysis was conducted to examine safety and traffic operations at locations where the commuter rail alternative crossed all roadways and drainage areas. Forty seven crossings were examined. Of those, 32 are currently grade separated, and the remaining 15 met the safety and traffic operation requirements for an at-grade crossing. There are six locations where commuter rail would cross a state or federal highway and the recommendations as part of the build commuter rail alternative are summarized below.

Table 7
Commuter Rail Grade Crossing Summary for State and Federal Roadways

Crossing Name and Location	Grade Separated	Recommended Commuter Rail Crossing Method	Reasons
Colorado Blvd	Y	CRT under Colorado Blvd.	Roadway is already grade separated; room under existing bridge for CRT. No modifications to bridge necessary.
Quebec Street Southbound Local	N	At-grade crossing	Meets safety and traffic operation requirements for an at-grade crossing
Quebec Street	Y	CRT Over Quebec St. on a new structure	Roadway is already grade-separated; RTD will build new bridge next to existing UP bridge.
Quebec Street Northbound Local	N	At-grade crossing	Meets safety and traffic operation requirements for an at-grade crossing
I-225	Y	CRT under I-225	Roadway is already grade-separated; room under existing bridge for CRT. No modifications to bridge necessary
I-70	Y	CRT over I-70	Crossing interstate at-grade not acceptable; RTD will build new bridge over I-70

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Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives

The purpose of this memorandum is to provide information to support a determination of independent utility for the highway and transit alternatives for the US 36 Corridor. Section 771.111 (f) of 23 CFR addresses NEPA and related procedures for transportation planning. This section requires NEPA documents to "ensure meaningful evaluation of alternatives and to avoid commitments to transportation improvements before they are fully evaluated, the action evaluated in each EIS or finding of no significant impact (FONSI) shall:

1. Connect logical termini and be of sufficient length to address environmental matters on a broad scope;
2. Have independent utility or independent significance, i.e., be usable and be a reasonable expenditure even if no additional transportation improvements in the area are made; and
3. Not restrict consideration of alternatives for other reasonably foreseeable transportation improvements."

A proposed rail transit improvement along the BNSF railroad line from Denver to Boulder would meet these three tests as described in the summary that follows.

1. The project connects logical termini and is of sufficient length to address environmental matters on a broad scope. The rail line would connect the logical termini of Denver and Boulder. This connection was first put in place in the late 1800's on rail lines. The rail transit improvement reinforces these original relationships. The Denver terminus will be Denver Union Station (DUS), which will soon be the preeminent transportation hub for the entire metropolitan region, with at least six rail transit lines, dozens of major bus routes, multiple downtown shuttle services, Amtrak, Grehyound, and other regional and local connections. The area around DUS contains the region's three major professional sporting venues (Coors Field, Pepsi Center, and Invesco Field at Mile High), many of the region's finest dining and entertainment establishments, and a rapidly-rising amount of residential and office development. On the west end, the City of Boulder has the University of Colorado (the state's largest university), numerous cultural, research and scientific institutions, and a high concentration of residences and employers.
2. The project has independent utility—it is a usable and reasonable expenditure without requiring additional transportation improvements in the area. The new rail service would be usable. Current bus ridership on Denver -Boulder routes is over 8,300 per day, indicating a substantial transit market exists. Boulder is a net employee importer with finite roadway capacity. Corridor roadways are at or above capacity with severe congestion and system breakdowns that reinforce the unreliable nature of the road system. Transit solutions are appropriate to increase

capacity and improve reliability. The improvements can be in place and operating by 2015 as committed by the FasTracks initiative passed by the voters in November, 2004.

3. The project does not restrict consideration of alternatives for other reasonably foreseeable transportation improvements. Improvements to the BNSF rail line do not restrict future consideration or implementation of needed roadway improvements in the corridor because the alignment from Denver to Boulder is separated from and is not generally parallel to the highway and therefore would not restrict future roadway improvements.

In addition to these tests, an assessment of the effects of the planned rail line on existing state highways and major roadways was conducted. This assessment is important to determine if rail line construction would require commitment of additional state of federal funds to adjust or improve roadways. The US 36 Team has conducted a limited analysis using 2030 forecasts, with the goal of identifying the incremental impacts of the proposed rail transit service on highway and arterial volumes.

The generalized impact of rail service on highway and street operations, daily and peak hour traffic volumes on selected highway (US 36) and arterial street segments were compared using 2030 forecasts. Modeling scenarios were identical to each other with the exception that one includes the proposed commuter rail service and the other does not.

Observations

General observations of the 2030 No-Action and 2030 Commuter Rail scenarios are addressed below, and detailed results are found in the figures and tables on the following tables:

- Daily traffic volumes on US 36 in the Commuter Rail Alternative are very similar to those observed in the No-Action (see Figure 1, Table 1). Only slight decreases were observed.
- Daily traffic volumes on arterials south of US 36 in the Commuter Rail Alternative are also very similar to those observed in the No-Action, with some variation along the corridor, but the overall traffic would remain approximately the same (see Figure 2, Table 2).
- Daily traffic volumes on the ramps at selected interchanges along the corridor are similar in the Commuter Rail and No-Action alternatives (see Table 3).
- Peak hour US 36 mainline and interchange volumes were very similar in the Commuter Rail and No-Action alternatives (see Figures 3 and 4, Table 4).

Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives

- Arterial and intersection volume analysis showed similar results between the two alternatives with little or no change (see Figures 5-8, Tables 5 and 6).

Overall, most traffic volumes are similar or slightly lower in the Commuter Rail Alternative when compared to the No-Action, which may be attributed to the Commuter Rail service attracting travelers who would drive if the rail service were not present. Some small increases due to rail station access were observed near stations. Impacts of these small increases will be mitigated by RTD as appropriate.

US 36 Volumes

- **Daily**
- **Peak Hour**

RTD FASTRACKS

Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives

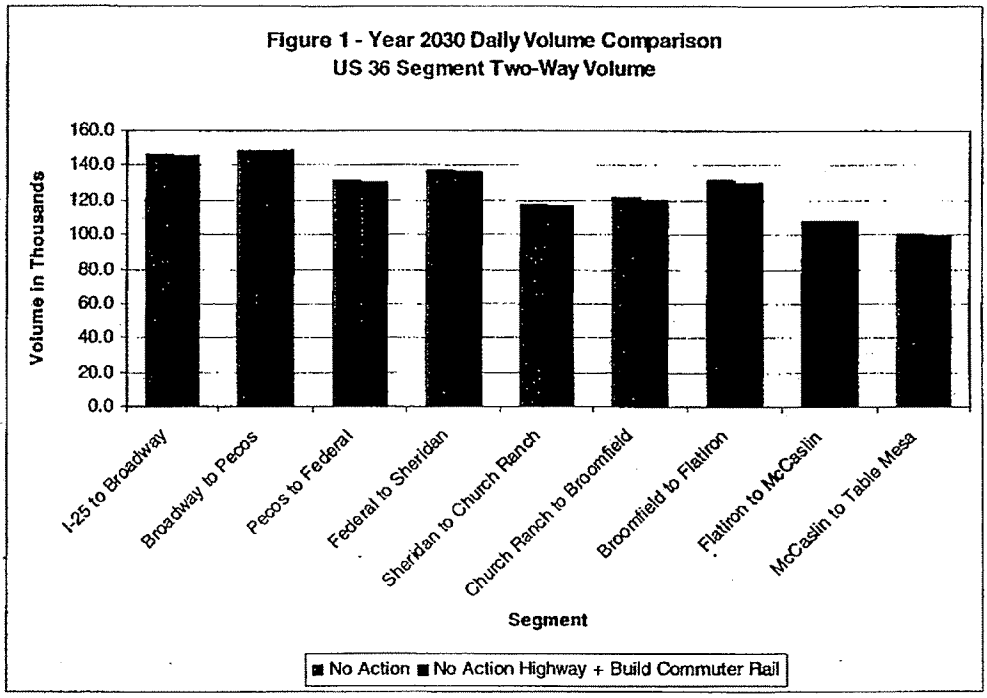


Table 1

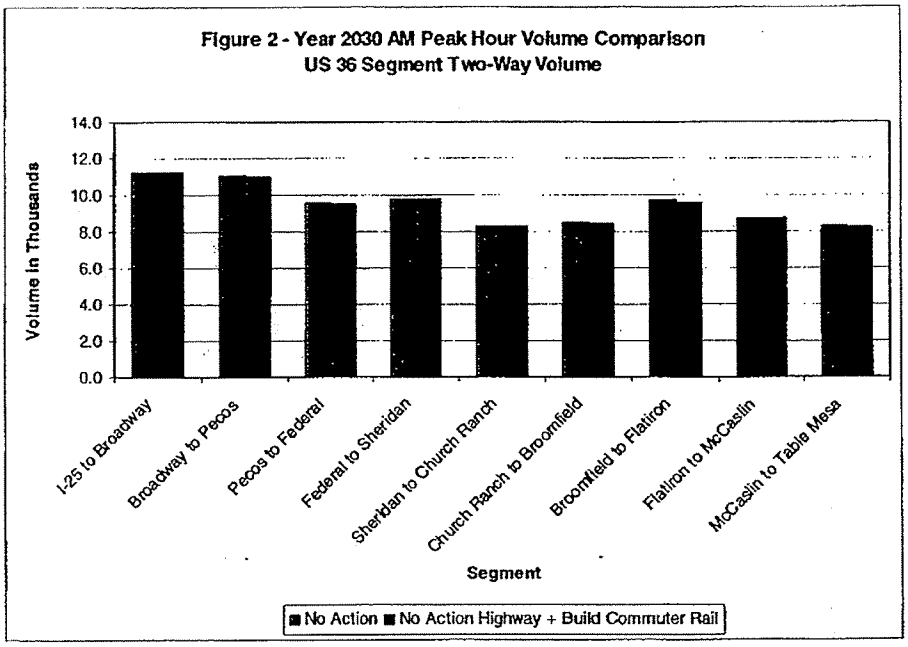
US 36 Daily Volumes (Year 2030)

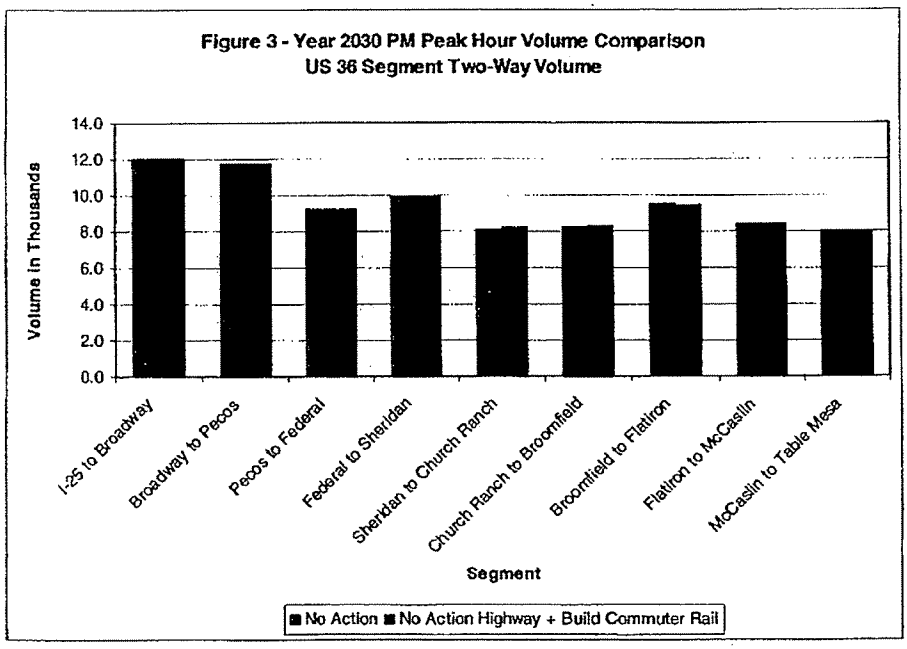
	Daily 2030 Volumes (in thousands)			
	No Action		No Action Highway + Build Commuter Rail	
US 36 Mainline Segment	EB	WB	EB	WB
I-25 to Broadway	61.9	84.1	61.6	83.8
Broadway to Pecos	68.2	80.4	68.0	80.2
Pecos to Federal	57.5	73.7	57.3	73.3
Federal to Sheridan	63.0	73.9	62.7	73.3
Sheridan to Church Ranch	55.7	61.9	55.3	61.5
Church Ranch to Broomfield	59.3	62.1	58.7	61.4
Broomfield to Flatiron	66.3	65.1	65.2	64.1
Flatiron to McCaslin	54.4	53.4	54.1	53.0
McCaslin to Table Mesa	49.5	50.2	49.2	49.9
Source	*2030-NoAction Model*		*2030-CommuterRail Model*	

Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives





RTD FASTRACKS

Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives

Table 2

US 36 Peak Hour Volumes (Year 2030)

	Peak Hour 2030 Volumes (in thousands)							
	No Action				No Action Highway + Build Commuter Rail			
	AM		PM		AM		PM	
US 36	EB	WB	EB	WB	EB	WB	EB	WB
I-25 to Broadway	5.6	5.6	4.3	7.7	5.6	5.6	4.3	7.7
Broadway to Pecos	5.9	5.2	4.6	7.1	5.8	5.2	4.6	7.1
Pecos to Federal	4.4	5.2	3.5	5.7	4.4	5.1	3.5	5.7
Federal to Sheridan	4.5	5.3	4.0	5.9	4.5	5.3	4.0	5.9
Sheridan to Church Ranch	4.0	4.3	3.9	4.2	3.9	4.4	3.9	4.3
Church Ranch to Broomfield	4.0	4.5	4.0	4.2	3.9	4.5	4.1	4.2
Broomfield to Flatiron	4.4	5.3	5.0	4.5	4.3	5.3	5.0	4.4
Flatiron to McCaslin	4.5	4.2	4.1	4.3	4.5	4.2	4.1	4.3
McCaslin to Table Mesa	3.5	4.8	4.3	3.7	3.4	4.8	4.3	3.7
Source	*2030-NoAction Model*				*2030-CommuterRail Model*			

US 36 Interchanges

- **Daily**
- **Peak Hour**

RTD FASTRACKS

Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives

Table 3

Interchange Daily Volumes (Year 2030)

	Daily 2030 Volumes (in thousands)	
	No Action	No Action Highway + Build Commuter Rail
Interchange Location	Total	Total
Sheridan	56.6	57.3
Church Ranch	42.9	42.9
Broomfield	94.0	93.0
Flatiron	34.6	34.6
Source	*2030-NoAction Model*	*2030-CommuterRail Model*

Table 4

Interchange Peak Hour Volumes (Year 2030)

	Peak Hour 2030 Total Ramp Volumes (in thousands)			
	No Action		No Action Highway + Build Commuter Rail	
Interchange Location	AM	PM	AM	PM
Sheridan	4.5	3.8	4.6	3.8
Church Ranch	2.9	2.9	2.9	3.0
Broomfield	7.1	7.0	7.0	7.0
Flatiron	2.4	2.2	2.4	2.3
Source	*2030-NoAction Model*		*2030-CommuterRail Model*	

Volumes on Arterials Adjacent To Rail Stations

- **Daily**
- **Peak Hour**

Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives

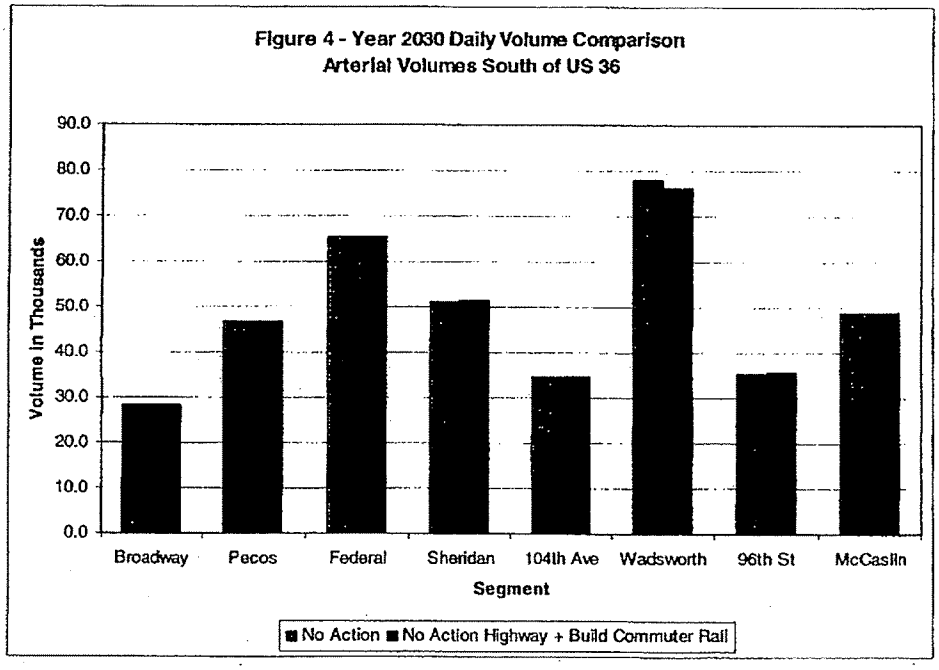


Table 5

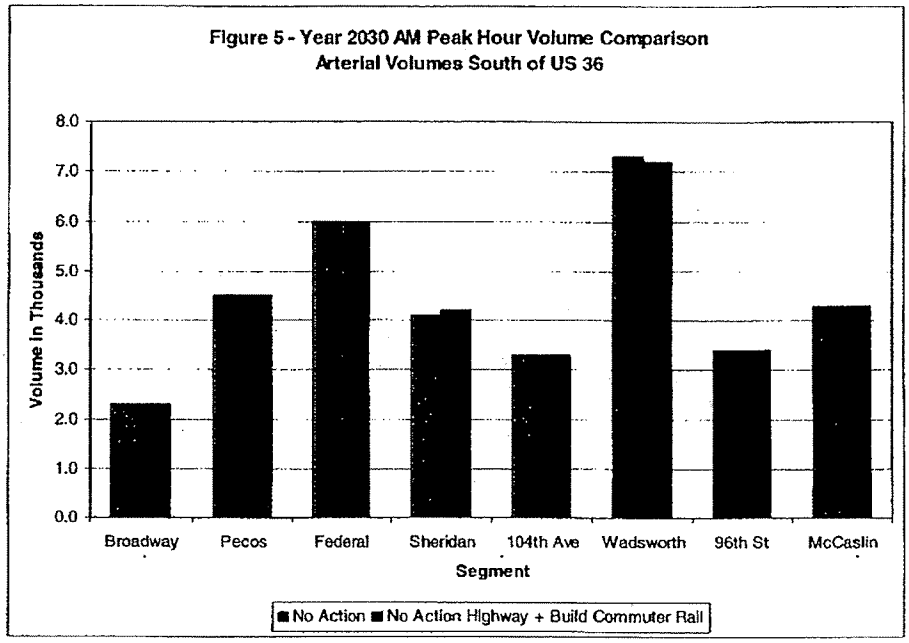
Arterial Daily Volumes (Year 2030)

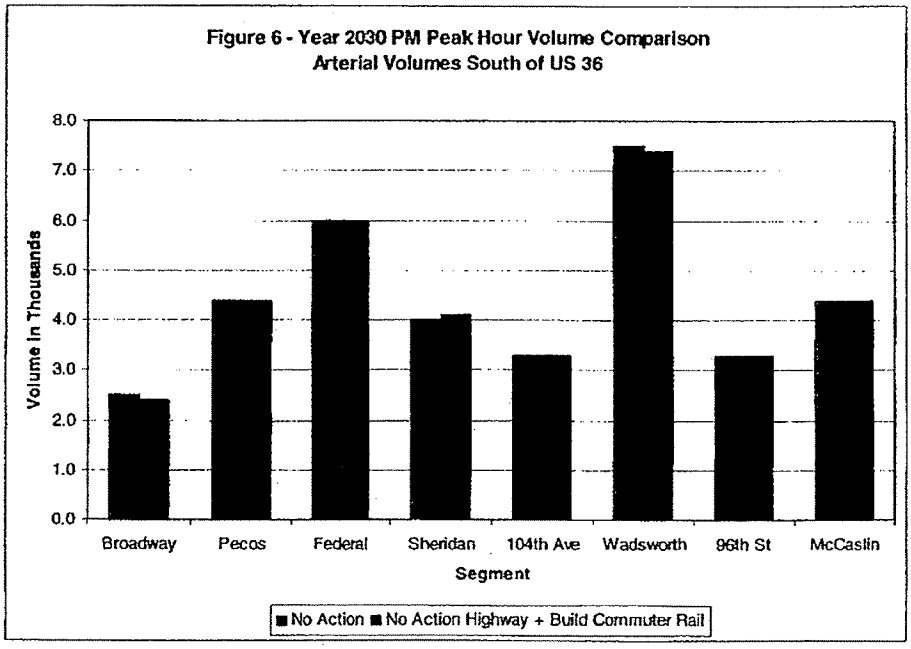
	Daily 2030 Volumes (in thousands)	
	No Action	No Action Highway + Build Commuter Rail
Arterials (south of US 36)	Total	Total
Broadway	28.1	28.2
Pecos	46.7	46.9
Federal	65.7	65.7
Sheridan	51.3	51.6
104th Ave	34.8	34.6
Wadsworth	77.8	76.1
96th St	35.2	35.7
McCaslin	48.7	48.7
TOTAL	388.3	387.5
Source	*2030-NoAction Model*	*2030-CommuterRail Model*

Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives





Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives

Table 6

Arterial Peak Hour Volumes (Year 2030)

	Peak Hour 2030 Volumes (in thousands)							
	No Action				No Action Highway + Build Commuter Rail			
	AM		PM		AM		PM	
Arterials (south of US 36)	SB	NB	SB	NB	SB	NB	SB	NB
Broadway	1.9	0.4	1.3	1.2	1.9	0.4	1.3	1.1
Pecos	2.6	1.8	2.0	2.4	2.6	1.8	1.9	2.5
Federal	3.8	2.2	3.1	2.9	3.8	2.2	3.1	2.9
Sheridan	2.4	1.7	2.3	1.7	2.5	1.7	2.3	1.8
104th Ave	1.7	1.7	1.6	1.7	1.7	1.7	1.6	1.7
Wadsworth	3.6	3.8	3.9	3.6	3.5	3.7	3.9	3.5
96th St	2.4	1.1	1.4	1.8	2.4	1.1	1.5	1.8
McCaslin	2.4	1.1	1.4	1.8	2.4	1.1	1.5	1.8
TOTAL	20.8	13.8	17.0	17.1	20.8	13.7	17.1	17.1
Source	*2030-NoAction Model*				*2030-CommuterRail Model*			

Station Impacts

To quantify traffic impacts at station areas, total entering traffic at the nearest major street intersection closest to a rail station was analyzed (in most cases, one involving a state highway). Projected traffic volumes were compared for the no action and the build rail alternatives. Table 6 demonstrates that rail station traffic will a have a minimal impact to key roadway intersections.

RTD FASTRACKS

Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives

Volumes at Key Intersections Adjacent to Rail Stations

- **Daily**
- **Peak Hour**

RTD FASTRACKS

Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives

Table 7

Daily Traffic at Key Intersections Near Rail Stations (Year 2030)

		Daily 2030 Intersection Entering Volumes (in thousands)	
Rail Station Location	Major Street Intersection	No Action	No Action Highway + Build Commuter Rail
South Westminster	72nd Avenue and Federal Boulevard (US 287)	84.1	85.0
Westminster Mall	88th Avenue and Sheridan Boulevard (SH 121)	64.0	64.1
Church Ranch	Church Ranch Boulevard and Wadsworth Boulevard	47.0	46.8
Broomfield	Midway Blvd/US 287	77.9	77.3
Flatiron	Carbon Drive and 96th Street	58.1	58.4
Louisville	South Boulder Road and SH 42	66.4	66.9
East Boulder	63rd Avenue and Arapahoe	26.6	26.5
30th and Pearl	28th Avenue (US 36)	46.1	46.3
Source		*2030-NoAction Model*	*2030-CommuterRail Model*

RTD FASTRACKS

Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives

Table 8

Peak Hour Traffic at Key Intersections Near Rail Stations (Year 2030)

Rail Station Location	Major Street Intersection	Daily 2030 Intersection Entering Volumes (In thousands)			
		No Action		No Action Highway + Build Commuter Rail	
		AM	PM	AM	PM
South Westminster	72nd Avenue and Federal Boulevard (US 287)	8.1	8.3	8.2	8.5
Westminster Mall	88th Avenue and Sheridan Boulevard (SH 121)	5.5	5.6	5.5	5.6
Church Ranch	Church Ranch Boulevard and Wadsworth Boulevard	5.0	5.1	4.9	5.0
Broomfield	Midway Blvd/US 287	5.8	5.9	5.8	5.9
Flatiron	Carbon Drive and 96th Street	4.8	4.7	4.8	4.7
Louisville	South Boulder Road and SH 42	5.7	6.0	5.8	6.1
East Boulder	63rd Avenue and Arapahoe	2.4	2.5	2.4	2.5
30th and Pearl	28th Avenue (US 36)	4.3	4.5	4.3	4.5
Source		*2030-NoAction Model*		*2030-CommuterRail Model*	

Responsibility for Impact Mitigations

The development of the preferred alternative for the BNSF rail alignment and for the US 36 highway alignment will clearly define the project limits and expected impacts. The responsibility for implementation of mitigation treatments will be clearly defined in the supporting environmental studies. Mitigation of impacts such as added traffic volumes will be specifically identified with new turn lanes, intersection control or roadway widening. Depending upon the project element that causes the impact (such as the highway improvements or the rail line improvements), "sole" or "shared" responsibility will be assigned to the appropriate agency. The mitigation treatments and the implementation responsibility would be a part of the environmental studies and formally recorded in the project actions. In this manner, commitment of additional federal or state funds would not occur without explicit understanding and agreement.

Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives

Rail/Highway Crossings

The following table (Table 9) was prepared to show the locations where the rail crosses a State Highway and the potential for additional capital investment required. A safety analysis of the grade crossings was conducted to determine if the introduction of commuter rail service would result in unacceptable safety hazards to automobile traffic. The analysis methodology conformed to the requirements in the safety portion of the *Highway Capacity Manual* and used FRA predictive tools (GradeDec 2000 software) and thresholds for acceptable safety risk. This methodology was applied to all crossings. The results showed that four of the crossings could achieve the FRA threshold without any modifications to the existing crossing protection. The remaining crossings could have their predicted crash rate reduced to satisfy the FRA threshold by enhancing the crossing protection with features such as barrier curbs and gates. RTD has established the minimum level of crossing protection for all public crossings as including such gates and median barriers. The result of this comparison was that commuter rail service would not result in unacceptable added safety risk to traffic at any crossing after reasonable mitigation treatments are applied, and no grade separations are required.

Volumes at Key Intersection Adjacent to Rail Stations

- **Daily**
- **Peak Hour**

RTD FASTRACKS

Attachment 2

Independent Utility for US 36

Highway and Rail Alternatives

Table 9

Locations of Rail/Highway

Grade Crossings

Location	Type of Interface	Major Capital Investment Required for Mitigation?
At Grade Crossings		
• Pecos Street	At-grade crossing	No
• 88th Avenue	At-grade crossing	No
• Dillon Road	At-grade crossing	No
• South Boulder Road	At-grade crossing	No
• Baseline Road	At-grade crossing	No
• Jay Road	At-grade crossing	No
Structure Crossings of Existing Facilities		
• I-25	Rail under	No
• I-70	Rail under	No
• I-76	Rail under	No
• Federal Boulevard	Rail under	No
• SH 96/ Sheridan Boulevard	Rail under	No
• SH 287/Wadsworth	Rail under	No
• 75th Street	Rail over	No
• SH 7/Arapahoe Road	Grade separation by SH 7 project (rail over); new bridge added by Rail project for 2nd track	No

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07-17-06P03:20 RCVD

U.S. Department of Transportation

Federal Transit Administration
Region VIII
12300 West Dakota Ave.
Suite 310
Lakewood, Colorado 80228
(720) 963-3300

Federal Highway Administration
Colorado Division
12300 West Dakota Ave.
Suite 180
Lakewood, Colorado 80228
(720) 963-3000

JUL 14 2006

Mr. Michael Ramsey
Principal Regional Inspector
Federal Railroad Administration
12300 W. Dakota Ave., Suite 120
Lakewood, CO 80029

Dear Mr. Ramsey:

Subject: US 36 EIS - CDOT Project No. NH0361-070(14133)

Thank you for your on-going involvement in the US 36 Corridor Environmental Impact Statement (EIS). The US 36 EIS initially began in 2003 as a cooperative effort between the Federal Highway Administration (FHWA), Federal Transit Administration (FTA), Colorado Department of Transportation (CDOT), and Regional Transportation District (RTD). The transportation improvements considered in the EIS originally included both a highway alignment, following US 36 between Denver and Boulder, and a rail alignment, the Burlington Northern Santa Fe (BNSF) right-of-way, between Denver and Boulder.

This letter is to advise you of a change in project direction. Recently, it has been determined that the highway and rail elements of the US 36 Corridor EIS should move forward independently and that separate studies should be prepared for each element of the corridor. The rail improvements will likely require a US Army Corps of Engineers (USACE) 404 permit as the federal action. Therefore, we expect that the USACE will become the lead federal agency for the rail improvements.

The US 36 EIS will continue to be conducted by FHWA and FTA, in cooperation with CDOT and RTD, and will evaluate improvements to the US 36 alignment between I-25 in Denver and Table Mesa/Foothills Parkway in Boulder. Because the rail improvements do not require an action by FTA or FHWA and are completely locally funded, the EIS for US36 has allowed the rail improvements to be shown as a committed action and will be included in the No Action alternative. The EIS will no longer be considering rail improvements as part of the action alternatives, and we do not believe that your on-going participation as a cooperating agency will be required for the US 36 EIS.

BUCKLE UP AMERICA

We thank you for the time and expertise you have provided the project team as we considered both highway and rail improvements during the US 36 Corridor EIS process. If you have any questions, or would like to discuss the project or our agencies' respective roles and responsibilities during the preparation of this study, please contact Dave Beckhouse, FTA, at (720) 963-3306, or Monica Pavlik, FHWA, at (720) 963-3012.

Sincerely yours,

Lee Waddleton
Regional Administrator
Federal Transit Administration

David A. Nicol, P.E.
Division Administrator
Federal Highway Administration

cc: Rick Pilgrim, URS
Sandi Kohrs, Region 6, CDOT
Dave Shelley, RTD FasTracks

Post-it® Fax Note 7671	Date 5/29	# of pages ▶ 2
To Lissa Myers	From Kohrs	
Co./Dept.	Co.	
Phone # 293-8585	Phone #	
Fax #	Fax #	

HIGHLAND UNITED NEIGHBORS, INC.

Planning and Community Development Committee

Authorized by the Board of Directors to Represent HUNI in all Planning and Zoning Matters

RTD FasTracks
Attention: Chris Quinn, Dave Shelley and Nadine Lee
Copy: Rick Pilgrim, Judy Montero Council District 9, Keith Howard SUNI
27 July 06

Dear Sirs and Madame:

The Highland United Neighbors Inc. Planning and Community Development Committee (HUNI PCD), writing also on behalf of Sunnyside United Neighbors Inc. (SUNI), would like to articulate the importance of several transit related issues that pertain to current RTD planning processes. These are 1) the importance of convenient regional transit connections between North Denver and points north including Boulder, 2) the importance of convenient local transit connections to Union Station, 3) the viability of the 38th and Inca station as a TOD area, and 4) the importance of low-emissions EMU technology. Some of these positions have previously been stated as part of other planning processes including DMAP in 2005, the University of Colorado Graduate Planning Studio study of the 38th & Inca TOD in coordination with SUNI and HUNI in 2004, and the HUNI, SUNI and Globeville Joint Goals Statement for the 38th and Inca TOD from 2005. This last document is attached with this letter for reference.

1. Regional Transit Connections to Points North:
    a. In the past 25 years, hundreds of citizens who work or study or teach in Boulder have chosen to live in North Denver, and in close proximity to regional transit. For many years, North Denver had a regional transit stop for the Boulder-Denver Express and Local Busses. This was located on Central Street in Highland. As a result, Highland and Sunnyside have become "Pedestrian Pockets" for public transit commuters who live in Denver yet spend their days in Boulder and other related destinations.
    b. This changed 18 months ago when the regional stop in North Denver was discontinued. Commuting to Boulder and points North via transit is now not safe for North Denver citizens who return to downtown Denver after dark and wish to walk home rather than wait 40 minutes for a connecting bus. It is also not convenient enough for these customers to make such transit usage competitive with driving. Therefore, RTD has lost ridership from North Denver residents at the same time that the population and economic activity in Highland and North Denver is increasing due to redevelopment.
    c. We strongly urge RTD to facilitate convenient commuter travel between North Denver and areas serviced by the Northwest Commuter Rail line. This can be achieved by designing the network such that riders can board

transit at the 38th and Inca Light Rail Station and proceed to Boulder and related destinations without first heading to Union Station.

d. One solution is to provide a stop for the Northwest Rail at the 38th and Inca Station. In addition to serving North Denver residents, such a stop would also greatly increase the economic viability of major TOD redevelopment on industrial land in the Inca Street neighborhood east of the Rennick Yard – and this would lead to a significant increase in customers for both the Gold Line and Northwest Rail.

2. Local Transit Connections to Union Station.
   a. We request an increase in frequency and convenience of transit service between Highland, Sunnyside, and Union Station. This will assist regional commuters in accessing regional transit, and assist Denver residents in accessing the growing number of businesses and restaurants in Highland and North Denver.
   b. This can be achieved by continuing and increasing the frequency of existing bus lines, including the 6, 28, 32, and 52, that run through the neighborhoods on the way to downtown.
   c. This can be achieved by instituting a circulator bus that connects central Denver neighborhoods with each other and with Union Station.
   d. This can be achieved by planning for frequent two-way rail service between Union Station and 38th & Inca.
3. TOD at 38th and Inca.
   a. The 38th & Inca area has been overlooked as an ideal TOD with excellent access to Union station via rail. This TOD would have most of its growth East of the rail yard in the Fox Street Corridor portion of Globeville, but would also include redevelopment in Blueprint Denver Areas of Change within Sunnyside and Highland.
   b. The areas near 38th & Inca rail station have excellent views of downtown, and excellent access to I25. Based on the University of Colorado study, and the 2005 "Joint Goals Statement" by SUNI, HUNI, and Globeville, we expect the mix of uses to include the following:
      i. Office space
      ii. Residential mixed use
      iii. Artists studios
      iv. Multi-family residential
      v. Light industrial service
      vi. Park-and-ride drop off area and parking garage east of the station.
   c. We ask that RTD look optimistically at the TOD growth of this area, and the economic benefits of increased RTD ridership from future customers in this TOD.
   d. We ask that RTD review the attached joint goals statement for this area.
4. Non-polluting technology
   a. We strongly request the use of EMU technology for all commuter rail trains that travel through the Central Platte Valley.
   b. The neighborhoods of the Central Platte Valley have been a dumping ground for polluting uses for over a hundred years. But this land is the

heart of Denver in the future, and these neighborhoods are in the process of wholesale revitalization. Successful revitalization will lead to increased populations living near transit and improved economics for RTD.

c. Use of EMU technology for all commuter rail lines that run through the Central Platte Valley will mitigate air pollution to these revitalizing neighborhoods. We and future residents will much prefer to see the visuals of overhead electric wires than to breathe real emissions from diesel engines.

Thank you for considering our input,

HIGHLAND UNITED NEIGHBORS INC.
Tim Boers and Michael Tavel,
Co-Chairs, Planning and Community Development Committee

US 36 Mayors/Commissioners Coalition (MCC)

Boulder County

City of Boulder

City& County of Broomfield

City of Louisville

Town of Superior

City of Westminster

August 7, 2006

Sandi Kohrs, Co-Project Manager US 36 EIS, CDOT
CDOT Region 6
3401 Quebec Street, Ste 8000
Denver, CO 80202

Dave Shelley, Co-Project Manager US 36 EIS, RTD
RTD-FasTracks Office
1560 Broadway, Suite 700
Denver, CO 80202

Dear Sandi and Dave:

The U.S. 36 Mayors and Commissioners Coalition (MCC) has been asked if we wish to delay the completion and publication of the US 36 Draft Environmental Impact Statement scheduled for November 2006 in order to receive additional information related to Package 2, the Express Toll Lanes & BRT alternative. By way of this letter, we would like to express our unequivocal opposition to any delay of the completion and publication of the US 36 DEIS. Furthermore, we wish to convey that the MCC's position is that Package 4, Maximum Multi-Modal including BRT and general purpose lanes, should be included in the DEIS as the Preferred Alternative. Finally, we request that a Corridor Governance Committee be held as soon as possible to discuss these matters.

Since June, when Package 2 was first modified to include HOT lanes and observed by the EOC team to be the best option, members of the US 36 MCC have expressed our collective and individual concerns with that alternative. We appreciate the efforts made by the EIS team to address such concerns; however, we do not see a consensus developing for Package 2 no matter how much information is provided.

We look forward to a Corridor Governance Committee being scheduled in the very near future where we can further discuss these issues and receive a response from the EIS team.

Sincerely,

Charles Sisk,
Mayor, City of Louisville

cc: Rick Pilgrim, Project Manager US 36 EIS Consultant Team

4.5 Mayors + Commissioners Coalition
Response letter 8/24/08

US 36 CORRIDOR
Environmental Impact Statement

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

August 24, 2006

RECEIVED
SEP 8 2006
URS Corp.

The Honorable Charles Sisk
Mayor of the City of Louisville
749 Main Street
Louisville, CO 80027

RE: RESPONSE TO LETTER FROM US 36 MCC

Dear Mayor Sisk,

Thank you for your letter dated August 7, 2006 on behalf of the US 36 Mayors and Commissioners Coalition (MCC). We appreciate your comments concerning the alternatives under consideration within the EIS for the US 36 corridor. Your letter will be included as part of the record for the EIS.

In response to your written comments, CDOT Executive Director Norton has accepted the invitation to attend your next MCC meeting on September 7th to further discuss the corridor study and to gain a better understanding of your concerns. Following that meeting, the project team will work to establish an agenda and a date for a CGC meeting as requested in your letter.

As you know, we are in the process of developing a US 36 Draft EIS which will present analysis of the two Build and the No-Action alternatives. At this time, the lead agencies – FHWA and FTA - have not identified a preferred alternative for the US 36 corridor. When the analysis is complete, a decision regarding the identification of a preferred alternative could be made by the Executive Oversight Committee.

CDOT and RTD are working together to develop a transportation solution for this corridor and complete the DEIS. We are evaluating measures to most effectively provide long term congestion management and transit efficiency along US 36, while at the same time expediting the decision making process as much as possible. Although the DEIS will contain preliminary information about phasing and costs, a more detailed construction schedule and financial plan will be developed during the FEIS, which will be reviewed and approved by the lead agencies and by RTD and CDOT prior to the record of decision.

The project team appreciated the recent opportunity to meet with staff members of the City of Westminster and the City and County of Broomfield to discuss the proposed drop ramps and tollway access that is under consideration. The team is investigating options and evaluating information in order to respond to the concerns expressed by the city staff members at those meetings.

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

We look forward to furthering our working relationship with you on this very important project and to continuing opportunities to engage in productive dialogue about corridor transportation solutions.

Sincerely,

Sandi Kohrs
CDOT Region 6

Dave Shelley
RTD FasTracks

cc. Tom Norton
Pam Hutton
Cal Marsella
Liz Rao
Carol Parsons, URS

Memo

To: US36 Environmental Impact Statement Project Team

From: Adams County Departments of Public Works and Planning and Development

CC: Adams County Commissioners
Rob Coney, Direct of Adams County Planning and Development
Lee Asay, Director of Adams County Public Works
Moe Awaznezhad, Program Engineer, CDOT Region 6
Dave Shelley, Manager, Regional Transportation District
Bill DeGroot, Urban Drainage and Flood Control District

Date: October 25, 2006

Re: Potential environmental impacts of the US 36 Corridor improvements in Adams County

---

Adams County has actively participated in the US 36 Environmental Impact Statement process through regularly attending the technical and policy-level meetings, county staff meetings on 3 separate occasions with the consultant, as well as an update with the County Commissioners in May 2006. Although the purpose of the proposed improvements along the US 36 corridor is to enhance mobility and connectivity between Denver and Boulder, the majority of the potential environmental impacts occur in Adams County.

Per the most recent staff-consultant meeting held on April 21, 2006, below is a summary of the potential impacts in Adams County prior to reviewing the draft EIS. The County requests the following issues be addressed, in some detail; in the appropriate draft EIS(s).

Drainage and Water Quality

All drainage impacts need to be addressed and mitigated along the US 36 corridor to Clear Creek. At a minimum the following should be addressed:

1. The hydrologic and hydraulic stormwater runoff analyses must include, at a minimum, the minor (5-year) storm and the major (100-year) storm events without damages to the Adams County infrastructure or private properties.

2. The hydrologic and hydraulic stormwater analyses must include stormwater quality management during construction and post-construction.

3. The study area within Adams County is notorious for the lack of adequate stormwater infrastructure to convey the runoff through a formalized conveyance system to Clear Creek. It is the obligation of the EIS(s) to propose all necessary actions to safely convey the stormwater quantities to Clear Creek.

T:\04 Meetings-Correspondence etc\4.13 Correspondence from Others\Adams County\
memo to PMT re Enviro Impacts in Adams 2006-1025.pdf

4. The county would like to note that the Urban Drainage and Flood Control District would like to work with the EIS team to identify and implement any needed storm-water infrastructure to bring the US 36 corridor into compliance with applicable design standards, and state and federal regulations regarding storm water quantities and qualities.

5. Bronco Pond was purchased by Adams County and the Urban Drainage and Flood Control District to serve a local stormwater control function and should not be considered as a US 36 facility. Any impact to the pond will need to be mitigated.

Broadway Access from Southbound I-25

Eliminating access to Broadway from southbound I-25 is a concern to the County. We acknowledge the current access is not an ideal configuration and should be improved, but not eliminated. The County proposes access be accommodated via a slip ramp to Broadway from southbound I-25. It may be appropriate to align the slip ramp with Greenwood Boulevard.

Cumulative Impacts on the Pecos Street Area

In the vicinity of Pecos and 60th Avenue, several federally-funded studies and projects are currently underway, or will be starting in the near future. These include the Northwest Rail EA, the Gold Line EIS, the US 36 EIS, a station area planning study for the Gold Line Federal and Pecos Street train stations, and the County's grade separation project with the Union Pacific Railroad -- all taking place within a 1,700 foot corridor along Pecos Street.

The potential cumulative impacts of these federally-funded projects and studies should to be evaluated for the Pecos Street area.

Pecos Junction Train Station

The county received station area planning funds to plan for the potential Federal and Pecos Street stations along the Gold Line. Adams County views the Pecos Junction Train Station as a potential regional commuter hub because of the tremendous existing and potential future transportation connections in the area. This includes the possibility of rail transfer connections between the Gold Line and the Northwest Rail to Boulder and Longmont, close proximity to I-76, I-25, and major arterial roads, and access to the Clear Creek and Little Dry Creek trail systems.

Pecos Street Grade Separation Project with the Union Pacific Railroad

The county received federal funding to grade separate the Union Pacific Railroad tracks and Pecos Street. Because of the project's close proximity to the Northwest Rail alignment (and the Gold Line for that matter), close coordination is needed to ensure the needs of both federally-funded projects are not precluded.

Right-of-Way Impacts

Approximately 150 residential relocations and 24 business relocations are anticipated within Adams County due to future US 36 corridor improvements. Adams County suggests, when the time is appropriate, to investigate the re-engineering of areas to alleviate right-of-way impacts to residents and businesses.

Clear Creek Trail Improvements

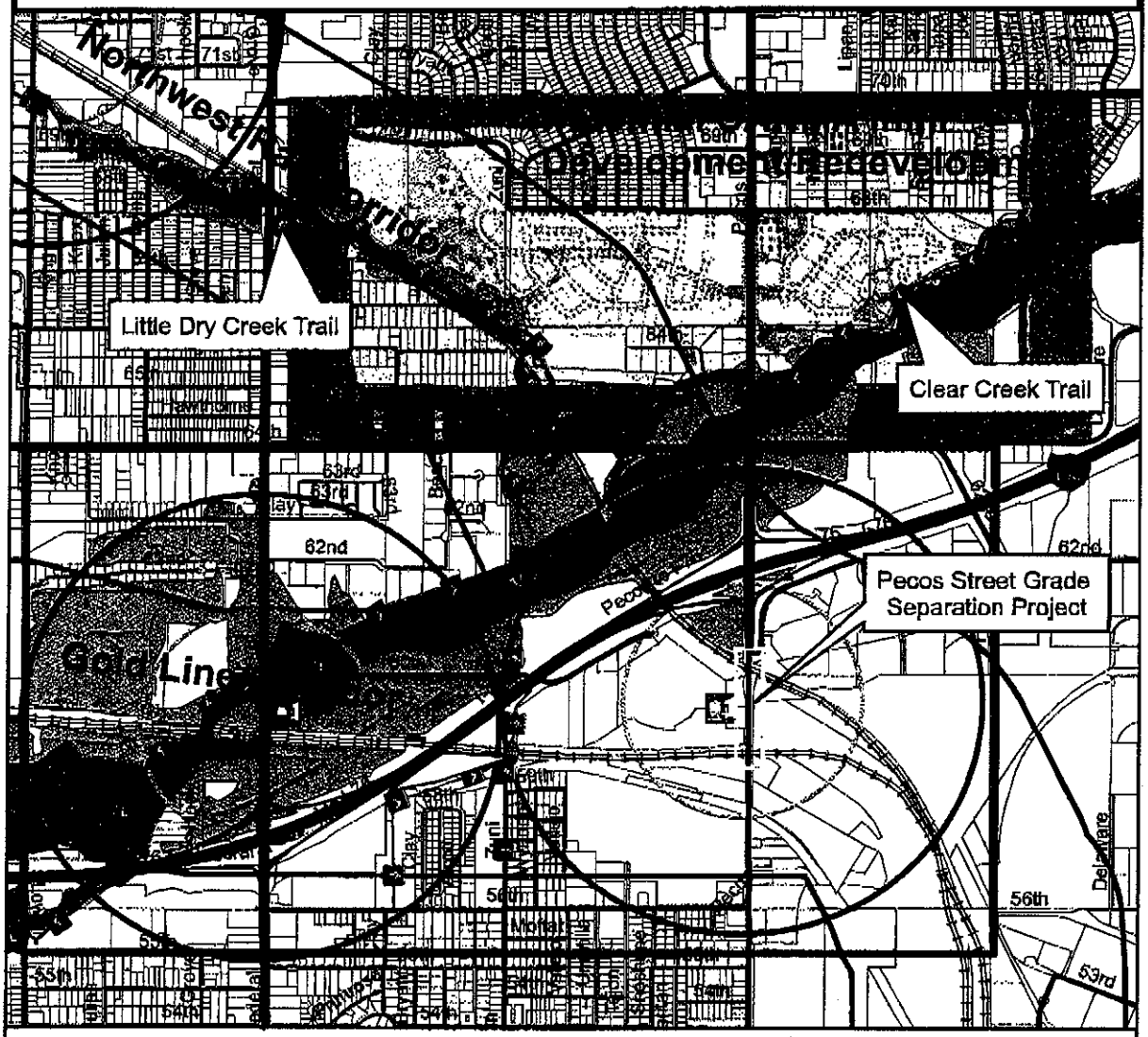
The Burlington Northern Railroad (BNSF) intersects the Clear Creek Trail at approximately 64th Avenue. Presently the trail must turn north at 64th Avenue and travel parallel to the tracks to approximately 66th Avenue where it intersects and is grade separated with the railroad tracks at the Little Dry Creek Trail. The Clear Creek Trail then turns south to rejoin and continue parallel to the Clear Creek alignment.

Adams County proposes to grade separate the BNSF with the trail at approximately Clear Creek to create a more direct connection for pedestrians and bicyclists.

If/when the Northwest Rail corridor is expanded to include an additional track, the Burlington Northern Railroad structure over Clear Creek may need to be replaced. At that time, a trail connection under the bridge should be incorporated into the project construction.

Study Planning Area and Framework

This map depicts the study planning area, the conceptual station locations, and includes some of the surrounding influences and projects going on in the area.



RTD FASTRACKS

1560 Broadway, Suite 700, Denver, CO 80202
phone 303.299.6990

October 26, 2006

RECEIVED
NOV 10 2006
URS Corp.

Tracy Winfree
Director of Transportation/Public Works
City of Boulder
P.O. Box 791
1739 Broadway
Boulder, CO 80306

Dear Tracy:

Thank you for your letter of September 5, 2006 regarding our West End Terminus Design Options meeting of August 24th. Some of your specific comments have been copied into this letter (in italics) for reference.

City staff agreed to meet with county staff to discuss the four options for the WETDO with an emphasis on identifying fatal flaws. We understand the Team's desire to reduce the number of options that will be further studied, and will endeavor to assist in that effort. We understand that the WETD options from the EIS will allow us to mix and match elements of design included in the draft document. We also understand that the Team will schedule a meeting with Boulder County to discuss the WETD options.

As a follow-up to our meeting, the project team held a meeting with Boulder County to discuss the terminus options. This meeting took place Tuesday, October 17 at noon. Boulder County Commissioner Will Toor, Director of Intergovernmental Relations Dickey Lee Hullinghorst, and Deputy Transportation Director Clark Misner attended. The terminus options memo that we provided to you at the August 24th meeting was sent electronically to Boulder County in advance of our meeting. We understand that you had already shared a copy of that memo with staff at Boulder County. As we mentioned to you before, we hope to eliminate as many design options as possible to reduce the number of options that the project team will have to evaluate in the DEIS. Input that you can provide in support of this effort will be most helpful. As mentioned to you in a recent e-mail, we will conduct our analysis towards the end of October, and we ask you to work with Boulder County to provide written comment to us on this subject by that time. Your input will be taken into consideration as we determine which options to eliminate from further consideration.

A discussion took place about the limitations with the $66M expected to be generated by FasTracks for US 36 BRT. That amount was to go towards paying for 25 percent of the BRT/HOV lanes (based on 25 percent transit ridership in the lane) and an additional amount of dedicated FasTracks funds were to cover 100 percent of BRT stations, including Table Mesa. The Team suggested that the $66 Million was insufficient to cover RTD's share of constructing a dedicated BRT lane to the Table Mesa station. The Team also explained that, because of this shortfall, a less expensive alternative that ends the dedicated lanes at Cherryvale was being considered (the "EDR Base 1 & 2") along with other options ("Design Option B1, B2 & C"). As has been expressed in tone and in substance by the Team in prior communications, it was also suggested that any construction of dedicated lanes all the way to the Table Mesa station could be viewed as an "extra."

To provide further explanation on the statements made in your letter as shown above, $66M is the budget in the FasTracks program available for funding RTD's proportionate share of the special lanes. Depending on the outcome of the EIS, the capital cost of Phase 2 BRT may require additional funds that are not in the current budget. RTD is committed to working with the corridor jurisdictions to identify any available funding that will help us to realize the vision for the corridor as committed to in the Record of Decision.

Specific elements may or may not have been assumed in the original FasTracks cost estimates and are dependent on the findings of the EIS. All improvements proposed for the corridor, including the west end terminus options that are carried forward in the DEIS, will be evaluated equally and must be consistent with, and meet, the project Purpose and Need.

The $66M budgeted for RTD's share of the special lanes was designated for our assumed share for the entire US 36 BRT corridor and was not specific toward any individual component of the corridor. This money has been allocated through the FasTracks Plan toward the corridor. The money can be allocated as requested by the US 36 Mayors and Commissioners Coalition for particular corridor elements as long as it is consistent with the findings of the EIS. We encourage the City of Boulder to hold discussions with the other mayors and commissioners in the corridor to build consensus with regards to the use of these funds.

City staff reminded the group that the FasTracks tax that was approved by the voters in the fall of 2004 was for dedicated BRT lanes all the way to the Table Mesa Station; not stopping short of it. Dedicated lanes for buses is a core element of BRT and FasTracks materials clearly identify Table Mesa as one of the six BRT stations along the corridor. City staff communicated its perspective that addressing any funding shortfall should not come at the expense of any core element of the FasTracks plan but instead be considered from a corridor-wide perspective. Alternatives could include seeking additional funds, value engineering, extending the implementation phase, etc. Furthermore, these approaches would best be

considered on a corridor-wide level, not through predetermining the outcome of the EIS. Accordingly, the city asked the Team to rename the WETD options, including the EDR Base, so that all options could receive equal consideration without any being given preferential treatment in name or in description.

The FasTracks budget was consistent with the US 36 MIS in that dedicated BRT stations were provided for BRT service. We remain committed to the vision for the dedicated BRT stations. The type of lanes (shared or dedicated) providing access to these stations will be subject to the findings of the EIS and will be consistent with the FasTracks commitment as acknowledged in the US 36 MCC letter of October 14, 2004 in support of FasTracks.

In response to the comment regarding the renaming of the options, we will be required to evaluate each west end terminus option against the no action in the DEIS. The EDR option will be renamed as we proceed with this evaluation.

The city was pleased to learn that further work will be done on the US 36 Bikeway. The Team restated its commitment to including a separated path along Cherryvale and South Boulder Road in the DEIS. The city understands that this analysis would include any necessary consideration of impacts to wetlands and threatened and endangered species. Furthermore, we understand that the team will also be evaluating how cyclists and pedestrians will circulate to and through the Table Mesa BRT Station. The city also appreciates that the Team will be looking at resolving issues along the BNSF right-of-way at the eastern section as well as at the McCaslin interchange. The bikeway technical advisory committee had strongly requested that a grade-separated alignment on the northern side of the road at the McCaslin interchange should be fully analyzed as an option in the EIS.

We are, as mentioned in your letter, continuing to look at the bike path alignment along the entire corridor, incorporating separated bike path options at the west end. We are hopeful that we will identify a solution that will be acceptable to the stakeholders.

The city was pleased to hear a reaffirmation from the Team that the option of dropping the westbound auxiliary general purpose lane at Davidson Mesa will be included in the DEIS. We ask that this option be provided as full and robust an analysis as the other lane configurations currently being considered.

As mentioned before, all options included in the DEIS will be equally evaluated without exception. Therefore, the inclusion or exclusion of the westbound auxiliary general purpose lane at Davidson Mesa will be treated with the same level of analysis.

The city states its displeasure with the traffic analysis that drove the conclusion that the EDR option is superior to other alternatives. We feel that the micro-simulation analysis that is planned in the Final EIS will be essential to fully understand the impacts of the various lane configuration options. This analysis will

also enable the project team to include the city's Transportation Master Plan assumptions, more accurately predict mode share, more accurately estimate BRT ridership and travel times. As we feel the current traffic analysis does not provide the level of technically defendable information which should be considered in making the significant decisions surrounding the west end, we respectfully request that you consider accelerating the scheduling of the micro simulation analysis to precede the release of the DEIS rather than waiting for the final DEIS. We anticipate that the analysis would reveal helpful information for transit user benefit as well as traffic operations.

The project team conducted an analysis to determine the travel time differences between each of the west end terminus options. This analysis will not be the only factor in determining the preferred west end terminus design. As we are not currently selecting a preferred alternative, additional micro-simulation analyses are not necessary at this time. We will conduct further analyses during the final EIS to help us select the preferred alternative for the west end terminus. We will wait until then to make additional investments in more detailed traffic analyses.

The city looks forward to working with the Team to identify a good use of the $400,000 available to study intersection/interchange operations. As we said, the money is fairly flexible. However we believe it is important that the funds be used to augment rather than replace work already being planned in the EIS. Our understanding is that you will provide us with some specific ideas for how to proceed without duplicating or replacing EIS planning.

We intend to work with the City of Boulder and CDOT Region 4 to identify feasible uses for the funds you have available. Please understand that the project team is focusing on completion of the DEIS. It is everyone's desire and our intent to complete the DEIS as soon as possible. In order to do this, everyone's effort is being expended on that task. We will work with you on identification of ideas that will augment our effort, but we will not be able to devote the time required to this effort until completion of the DEIS. In the meantime, we will endeavor to formulate a preliminary list subject to further scrutiny.

We are excited at the news that the Table Mesa Phase 1 BRT improvement package submitted by the MCC with support from RTD may be funded with SB 1 money. We understand that it is important that this project be consistent with the options being explored in the EIS. We understand that in your brief analysis, you feel that all the WETDO options except C1 are consistent with the Phase 1 BRT improvements. However, we also understand that there is potential that if elements of C1 are mixed and matched with other alternatives it could be consistent. If you suspect that the Phase 1 BRT project will in any way preclude any options from being considered in the EIS process, please let us know as soon as possible so we can address the concerns.

We look forward to working with you to implement the bus pullout and the pedestrian bridge projects that are now possible through the SB 1 funds. At this

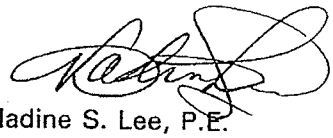
time, we do not expect any "fatal flaws" conflicting with the proposed US 36 EIS configurations, but we will notify you immediately if we have any concerns. We will continue to coordinate with the City of Boulder as we develop the concepts for this new infrastructure.

And finally, on the lighter side, we'd like to suggest a new acronym for the project. DOWET, as in Design Options for the West End Terminus, could be pronounced "duet." We find this rolls off the tongue much more easily than "wetdo" which conjures up images of a new hairstyle, at best.

Thank you for your suggestion to change the acronym for the design options to DOWET. We appreciate the input. We will use your suggested acronym when we use one, but we also note that we have likewise been advised to eliminate as many acronyms as possible.

Finally, RTD appreciates your interest and involvement in the US 36 EIS project and your vigilant representation of your community. Thank you for your continued support and input.

Sincerely,



Nadine S. Lee, P.E.
Engineering Project Manager

cc: Liz Rao, RTD
John Shonsey, RTD
Dave Shelley, RTD
Mark Gosselin, CDOT
Moe Awaznezhad, CDOT
Irena Motas, CDOT
Sandi Kohrs, CDOT
Chuck Attardo, CDOT
Rick Pilgrim, URS
Lissa Meyers, URS
Bill Lang, CH2M Hill
Mike Sweeney, City of Boulder
Stephany Westhusin, City of Boulder
Carl Castillo, City of Boulder
Martha Roskowski, City of Boulder
Clark Misner, Boulder County

4/4/1 To RTD from Other

November 1, 2006

RECEIVED
NOV 6 2006
URS Corp

Nadine Lee
RTD FasTracks
1560 Broadway, #700
Denver CO 80202

Dear Nadine:

Your team asked the city of Boulder and Boulder County to provide input on the possibilities of reducing the number of Design Options for the West End Terminus. We've had internal discussions and are pleased to share our thoughts with you.

- We strongly recommend that the EDR base option (now called Option A) be removed from consideration, as ending the BRT lanes at Cherryvale does not meet the project purpose of the EIS to bring BRT to Boulder.

- Generally, we feel that B2 is the strongest of the options from an operational standpoint. However, we are concerned that issues of separation and stacking may require further research and revisions.

- While we agree that elements of B1 and C are problematic, we feel these options should be continued into the DEIS. It is wise to obtain environmental clearances for the maximum possible footprint, and the inclusion of B1 and C2 allows more flexibility. None of the current designs seem optimal, so we suspect we may need to do some mixing and matching among all three.

- In addition, city of Boulder staff was not comfortable recommending elimination of any of the three DOWETs without public vetting. The design of this interchange will be of intense interest to nearby neighbors, people who travel through this interchange and our elected officials. We do not feel it is appropriate for city of Boulder staff to sidestep this valuable public process.

- As you know, bicycle and pedestrian access is an important element of Boulder's transportation network. Access and circulation for bikes and peds through the three DOWETs will be an essential element to consider in decision-making, so look forward to seeing more information on this.

- In addition, a more sophisticated analysis of traffic and bus flow operations through the different designs will be an important factor to consider in the evaluation of the various designs.

- We are also curious as to whether dropping the continuous accel/decel lane from McCaslin would have any impact on intersection design.

- We suggest that the purpose and need evaluation be modified. First, it seems inappropriate to describe B1 as "moderate" and B2 and C as "poor" in "support

land use vision and future development patterns." Given that the intent of this item is to minimize sprawl inducing transportation projects, we do not see significant differences between the three designs in this regard. It also seems rather overstated to rank B2 as poor on costs, when the variation in cost among all alternatives is a tiny proportion of the overall project costs.

In conclusion, the city and county staff team recommends that all three options B1, B2 and C be continued into the Draft EIS process. We further recommend that the base EDR be removed from consideration altogether.

Sincerely,

Tracy Winfree
Director of Public Works for Transportation
City of Boulder

Clark Misner
Deputy Director, Transportation
Boulder County

Cc:

Mark Gosselin, CDOT
Moe Awaznezhad, CDOT
Irena Motas, CDOT
Sandi Kohrs, CDOT
Chuck Attardo, CDOT
Liz Rao, RTD
Rick Pilgrim, URS
Lissa Meyers, URS
Bill Lang, CH2MHill
Mike Sweeney, city of Boulder
Stephany Westhusin, city of Boulder
Carl Castillo, city of Boulder
Martha Roskowski, city of Boulder
Dickey Lee Hullinghorst, Boulder County
Will Toor, Boulder County
Mark Ruzzin, Boulder City Council
Suzy Ageton, Boulder City Council

US 36 Mayors/Commissioners Coalition (MCC)

Boulder County

City of Boulder

City & County of Broomfield

City of Louisville

Town of Superior

City of Westminster

December 18, 2006

Sandi Kohrs, Co-Project Manager US 36 EIS – CDOT
CDOT Region 6
3401 Quebec Street, Suite 8000
Denver, Colorado 80202

Dave Shelley/Nadine Lee, Co-Project Mgr US 36 EIS – RTD
RTD – FasTracks Office
1560 Broadway, Suite 700
Denver, Colorado 80202

Dear US 36 Project Team:

On behalf of the US 36 Mayors and Commissioners Coalition (MCC), we are writing to follow up on a continuing pattern of unacceptable process and lack of responsiveness to community concerns related to technical and design issues in the US 36 Environmental Impact Statement (EIS). The latest set of issues in the process and unfolding product were unveiled at a meeting with the Boulder City Council on December 12, 2006 The US 36 MCC has significant concerns about the substance of the decisions made and the process used to make those decisions. Highlighted below are our collective concerns:

Process - Not Forthcoming, Responsive and Following Agreed-To Expectations:
The MCC takes issue with the manner in which substantive issues and changes to the project and design are made. Most recently general purpose lane configurations, west end alternatives, and bike path alignments were conveyed to the Boulder City Council and staff at the last minute prior to a meeting. That meeting was intended as a briefing to assure the full Boulder City Council was informed about the progress of the EIS, not to unveil "surprise" decisions of the project team. This action is uncannily similar to the surprises a number of our communities have had at our respective Council meetings. Our expectation is that these design issues would be vetted at TSC, CGC and other project committee meetings. Making decisions without input from the jurisdictions and corridor is a damaging blow to our efforts to engage in a functional partnership with the project team and the executive oversight committee.

Design and Technical Analysis Is Not Responsive to Community Input/Concerns
Again, the latest negative incident from the project team is the insistence of forcing general purpose lanes into Boulder, continuing a bias against carrying BRT all the way to Table Mesa, and eliminating a meaningful option of a third bikeway alignment on the west end. Other US 36 communities have had similar negative experiences with the project team's technical analysis and non-response to community impact and design concerns. Whether the project team is impacting communities with drop ramp designs, not listening to concerns about needing improved access, or forcing

Boulder County

City of Boulder
City & County of Broomfield

City of Louisville

Town of Superior

City of Westminster

general purpose lanes resulting in unacceptable impacts, the project team is clearly demonstrating that it is not meaningfully including public input in the US 36 EIS. We shudder to think what other surprises and impactful designs will be revealed once the Draft EIS is released. The MCC has such significant concern about these design issues that it believes the DEIS may well have little or no integrity and that the MCC will have no choice but to fight it.

The MCC is requesting that the project team make the changes to the DEIS requested by Boulder and Boulder County. Furthermore, the MCC expects that concerns and design requests already submitted by other communities be included in the DEIS. We do not accept assertions from the project team that no further changes can be made before the DEIS is sent to the federal agencies for review without requiring further delay. Many of the issues and designs that are in question have been under consideration for some time.

We appreciate the project team's assurances that changes could be made after publication of the DEIS, but we have no confidence about that possibility.

Thank you for your consideration, and we look forward to your prompt response, as we are well aware that the timeline is extremely tight at this point.

Sincerely,

Chuck Sisk
Mayor of Louisville

Karen Stuart
Mayor of Broomfield

Mark Ruzzin
Mayor of Boulder

Nancy McNally
Mayor of Westminster

Andrew Muckle
Mayor of Superior

Will Toor
Boulder County Commissioner

cc. Moe Awaznezhad, CDOT
John Tayer, RTD Board Director
Lee Kemp, RTD Board Director
Liz Rao, RTD

December 18, 2006

Sandi Kohrs
Colorado Department of Transportation
2000 S. Holly St
Denver, CO 80222

Dave Shelley and Nadine Lee
RTD FasTracks
1560 Broadway #700
Denver, CO 80202

Dear US 36 Project Team:

On behalf of the City of Boulder and Boulder County, we are writing to follow up on the information that was unveiled at the study session with the Boulder City Council on December 12, 2006. As addressed below, we have significant concerns about the substance of the decisions made and the process used to make those decisions. Highlighted below is our reiteration and clarification of the requests that were made to the project team during the City Council meeting.

New General Purpose Lanes to Boulder: Up until December 12th we have been led to believe that Packages 2 and 4 would be carried forward into the DEIS with no new general purpose lanes at the west end terminus of the corridor. This was a key part of Boulder's support for the locally preferred alternative because, among other things, new general purpose lanes increase the ecological impact along the South Boulder Creek floodplain and create significant operational challenges for the city street system to accommodate the increased traffic. Boulder's Transportation Master Plan directs new transportation capacity investment primarily to improvements in transit and bicycle and pedestrian infrastructure. The general purpose lanes are clearly inconsistent with local transportation plans, violating criteria that have been established in the EIS.

On December 12th, we learned that Package 4, but not Package 2, has been modified with the addition of one new general purpose lane into Boulder, increasing the number of general purpose lanes from two to three, in addition to the BRT/HOV lane. We are extremely disappointed with this decision.

- **We request that you add an option into the DEIS that does not include the westbound general purpose lane. This option should stand on equal footing with the proposal to add a general purpose lane.**

Given local opposition, funding challenges, environmental impact and the limited capacity of Boulder's infrastructure to handle additional car traffic, we feel it would be highly inappropriate to not include this option and give it full consideration in the planning process.

We appreciate the project team's concerns about the environmental impact of continuing BRT to Table Mesa and with the bikeway alignments. Environmental impact could be reduced significantly by dropping the additional general purpose lane, as far less right of way would then be required.

Bike Lane Alignment Options: Until December 12th, we understood that three options were to be carried forward into the DEIS for the bike lane alignment at the west end terminus: (1) U.S. 36 off-street, (2) South Boulder Road/Cherryvale on-street, and (3) South Boulder Road/Cherryvale off-street. Consideration during the DEIS comment period of all three options is important to Boulder so that the ecological impacts can be meaningfully evaluated and considered along with the interests of the bike commuter community. If it is necessary to reduce the options under consideration for resource purposes, we encourage you to drop the on-street alignment. Paved shoulders cannot be considered an equivalent facility to a separated pathway. The stated purpose of establishing a Boulder-Denver bikeway will not be met if the path simply ends at a road shoulder at Cherryvale. Any meaningful analysis of avoidance of environmental impacts requires that similar facilities be compared.

- **We request that you return the off-street pathway alignment along Cherryvale and South Boulder Road to the DEIS for consideration. If options need to be limited, then we suggest dropping the on-street alignment.**

DOWETS: On December 12th, we also learned that the design options for the Table Mesa interchange had been reduced to two, and that one of those options is to discontinue the BRT dedicated lane at Cherryvale. As stated in letters from city staff to RTD, and copied to the full project team, dated September 5, 2006, and November 1, 2006, we feel that this configuration does not meet the stated project goals of continuing BRT service to Boulder.

The presentation at the December 12th meeting pointed out that it is cheaper to end BRT service before Table Mesa. This is undoubtedly true. It is also irrelevant. It is clearly the case that US 36 improvements would be cheaper if the corridor were shortened and improvements ended at an intermediate point along the corridor. But the intent of the project is clearly to provide a transit solution that stretches from Table Mesa all the way to the east end of the corridor. In addition, it is clear that the largest number of passengers who will use this service will be boarding at or west of the Table Mesa Station; therefore it makes no sense to terminate transit preference before this location. We believe that the "EDR base" option does not meet the purpose and intent of the EIS.

We are also concerned that the B2 option that was carried forward may not allow enough flexibility to optimize the intersection design. While your team assured us that B2 has the biggest footprint, the design shown in option C stretched west of Table Mesa. It is essential that this interchange function well for BRT, other buses, cars, bicycles and pedestrians, and every step of design work must consider all of these modes.

- **We request that the project team drop the EDR base design from consideration, and re-instate design option C in order to allow the greatest flexibility in determining the optimal design.**

We appreciate your offer to set up briefings to show us the analysis that led to the decisions regarding the general purpose lanes and the bikeway. We will follow up to arrange those briefings as soon as possible. However, the scheduling of those briefings does not impact the requests we have made in this document.

We also take issue with the manner in which these substantive changes to the general purpose lane configurations, west end alternatives, and bike path alignments were conveyed to us. None of these were vetted with the MCC, CGC, or west-end community prior to your presentation to the Boulder City Council. Making these decisions without input from these jurisdictions is a damaging blow to

our efforts to engage in a functional partnership with the project team and the executive oversight committee.

We are also very disappointed by the project team's assertions that no further changes can be made before the DEIS is sent to the federal agencies for review without requiring further delay. It is our understanding that the analysis of the options that were removed already took place. Consequently, a delay to maintain those options does not stand to reason.

We appreciate the project team's assurances that changes could be made after publication of the DEIS, but we have no confidence about that possibility. When several important options have been eliminated from the draft, it greatly increases the likelihood that no further analysis of those options will occur, and significantly reduces opportunities for public vetting and comment on those ideas. This is likely to lead to an outcome in which the local governments along the corridor would not be able to support the preferred alternative. Without this local government support it is highly unlikely that DRCOG will agree to placing the project in the Regional Transportation Plan, and it is highly unlikely that a funding package can be successfully developed.

We strongly request that the above bulleted points are included in the DEIS prior to publication of the document. As these are all points that existed in the document up until recently, we do not believe addressing such changes justifies any further delay in publishing the DEIS.

Thank you for your consideration, and we look forward to your prompt response as we are well aware that the timeline is extremely tight at this point.

Sincerely,

Mark Ruzzin
Mayor of Boulder

Will Toor
Boulder County Commissioner

C:
US 36 Mayors and Commissioners Coalition
Moe Awaznezhad, CDOT
Irena Motas, CDOT
Chuck Attardo, CDOT
Liz Rao, RTD
John Tayer, RTD Director
Lee Kemp, RTD Director
Rick Pilgrim, URS
Julie McKay, CDR Associates
Frank Bruno, Boulder City Manager
City of Boulder Transportation Staff
Carl Castillo, City of Boulder
Dickie Lee Hullinghorst, Boulder County
Clark Misner, Boulder County

US 36 CORRIDOR
Environmental Impact Statement

URS Corporation
1225 17th Street, Suite 200
Denver, CO 80202

Project No: NH 0361-070(14133)

January 5, 2007

The Honorable Charles Sisk
Mayor of the City of Louisville
749 Main Street
Louisville, CO 80027

RE: RESPONSE TO LETTER FROM US 36 MCC

Dear Mayor Sisk and the MCC,

Thank you for your letter dated December 18, 2006. RTD and CDOT are currently discussing the issues you raised. We have scheduled a meeting with your staff members on January 9th to further clarify the project status and methods to improve communication. Please be assured that we will respond to you as quickly as possible.

Thank you for your patience and understanding.

Sincerely,

Sandi Kohrs
CDOT Region 6

Dave Shelley
RTD FasTracks

cc. Carol Parsons, URS

US 36 Mobility Partnership – The information contained in this document is preliminary and subject to review/change and is not for distribution

4.5.3

WESTMINSTER

RECEIVED

JAN 19 2007

URS Corp.

January 18, 2007

Mr. Rick Pilgrim
Vice President of Transportation Engineering
URS
1225 Seventeenth Street, Suite 200
Denver, Colorado 80202

Dear Rick:

City of Westminster
Department of
Community Development

4800 West 92nd Avenue
Westminster, Colorado
80031

303-430-2400
FAX 303-706-3922

This letter is being sent in response to two recent meetings held with U.S. 36 EIS consultants and CDOT staff regarding:

1) The impacts of the proposed US 36 widening on City parks, open space and trails

2) The proposed US 36 bike trail alignment through Westminster.

City Staff including City Manager, Brent McFall; Assistant City Manager, Steve Smithers; Director of Parks, Recreation & Libraries, Bill Walenczak; City Engineer, Dave Downing; and other Staff have reviewed the contents of this letter which is intended to express City Staff's recommendations.

Until recently, the US 36 bike path was envisioned to extend along US 36 from Boulder east to Sheridan Boulevard where the trail would be built within the BNSF railroad tracks south to the Little Dry Creek trail. The trail alignment was designed to accommodate this assumption.

Recently, the EIS consultant team concluded that the BNSF railroad would not allow the trail to be built on the train-owned property. The consultants are now proposing that the trail to be built on the south side of US 36 between Sheridan Boulevard and Bradburn Boulevard where the trail would continue "onstreet" along Bradburn south to the Little Dry Creek Trail.

Staff recently had a separate meeting with EIS consultants and CDOT staff to discuss the impacts to the City parks and open space on the proposed US 36 widening as well as the proposed trail alignment. The following are some key points:

1) The trail is proposed to be 12 feet wide concrete.

2) The trail would be routed beneath major streets such as 112th Avenue, Church Ranch Boulevard, Westminster Boulevard, 92nd Avenue, Sheridan Boulevard and 80th Avenue via underpasses.

Between Lowell Boulevard and Sheridan Boulevard the center line of US 36 would shift north (or east). No residential properties would be needed for additional right of way on the south (or west) side of US 36.

3) However, all of the homes that directly abut US 36 on the north side of US 36 would need to be purchased for right of way. Virtually all of the City's Oakwood Park would be needed for the US 36 widening project. The consultants asked what mitigation options the City would like such as replacing the park elsewhere.

The following are some comments for the US 36 EIS team:

1) The bike trail is proposed to be located on the west side of US 36 between 112th Avenue and the Big Dry Creek Trail. The trail as proposed is within the expanded US 36 right of way abutting the Lower Church Lake Open Space and crosses over the BNSF railroad as a part of the widened US 36 railroad overpass. The plans propose retaining walls to keep the project from needing to acquire any City open space which abuts the west side of US 36 (the Lower Church Lake open space). Staff is concerned that these retaining walls will be graffiti magnets.

   Staff has discussed building Lower Church Lake Trail between Westminster Boulevard and Wadsworth Boulevard along the north side of Lower Church Lake and routing the trail under the US 36 railroad bridge. This trail would also access the proposed commuter rail station. The draft EIS proposal to elevate the US 36 trail over the Burlington Northern Santa Fe railroad would not allow an interconnection to the Lower Church Lake Trail.

   Staff proposes that the US 36 right of way be expanded onto the Lower Church Lake Open Space to avoid the need to construct retaining walls. The trail should not cross over the railroad bridge but rather under the railroad tracks via an underpass. The trail could then intersect the Lower Church Lake Trail as well as onsite trails from the Circle Point Business Park east of US 36 and would provide excellent access to the future BRT and commuter rail stations at the Shops at Walnut Creek.

   Also, the trail should also be located at least 100 or more feet from the toe of the slope of the US 36 railroad bridge within the City open space to create a much more pleasant experience for trail riders.

2. The Old Wadsworth Boulevard/US 36 overpass area is owned by CDOT. When this bridge is removed and replaced by the re-aligned 112th Avenue bridge, there will be surplus CDOT right of way. We would request that the land on the west side be donated to the City to add to the Lower Church Lake Open Space located to the south to mitigate loss of open space elsewhere. We request that the surplus land on the east side of US 36 be used as an open space buffer between Westminster and Broomfield.

3. As an aside, the widening of US 36 will require significant additional right of way from the east side south of US 36 from the City-owned Circle Point parcel. The project also proposes a detention pond on the southern end of our property. We want to discuss ways to minimize adverse impacts on City property.

4. The widening of US 36 at 104th Avenue would encroach on the existing Church Ranch Park-N-Ride which is slated for redevelopment. We request that this encroachment be minimized so as to not impact future development.

5. The trail is proposed to cross under US 36 using the Big Dry Creek underpass. The consultants are proposing to extend the width of the existing culvert to accommodate added US 36 lanes. The Staff strongly prefers that the existing double box culvert be replaced with a bridge to create a much more pleasant experience for trail users. An alternative would be to add lighting in the underpass. We also discussed the need to raise the elevation of the trail underpass to reduce or eliminate flooding from Big Dry Creek while still maintaining a minimum 10 feet of clearance. During the US 36 construction project, the Big Dry Creek Trail needs to remain open to the maximum extent possible.

6. South of Big Dry Creek, the trail is on the east side between US 36 and Westminster Boulevard. The proposed trail uses Westminster Boulevard to cross south over US 36 where the trail continues on the west side south to Bradburn Boulevard.

Staff does not support having the trail on the south side of US 36 abutting the Westminster Hills Subdivision (located west of the US 36/80th Avenue overpass). Staff proposes two alternatives (see attached map). Our strong first choice is an alignment that extends along Tennyson Street from US 36 south to 80th Avenue through the Westminster Hills Subdivision. This is a street with very little traffic and the trail users would share the road with vehicles. An underpass is proposed at 80th Avenue to provide safe passage south of 80th Avenue. The trail would be built on existing City-owned land between 80th Avenue and 76th Avenue where the trail would go under the railroad tracks and connect to an existing City trail within Wolff Run Park. That trail connects directly to the Little Dry Creek Trail.

An on-street short cut to the Little Dry Creek Trail could be created along a two-block stretch of Wolff Street between 76th Avenue and the Little Dry Creek Trail on the west side of Kennedy Park.

The City's second trail alternative alignment would keep the trail on the north side of US 36 between Westminster Boulevard to 80th Avenue for the following reasons:

a. The CDOT proposed trail would be located on the south side of US 36 directly along the existing sound wall along the Westminster Hills subdivision. The trail in this location would further facilitate graffiti to be painted on these walls.

b. There is an existing trail easement along the Westfield/Wal-Mart site between 96th Avenue and 92nd abutting US 36 which would allow for trail development. McStain will build the trail across their property, which is bounded by the Wal-Mart site on the south and 98th Avenue on the north between US 36 and Sheridan Boulevard.

c. Since the City's proposed trail alignment trail wouldn't cross US 36 at Westminster Boulevard, the trail would cross under the Westminster Boulevard/US 36 bridge which would require less effort to navigate by trial users. Also, the trail could pass through City open space north of the bridge.

d. The trail would tie more directly to the Westminster Center Park-N-Ride.

e. Staff proposes that CDOT use the surplus right of way land along the north side of US 36 between the Westminster Center Park-n-Ride and Lowell Boulevard for the bike trail. There also appears to be enough land to build a sound berm to eliminate the need to construct the graffiti prone sound walls. The trail could be located to the north of the sound berm to facilitate access the neighborhood and also create a quieter environment for trail users.

f. The trail on the north side of US 36 directly abuts neighborhood streets to attract more users versus the south side where there would be very limited access to the Westminster Hills subdivision. A trail on the north side would also conveniently connect residents to the Sheridan Business Park and Westminster Center Park-N-Ride. An attractive greenbelt could be created through the area parallel to US 36.

g. The north and east side would have better sun exposure that would help to melt the snow in the winter.

7. The proposed US 36 RIGHT-OF-WAY expansion would effectively wipe out Oakwood Park as well as the open space land south of 80th Avenue east of US 36. Staff supports use of these properties for US 36 expansion subject to the following conditions:

a. The City is fairly compensated for park and open space land based on the cost to buy replacement land in south Westminster.

b. The City is paid for the cost to build a new park either on existing City land or on land to be acquired elsewhere in south Westminster such as at 72nd Avenue/Irving Street, at the Pillar of Fire or within the Little Dry Creek corridor.

c. If the US 36 trail is not build along the north side of US 36 between 88th Avenue and 80th Avenue, an eight-foot wide trail should still be built along the north side of US 36 for the reasons stated above.

d. Staff does not support a sound wall on the north side of US 36 west of 80th Avenue; rather a berm should be built within proposed surplus right-of-way north of US 36. The previously mentioned trail should be built north of the proposed berm. This would create an attractive neighborhood greenbelt.

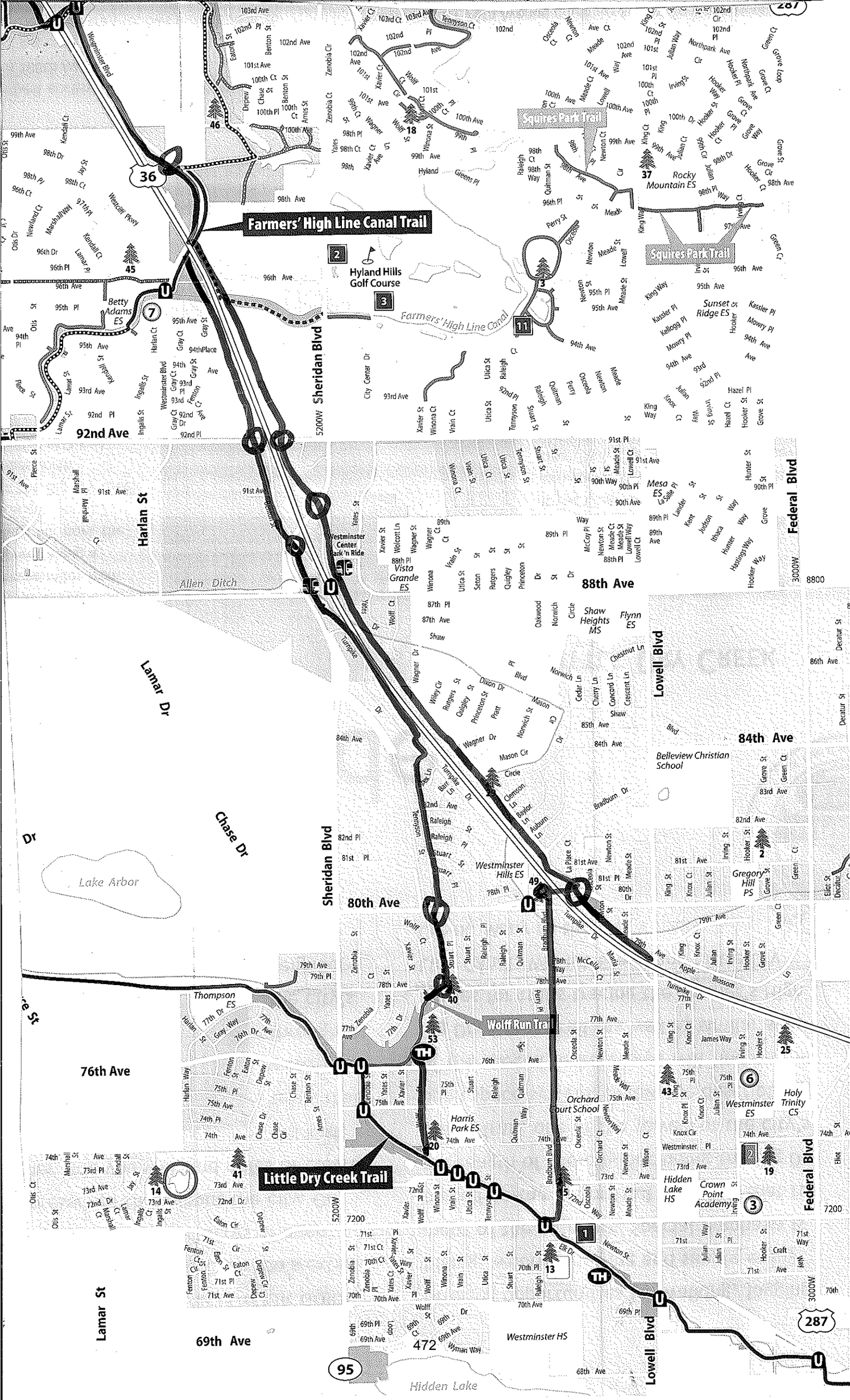
Please let me know if you have any questions on these comments. We very much appreciate the opportunity to comment on the proposed plans.

Cordially,

John F. Carpenter
Director of Community Development

Attachment

cc: Brent McFall, City Manager
Steve Smithers, Assistant City Manager
Dave Downing, City Engineer
Bill Walenczak, Director of Parks, Recreation & Libraries
Brad Chronowski, Landscape Architect II


Farmers' High Line Canal Trail
Hyland Hills Golf Course
Sheridan Blvd
92nd Ave
Harlan St
Lamar Dr
Chase Dr
Lamar St
Federal Blvd
Lowell Blvd
88th Ave
84th Ave
80th Ave
76th Ave
69th Ave
Little Dry Creek Trail
Wolff Run Trail
Squires Park Trail
Westminster Center Park-'n-Ride
Betty Adams ES
Vista Grande ES
Mesa ES
Sunset Ridge ES
Rocky Mountain ES
Shaw Heights MS
Flynn ES
Westminster Hills ES
Gregory Hill PS
Belleview Christian School
Thompson ES
Harris Park ES
Orchard Court School
Westminster ES
Holy Trinity CS
Hidden Lake HS
Crown Point Academy
Westminster HS
Lake Arbor
Allen Ditch
Hidden Lake
Turnpike Dr
Bradburn Blvd
Wadsworth Blvd
Westminster Blvd
Newton St
Meade St
Lowell Blvd
Federal Blvd
5200W
3000W
7200
8800

US 36 CORRIDOR
Environmental Impact Statement

URS Corporation
999 18th Street, Suite 900
Denver, CO 80202

Project No. NH 0361-070 (14135)

US 36 EIS/BASIC ENGINEERING

March 8, 2007

Honorable Chuck Sisk, Mayor of Louisville
Honorable Karen Stuart, Mayor of Broomfield
Honorable Mark Ruzzin, Mayor of Boulder
Honorable Nancy McNally, Mayor of Westminster
Honorable Andrew Muckle, Mayor of Superior
Honorable Will Toor, Boulder County Commissioner

Mayors and Commissioners Coalition
City of Louisville
749 Main Street
Louisville, CO 80027

RE: Response to Letter dated December 18, 2006

Dear Honorable Mayors and Commissioners

We are sending this letter in response to your letter of December 18, 2006 and as a follow up to our numerous conversations and meetings regarding the concerns you expressed.

As you know, we were concerned about your perception that the Project Team had presented new information or made new decisions with regard to the US 36 Corridor DEIS. We are aware that some communication problems did occur and have met with you and your staff to devise improved communication methods and tools to avoid future misunderstandings.

In your comments, two areas of particular concern were the bike path alignment at the west end and the travel lanes included in Package 4 at the west end of the corridor. The current status regarding these two items is that analysis is continuing with regard to the bike path alignment within the open space area in order to determine the solution which has the least harm in consultation with the City of Boulder. The City has provided us with some additional information and we continue to meet with staff on this issue.

The commitment made by the Project Team with regard to the acceleration/deceleration lane between McCaslin and Foothills Parkway, was to further examine the continuous and non-continuous options with the 2030 forecast numbers. That was done in the fall of 2006 and information about the results was presented to Boulder based on questions received prior to the briefing. The analysis indicates that without the continuous lane, this section would be at LOS F. As you know, from the discussions we have had with both elected officials and staff in the past couple of months, the DEIS will include the continuous lane but will also point out the community concerns as part of the unresolved issues section of the DEIS. We are beginning the micro-simulation of this section in order to have additional data for the FEIS process which will include the identification of a preferred alternative. We will continue to work with both the Technical Advisory Committee (TSC) and the Corridor Governments Committee (CGC) on this issue.

US 36 CORRIDOR
Environmental Impact Statement

URS Corporation
999 18th Street, Suite 900
Denver, CO 80202

Project No. NH 0361-070 (14133)

We are fully committed to an open process with substantial public and local agency involvement and have scheduled monthly meetings of the TSC, and anticipate a spring meeting of the CGC, specifically to address current concerns.

Please feel free to contact either of us regarding this project.

Sincerely;

Sandi Kohrs, Co-Project Manager
CDOT Region 6

Gina McAfee, Co-Project Manager
RTD FasTracks

cc: Moe Awaznezhad, CDOT Region 6
Randy Jensen, CDOT Region 6
Pam Hutton, CDOT
Liz Rao, RTD FasTracks

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6, Planning and Environmental
2000 South Holly Street
Denver, CO 80222
(303) 757-9385
(303) 757-9036 FAX

March 26, 2007

Dear Mark,

Thank you for all your time and work with us on the US 36 EIS project. I am writing this letter to clarify just one point in response to your letter of March 9, 2007.

You state that the "Discussions with the City about mitigation of wetland impacts will not occur until a preferred alternative is identified". In fact, we have been working with the City for some time on conceptual wetland mitigation options, and Chuck Attardo of my staff has been in the field with City staff members to review several possible mitigation sites. Further work on this issue will occur on this issue with both the City and the USACE as part of the process to identify a preferred alternative.

I hope that helps clarify this one item.

Sincerely,

Sandi Kohrs, AICP
Etc

Cc: Gina McAfee, C&B
Kelsey Johnston, URS
Chuck Attardo, CDOT
Mike Patton, City of Boulder
Dave Kuntz, City of Boulder
Carl Castillo, City of Boulder
Tracy Winfree, City of Boulder
Martha Roskowski, City of Boulder

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BLVD
LITTLETON, CO 80128-6901

April 27, 2007

David A. Nicol, P.E.
Division Administrator
Federal Highway Administration
Colorado Division
12300 West Dakota Ave, Suite 180
Lakewood, CO 80228

Letitia A. Thompson
Acting Regional Administrator
Federal Transit Administration
Region VIII
12300 West Dakota Ave, Suite 310
Lakewood, CO 80228

RE: US 36 Corridor EIS (Corps File #200380602)
Comments, US36 Corridor DEIS Section 404(b)(1) Appendix

Dear Mr. Nicol and Ms. Thompson:

Reference is made to your letter dated March 5, 2007 and accompanying US36 Corridor DEIS Section 404(b)(1) Appendix sent to this office. In your letter you requested that the Corps of Engineers (Corps) provide concurrence that the alternatives to be evaluated in detail in the DEIS are Packages 1, 2 and 4. Although in a letter dated January 9, 2006 this office generally concurred with the alternatives evaluated in detail at that time, you indicate in your March 5, 2007 letter that the status of the project changed over the last year, primarily due to the separation of the highway and rail corridors into separate studies.

In response to your current March 5, 2007 request, and in accordance with the NEPA/404 Merger Agreement with the Federal Highway Administration, the Corps again generally agrees with the new set of alternatives to be evaluated in detail. We appreciate the opportunity to offer the following comments:

Comment 1. Page 2 of your cover letter, 2nd to last paragraph.
You indicate that "…to be successful, a HOV lane must offer at least one minute of travel time savings per mile. Only Packages 2 and 4 meet this threshold." This is a valid, threshold-supported screen for the Section 404 (b)(1) guidelines, but is not supported in Table 3-7, page 3-16, Criteria Description TN 4 and 5. Recommend you explain the one-minute threshold. Why do Packages 2 (29 mins) and 4 (30 mins) meet the threshold but not Package 3 (36 mins)?

Comment 2. Page 1-3, Section 1.2.1, second to last sentence, "…among the USACE, FHWA, and CDOT."
Recommend you add to this sentence, "…and the NEPA/404 merger process and agreement for transportation projects in Colorado."

Comment 3. Page 3-8, Table 3-5, Criteria Description TN 1 and 3, Advanced Guideway column.
This cell references "…additional 10,000 peak-hour person trips." We didn't find "10,000 peak-hour person trips" in the Purpose and Need section.

Page 3-8, Table 3-5, Criteria Description TN 1 and 3 row, New Arterials column.
Recommend you reference the actual projected need (10,000 peak-hour trips?).

Page 3-16, Table 3-7, Criteria Description TN 1 and 3 row, Rationale Basis column.
This cell mentions projected demand in 2025, whereas most of the Purpose and Need section indicates projected demand in 2030. Recommend that these years match.

Page 3-16, Table 3-7, Criteria Description TN 1 and 3 row, Package 3.
What is "...*enough* reduction in highway travel time..."? An alternative that fails needs a threshold that it doesn't meet...not just that it has the least reduction in highway travel time.

Page 3-18, Table 3-7, Criteria Description C1, Package 3.
For the 404(b)(1) guidelines, to eliminate a project based on cost, the project's cost has to be compared to an industry standard. In your report you're comparing the cost between the five packages, not against a standard industry threshold. Based on other similar transportation projects, are 50% higher costs reasonable? If a 50% higher cost is within the industry standard, then you can't screen based on the practicability factor of cost.

Page 3-18, Table 3-7, Criteria Description C2, Packages 3 and 5.
Again, based on the 404(b)(1) guidelines, we can't eliminate an alternative because it's not "cost-effective" compared to other packages. You need to use a standard industry threshold.
Please show why Packages 3 and 5 don't meet the FTA thresholds for cost-effectiveness and are subsequently not eligible for federal funding. This is a valid way to screen out Packages 3 and 5 based on the 404(b)(1) Guidelines.

Page 3-20, Boxed text, Package 3, bullet #1 reads:
"Package 3 features a separate BRT guideway along the side of US 36. The capital and operating cost for this guideway would be so costly that it would not meet the FTA threshold for receiving federal transit funds. The high cost renders this package as not practicable."

Recommend you change this to read:
"Package 3 features a separate BRT guideway along the side of US 36. The capital and operating cost for this guideway would not meet the FTA threshold of _____ for receiving federal transit funds, and thus is not practicable."

Page 3-20, Boxed text, Package 5, bullet #3, reads:
"Cost per Total Corridor Transit Rider is $33.49, which is more than double that of the other packages. This package is not cost-effective compared to other packages and is considered not practicable." Under the 404(b)(1) Guidelines, you can't screen an alternative because it is the most expensive. You can, however, screen it out because it doesn't meet a cost threshold, as shown in Package 3. Does Package 5 not meet a certain threshold?

As stated above, it appears that Packages 1, 2 and 4 should be evaluated in detail in the DEIS, and that Packages 3 and 5 might be suitable for elimination. However, we recommend that elimination of Packages 3 and 5 be based on thresholds as described in our comments above. Request you allow this office to review the screening criteria again before we offer final concurrence on this document, since the DEIS appendix will be used to support the 404(b)(1) Guidelines evaluation in any future potential Section 404 Permit.

Thank you for the opportunity to be part of the EIS process. If there are any questions concerning these comments, please contact Scott Franklin of this office at 303-979-4120.

Sincerely,

Timothy T. Carey
Chief, Denver Regulatory Office

200380602.deis b1 appendix comments.doc

Town of Superior

RECEIVED
MAY 7 2007
URS Corp.

May 4, 2007

Sandi Kohrs
Regional Environmental Manager
Colorado Department of Transportation
2000 S. Holly St.
Denver, CO 80222

Gina McAfee
Project Manager
Regional Transportation District
1600 Blake Street
Denver, CO 80202

Dear US 36 EIS Project Team:

The Town of Superior appreciates the work done by the US 36 EIS project team since the beginning of this study, and the opportunity to participate in the EIS process and provide feedback to US 36 EIS project team.

The purpose of this letter is to provide the US 36 project team with the Town of Superior's issues with the current design of the US 36/McCaslin interchange. We have outlined some of the issues with the design of the interchange:

- In recent meetings with the US 36 project team, it appears that the northeast loop has been dropped from consideration. The reasons for the elimination of the northeast loop, according to the US 36 project team, are grading and drainage issues; the need to replace the existing bridge to accommodate the proposed HOV lanes and BRT station; and the need to widen the bridge to provide additional travel lanes to provide better traffic flow. The Town of Superior would like to receive an analysis from the US 36 project team on the grading, drainage, and traffic flow issues to help us understand why expanding the bridge would be better than adding the northeast loop.

  We believe the northeast loop would be the best option since it would probably be less costly than a bridge widening, would entail less traffic disruption on McCaslin during construction, and would result in better operational performance. Loop ramps in the Southwest and Northeast quadrants of the interchange are the preferred solutions to handle current and future projected traffic at the interchange.

  The northeast loop configuration performs better than the bridge widening option with the overall level of service "A" operations, but the eight-lane bridge provides a overall level of service "C". We raise the question on why traffic moving

southbound on McCaslin Boulevard to go eastbound on US 36 should receive a level of service "A", but traffic moving northbound McCaslin Boulevard to go westbound on US 36 should receive only a level of service "C".

- There is no access to the proposed northbound HOV lane to Boulder on US 36 from McCaslin Boulevard. We believe there should be an access point to allow our citizens the opportunity to use the HOV lane on their commute. The traffic from McCaslin Boulevard to Boulder is significant enough that citizens going west from this interchange should have an opportunity to access the HOV lane.

- It is our understanding 132 parking spaces will be removed at the park-n-Ride due to the expansion of the US 36 eastbound onramp. Does RTD have a plan on making up the loss of the 132 parking spaces?

We would like to receive an analysis from the US 36 project team on why the northeast loop is not included as part of the design, why there is no access to the northbound HOV lane from McCaslin, and how will the loss of 132 parking spaces be addressed by RTD.

We appreciate all your work on the US 36 EIS design study and all your efforts working with the Town of Superior.

Sincerely,

Andrew Muckle
Mayor
Town of Superior

CC: Superior Town Board
Rick Pilgrim, URS Corporation
Scott Randall, Town Manager
Alex J. Ariniello, LSC Transportation Consultants

US 36 CORRIDOR
Environmental Impact Statement

URS Corporation
999 18th Street, Suite 900
Denver, CO 80202
Project No. NH0661-070(14133)

June 28, 2007

Honorable Andrew Muckle, Mayor
Town of Superior
124 East Coal Creek Drive
Superior, CO 80027

RE: RESPONSE TO LETTER DATED MAY 4, 2007 REGARDING US 36 DEIS

Dear Mayor Muckle:

This letter is in response to the reference correspondence sent regarding the design concepts for improvement alternative considered in the US 36 DEIS for the McCaslin Boulevard interchange. We appreciate the on-going discussions and review sessions that we have had with the Town of Superior. This letter provides a general response for the current phase of the US 36 EIS project. Additional work will follow the release of the Draft EIS in late June/July and the public and agency comments that are received in July and August.

The Draft EIS will present the design concept for the McCaslin interchange configured as follows:

- Diamond-type ramp intersection with McCaslin for the north intersection.
- Retention of the loop-ramp and the corresponding off-ramp in the southwest quadrant of the interchange.
- Retention of the diamond-type on-ramp in the southeast quadrant.
- Widening of McCaslin over US 36 to provide three northbound through lanes, two northbound left-turn lanes, three southbound lanes consisting of a right-turn only to the loop ramp, a through/right and a through lane.

Your letter requests the results of the technical analysis that was used to select the design concept so we have summarized that analysis in the following points:

- The Project Team conducted meetings with the Town in 2003 and 2004 to obtain the design plans for the initial phase of improvements to the interchange that have since been constructed, and for the second phase of the improvements to place a loop ramp in the northeast quadrant.

- The Project Team proposed and evaluated several different configurations for the interchange using travel demand forecasts for 2025. The alternatives included the Town loop ramp concept, a more standard radius loop ramp that would require acquisition of some right-of-way from the restaurants and hotels along Dillon Road, and the combination of the loop in the southwest quadrant and the diamond for the northern portion.

- The analysis of the loop ramp in the northeast quadrant initially examined the geometric layout using CDOT standards. One of the requirements for the highway improvement is that the 100-year floodplain at Coal Creek must be maintained. This requirement means that the vertical profile of the highway must be raised to allow possible floodwaters to pass. Calculations showed the required increase in roadway elevation at the creek would need to be an additional 14 to 16 feet above the current elevation. This means that the highway lanes would need to use a steeper gradient from the new elevated crossing over Coal Creek to fit

under the McCaslin interchange bridge. Because of the increase grade, we found that the on-ramp from the northwest loop as proposed by the Town would not match the mainline at the merge point.

- Widening of the highway to accommodate additional lanes and the BRT station just west of McCaslin would require that the outside edge of the highway be extended further north and south. This requirement would shift the location of the northeast loop further north as compared to the Town's concept. This would cause an impact to the restaurant and hotel properties. Therefore, the elliptical loop ramp configuration was used in all further design concepts.

- In designing the northeast loop on-ramp, we found that the elevation difference for the highway over Coal Creek coupled with the shift of the outside of the alignment to the north would require the off-ramp to be "braided" with the on-ramp. This means that the off-ramp would need to initially pass **over** the on-ramp at the highway edge, then pass **under** the on-ramp again as it would approach McCaslin. This is because the off-ramp could not fit behind the on-ramp loop like it does in the southwest quadrant. This situation would result in a rolling profile for both ramps that would reach the maximum desirable grade in short sections. In addition, the capital costs would be higher because of the two bridges needed for the ramp crossings.

- We found that the gradient for the off-ramp and the on-ramp would need to be at the maximum allowable by CDOT standards at points along the ramps. This is not a desired design situation for access ramps where drivers are making a transition to or from the highway with the local street system. In addition, we found that the on-ramp curvature would result in a reverse-crown cross-slope as the ramp joined the westbound traffic lanes on the highway. The reverse crown would need to rotate at a faster rate than desired to bring the on-ramp into the traffic lane. This design could result in less than optimum operations and safe performance.

- Because of the number of bridges and other features, we found this option to be similar in cost to the alternative that would use the current configuration with the diamond intersection on the north side. This is true even with the widened bridge. The alternative that would use a more standard loop ramp radius and configuration in the northeast quadrant was found to be the most expensive because of the additional right-of-way required.

- We met with staff from the Town of Superior and other jurisdictions to review the findings and conclusions in 2004. We recommended the diamond intersection on the north and a slight widening of the eastbound off-ramp in the southwest quadrant as the preferred configuration. At that time staff understood and accepted the findings. The preferred configuration was used in the DEIS and forecasts for 2030 were developed. Analysis of the preferred configuration showed acceptable levels of service for the interchange intersections.

Your letter contained other comments related to the interchange and adjacent facilities. Our responses are summarized in the following points:

- Relative to level of service (LOS), CDOT uses a standard of LOS D for intersections as the acceptable design level. The intersections in the preferred configuration of the McCaslin interchange (as shown in the DEIS) would all work acceptably in 2030.
- We acknowledge your request for consideration of a westbound access point west of the McCaslin interchange to the express lane or to the BRT/HOV lane in the build packages. The evaluation of access points will be undertaken in the work during the Final EIS.
- Parking spaces would be reduced on both the north and the south sides of the highway at McCaslin station because of the highway widening. Analysis of travel demands and ridership forecasts shows that the parking spaces would not be needed in 2030. We have included these results in the Draft EIS for comment.

URS Corporation
999 18th Street, Suite 900
Denver, CO 80202

Your letter will be added to our record of comments for the project. We will use your comments to help refine the improvements following further public review of the DEIS this summer, and to develop the FEIS. One of the key points we have outlined in the responses above is that the process will continue to add details in phases following the FEIS. During these phases, CDOT will continue to work closely with each jurisdiction to meet commitments that have been made. We are available to discuss the responses outlined above if you have questions.

CDOT and RTD appreciate the opportunity to work with you and your staff on this project. We look forward to continuing our work together to implement the project improvements.

Sincerely,

Sandi Kohrs, Co-Project Manager
CDOT

Gina McAfee, Co-Project Manager
RTD FasTracks

CITY OF BOULDER

Department of Public Works/Transportation Division
PO Box 791
1739 Broadway
Boulder, Colorado 80306
(303) 441-3266
(303) 441-4271 FAX

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AUG 20 2007
URS Corp.

July 26, 2007

U.S. 36 EIS Project Management Team

Gina MacAfee
Carter & Burgess
707 17th Street
Suite 2300
Denver, CO 80202

Sandi Kohrs
CDOT Region 6
2000 S. Holly St
Denver, CO 80222

Re: Proposed local road changes included in the U.S. 36 Environment Impact Study (EIS) associated with Table Mesa Drive and access to property owned by the University of Colorado

Dear Gina and Sandi:

At the April 20, 2007 U.S. 36 EIS Technical Support Committee Meeting a table of proposed local roadway changes was provided. Included in these proposed changes is a recommendation to close access from Table Mesa Drive to property owned by the University of Colorado and reroute site access to Tantra Drive. The proposed change is precipitated by the need to reconfigure the Table Mesa/South Boulder Road/U.S. 36 interchange.

The University of Colorado property is a large approximately 300 acre tract. A significant portion of the land is designated as Area II in the Boulder Valley Comprehensive Plan (BVCP), which is a joint city/ county plan. The BVCP defines the desired land use pattern regarding location, type, and intensity of development. Area II is the area planned for annexation and service provision within the 15-year planning period. The parcel is bordered by city owned open space to the east and south and has limited access opportunities.

The area is currently under study as part of the South Boulder Creek flood study. Following the flood study, the City in partnership with the University of Colorado will be performing a land use suitability study. The results of this study will inform potential changes to the BVCP land use designations. It is the university's intent to develop portions of the property.

Based on the considerations outlined above, the city requests that access to the parcel from Table Mesa Drive be preserved. It is premature to eliminate access to Table Mesa Drive and require all site access occur to Tantra Drive without a clear understanding of the future use of the site.

Sincerely,

for Tracy Winfree

Tracy Winfree
Director of Public Works for Transportation, city of Boulder

Ruth McHeyser
Planning Director, city of Boulder

cc:
Rick Pilgrim, URS
Paul Tabolt, University of Colorado

STATE OF COLORADO

Bill Ritter, Jr., Governor
James B. Martin, Executive Director

Dedicated to protecting and improving the health and environment of the people of Colorado

4300 Cherry Creek Dr. S.
Denver, Colorado 80246-1530
Phone (303) 692-2000
TDD Line (303) 691-7700
Located in Glendale, Colorado

http://www.cdphe.state.co.us

Laboratory Services Division
8100 Lowry Blvd.
Denver, Colorado 80230-6928
(303) 692-3090

Colorado Department
of Public Health
and Environment

August 20, 2009

Ms. Jennifer Schaufele
Executive Director
Denver Regional Council of Governments
1290 Broadway St., Suite 700
Denver, CO 80203

Dear Ms. Schaufele:

The Colorado Air Quality Control Commission has reviewed your agency's conformity determination document for Cycle 2 Amendments to the 2035 Regional Transportation Plan and 2008/2013 Transportation Improvement Program. We support the determination, finding that the plan and program presented to us August 20, 2009 conform to the relevant SIP elements.

Air quality analyses indicate that area emissions budgets in current SIPs for carbon monoxide, PM-10, NOx associated with PM-10, and ozone precursors (under the 1-Hour Ozone Standard) would not be exceeded in any of the horizon years. In addition, projected emissions of ozone precursors for the 8-Hour Ozone Standard do not exceed the 2002 base case emissions.

Therefore, the Commission comments favorably on the conformity determination.

Should you have any questions regarding the Commission's action, please contact Mr. Doug Lempke at (303) 692-3478.

Sincerely,

Barbara Roberts, Chair

Cc:
Steve Cook, DRCOG
Michelle Li and Gail Hoffman, CDOT
Lisa Silva, APCD
Tim Russ, EPA
Bill Haas, FHWA

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

4201 East Arkansas Avenue, Shumate Bldg
Denver, Colorado 80222
(303) 757-9011

DEPARTMENT OF TRANSPORTATION

September 25, 2009

Monica Pavlik
Federal Highway Administration
12300 West Dakota Avenue, Ste. 180
Lakewood, Colorado 80228

Dear Monica,

Please accept this submittal of the enclosed Programmatic Biological Assessment (PBA) for the US 36 Corridor, which will be part of the Environmental Impact Statement. This project occurs within the known occupied habitat of the Preble's meadow jumping mouse (*Zapus hudsonius* preblei), the Ute ladies'-tresses orchid (*Spiranthes diluvialis*) and the Colorado butterfly plant (*Gaura neomexicana* ssp. Coloradensis) which are each listed as a threatened species under the Endangered Species Act of 1973 (as amended). As such, the enclosed PBA addresses expected impacts and potential mitigation opportunities for the affected species.

Enclosed are two copies of the BA. If you could review them and, if acceptable, submit one of the copies to the US Fish and Wildlife Service, directed to the attention of Ms. Alison Michael, for her review and return submittal of a Biological Opinion, it would be greatly appreciated. Her current address is:

Susan Linner
USFWS/ES
P.O. Box 25486, DFC (MS 65412)
Denver, CO 80225-0486

Attn: Alison Deans Michael

Any questions or comments can be directed to Jeff Peterson of my office at 303-512-4959.

Sincerely,

Tom Boyce
CDOT Natural Resources Unit Manager

Enclosure

cc: CDOT R6, Jon Chesser (cover only)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9011

September 29, 2009

Paul Tourangeau
Director
Air Pollution Control Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80222

RE: US 36 FEIS Air Quality Phasing and Conformity

Dear Mr. Tourangeau,

The Colorado Department of Transportation (CDOT) is preparing a Final Environmental Impact Statement (FEIS) to identify and evaluate impacts of multi-modal transportation improvements in the United States Highway 36 (US 36) corridor, an existing highway alignment between Interstate 25 (I-25) in Adams County and Foothills Parkway/Table Mesa Drive in Boulder (a distance of approximately 18 miles). The Preferred Alternative has been identified in the FEIS as the Combined Alternative Package (CAP).

CDOT is seeking concurrence from APCD on the items described below regarding conformity of the CAP and additional air quality modeling for Phase I.

REGIONAL AQ CONFORMITY

To determine regional air quality conformity for the US 36 EIS future design, the responsible metropolitan planning organization (DRCOG) has included the first of 3 phases or Phase I of the CAP transportation system in their modeling network to evaluate air quality impacts and ensure that, in aggregate, the Phase I proposed transportation system will conform with the State Implementation Plans and the National Ambient Air Quality Standards (NAAQS).

Only Phase I of the CAP has undergone full fiscally constrained transportation conformity modeling and is incorporated into the *2009 Amendment Cycle 1 DRCOG Conformity Determination (CO, PM_{10}, and 1-hour Ozone) for the Amended Fiscally Constrained 2035 Regional Transportation Plan* and the *Amended 2008-2013 Transportation Improvement Program.*

Phase I of the CAP includes:

1. A managed lane from Federal Boulevard to east of the Foothills Parkway/Table Mesa Drive interchange. In this project the managed lane is a limited access, uni-directional travel lane that provides a systemic capacity increase for qualifying vehicles, such as a toll or HOV vehicles. The managed lanes will act to siphon off traffic from non-managed through-travel lanes resulting in increased level of service and improved average speeds. For this project the managed lane includes both the BRT (transit) configuration and the HOV lane.
2. Improvements to the Sheridan Boulevard and Wadsworth Parkway interchanges;
3. Replacement of four bridges;
4. Pavement rehabilitation and shoulder widening;
5. BRT station enhancements;
6. Construction of the bikeway;

7. Intelligent transportation system elements (fiber optics system) related to the managed lane and BRT operations. The fiber optic cable is critical for BRT operations providing access to real-time travel information. Managed lanes will include toll rate signs that display the dynamic toll rates, safety information and other messages as needed. Traffic monitoring stations will be required to monitor traffic operating conditions in the lanes. Additionally, the system will include closed circuit television cameras, variable message signs, bus instrumentation to collect real-time transit data, and ramp metering.

Phase I of the project satisfies the regional transportation conformity requirements, thus is not expected to cause significant regional air quality impacts. When funding becomes available, separate conformity modeling of the other Phases would be required for future inclusion in the RTP and TIP.

To demonstrate that this project would not cause significant air quality impacts and would comply with the SIP when it is fully constructed, the entire CAP (Preferred Alternative) with all the proposed improvements was modeled in a separate, *non-fiscally constrained* 2035 regional modeling run conducted by DRCOG. Modeling results indicated that no future air quality issues would be caused by the Preferred Alternative if it were to be constructed in its entirety before 2035. This long-range non-fiscally constrained model was produced to ensure that there would not be any significant regional air quality impacts once all phases of the project are funded and completed.

PROJECT LEVEL CONFORMITY

To determine the localized air quality impacts of the CAP, CDOT analyzed the two most affected intersections in the project area that would operate at Level of Service D, E, or F (after mitigation) in future years, along with the highest traffic volumes and the greatest idle time delays per vehicle. Once the worst two intersections were screened (Exhibit 1), an evaluation of a worst-case emissions scenario was modeled via a CAL3QHC carbon monoxide (CO) hotspot analysis using 2035 traffic volumes and 2005 emissions factors provided by APCD. This modeling methodology is used for the CAP to determine any potential exceedances of carbon monoxide versus the National Ambient Air Quality Standards and ensure that no interim build years emissions levels could be worse than what was modeled.

The highest modeled eight-hour average carbon monoxide concentration was 8.6 ppm for 2035 traffic volumes and existing 2005 conditions emissions factor representative of the CAP. Therefore, this project will not cause or contribute to an exceedance of the federal eight-hour average carbon monoxide standard of 9.0 ppm.

PROJECT PHASING

Due to funding limitations, the CAP will be approved in phases based on the fiscally constrained plan. Only Phase I as described above will be fiscally constrained within the design target of 2035. Phases 2 and 3 will follow conformity regulations at the time funding has been identified and a decision document has been prepared.

In order to demonstrate project-level conformity for areas within the Preferred Alternative, but not directly improved by construction of Phase I, a third CO hotspot analysis was completed for the worst operating intersection remaining in the unimproved portion of the corridor. This analysis represents a scenario where there would be increased future traffic and no associated roadway improvements to alleviate congestion related to partial completion of the Preferred Alternative. This analysis will be documented as part of the Record of Decision. CDOT will submit a request to APCD for final concurrence pursuant to the conformity provisions of the Clean Air Act Amendments of 1990 before the decision document for this study is approved.

CDOT has identified the Dillon-McCaslin intersection for CO hotspot analysis (Exhibit 1) that is considered representative of the worst traffic volumes and operational conditions evidenced by project-wide traffic analyses for intersections located within the remaining project area after Phase I improvements have been completed. This additional intersection was modeled for project-level conformity using worst-case emissions scenario of 2035 un-

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Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9011

improved (No Action) traffic volumes and 2005 emissions factors, resulting in a CO concentration of 7.8 ppm.

CDOT proposes that hotspot analysis of this intersection would adequately evaluate project-level conformity for operations located outside of the Phase I improvements by providing analyses of the worst anticipated emissions years of the entire CAP.

If you concur with the results of the air quality analysis and the conclusions regarding conformity for the CAP up to this point of the project, and proposed methodology for the proposed CO analysis for Phase I, please sign below and return this letter by October 13, 2009.

Thank you.
Very truly yours,

Bradley J. Beckham
Manager
Environmental Programs Branch

I Concur: _____ 10/6/09
Paul Tourangeau — Date

Exhibit 1- 2035 Intersection Traffic Analysis

Intersection		2003 Existing		2035 P1 (No Action)		2035 CAP (Preferred Alt)		Conformity
	Peak Hour	LOS	Volume	LOS	Volume	LOS	Volume	Phase
Federal/74th	PM	C	4525	F	6530	F	8145	
Federal/74th	AM	B	3515	D	6140	F	6750	
Federal/74th (mitigated)	PM					E	8145	
Federal/74th (mitigated)	AM					E	6750	
Federal/80th	PM	B	4200	F	7345	F	7375	
Federal/80th	AM	B	3370	F	6850	F	5975	
Federal/80th (mitigated)	PM					F	7375	CAP/*Non-Phase I
Federal/80th (mitigated)	AM					F	5975	CAP/*Non-Phase I
Wadsworth/Midway	PM	C	4450	E	5685	F	7230	
Wadsworth/Midway	AM	C	4040	F	5315	F	6620	
Wadsworth/Midway (mitigated)	PM					C	7230	
Wadsworth/Midway (mitigated)	AM					E	6620	
Dillon/McCaslin	PM	B	2890	F	7055	F	7555	*Non-Phase I
Dillon/McCaslin	AM	A	3380	F	8150	F	6735	*Non-Phase I
Church Ranch/Westminster Blvd	PM	C	4575	F	7215	F	7425	
Church Ranch/Westminster Blvd	AM	C	3280	F	6620	F	6520	
Sheridan/92nd	PM	D	6950	F	8265	E	8615	CAP/Phase I
Sheridan/92nd	AM	C	4080	E	7580	E	8495	CAP/Phase I
Sheridan/88th	AM	C	5560	D	5750	D	7300	
Sheridan/88th	PM	B	4040	D	5415	D	7220	
Pecos/72nd	PM	B	1810	F	4970	E	5355	
Pecos/72nd	AM	B	2970	E	5265	E	5540	
Pecos/76th	PM	A	2535	C	4485	D	4480	
Pecos/76th	AM	B	2330	F	3855	E	4425	
Church Ranch/EB Ramps	PM	B	3930	E	5100	D	5060	
Church Ranch/EB Ramps	AM	B	3045	B	3920	B	4180	

*Non-Phase I – intersections outside of the defined Phase I improvements