Appendix A: Correspondence

Date	Correspondence		
January 4, 2008	Letter to SHPO from CDOT re: Webb Ranch Eligibility and Effects		
January 4, 2008	Letter to La Plata CHS from CDOT re: Webb Ranch Eligibility and Effects		
January 14, 2008	ponse letter from SHPO to CDOT re: Webb Ranch Eligibility and Effects		
April 27, 2009	Letter to ACHP from FHWA re: Webb Ranch		
November 9, 2009	Letter to SHPO from CDOT re: Eastern Realignment Alternative Eligibility and Effects		
November 9, 2009	Letter to Thomas McNeill, Esq. from CDOT re: Eastern Realignment Alternative Eligibility and Effects		
November 9, 2009	Letter to Peggy Cooley from CDOT re: Eastern Realignment Alternative Eligibility and Effects		
November 9, 2009	Letter to The Hopi Tribe from CDOT re: Eastern Realignment Alternative Eligibility and Effects		
November 9, 2009	Letter to Pueblo of Laguna from CDOT re: Eastern Realignment Alternative Eligibility and Effects		
November 9, 2009	Letter to Southern Ute Tribe from CDOT re: Eastern Realignment Alternative Eligibility and Effects		
November 23, 2009	Response letter from The Hopi Tribe to CDOT		
December 1, 2009	Response letter from SHPO to CDOT		
December 3, 2009	Response letter from Pueblo of Laguna to CDOT		
December 11, 2009	Letter from SHPO to CDOT re: resouce 5LP.6666		
January 25, 2010	Letter to ACHP from FHWA re: Eastern Realignment Alternative Eligibility and Effects		
August 5, 2010	Letter to Daniel Gregory (on behalf of Webb family attorney, Edward Pappas) from CDOT re: Webb Ranch		
August 6, 2010	Letter to Peggy Cooley from CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
August 6, 2010	Letter to Southern Ute Indian Tribe from CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
August 6, 2010	Letter to The Hopi Tribe from CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
August 6, 2010	Letter to Pueblo of Laguna from CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
August 6, 2010	Letter to SHPO from CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
August 16, 2010	Response letter from The Hopi Tribe to CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
August 25, 2010	Response letter from SHPO to Jane Hann re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		

Date	Correspondence		
September 21, 2010	Letter to Shannon Bennett from CDOT		
September 22, 2010	Letter to ACHP from FHWA re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
September 29, 2010	Response letter from Webb family attorney, Edward Pappas, to CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
October 8, 2010	Response letter from CDOT to Webb family attorney, Edward Pappas, re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
October 26, 2010	Response letter from Webb family attorney, Edward Pappas, to CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
November 1, 2010	Letter to Shannon Bennett from CDOT re: site forms for Clark Ranch property		
November 7, 2010	Response letter from Shannon Bennett to CDOT		
November 9, 2010	Response letter from CDOT to Webb family attorney, Edward Pappas, re: Webb Ranch		
December 8, 2010	Follow-up letter to SHPO from CDOT re: Eastern Realignment Alternative, Revised G Modified Alternative, and Revised F Modified Alternative Eligibility and Effects		
December 8, 2010	Letter to Webb family attorney, Edward Pappas, from CDOT re: Eastern Realignment Alternative, Revised G Modified Alternative, and Revised F Modified Alternative Eligibility and Effects		
December 9, 2010	Letter to Shannon Bennett from CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
December 9, 2010	Letter to Peggy Cooley from CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
December 9, 2010	Letter to The Hopi Tribe from CDOT re: Eastern Realignment Alternative, Revised G Modified Alternative, and Revised F Modified Alternative Eligibility and Effects		
December 9, 2010	Letter to Joel Craig from CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
December 9, 2010	Letter to Philip S. Craig from CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
December 9, 2010	Letter to Pueblo of Laguna from CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
December 9, 2010	Letter to Southern Ute Indian Tribe from CDOT re: Revised G Alternative and Revised F Modified Alternative Eligibility and Effects		
December 16, 2010	Response letter from SHPO to CDOT re: Webb Ranch		
December 16, 2010	Response letter from FHWA to Webb family attorney, Edward Pappas, re: comments		
January 4, 2011	Response letter from Pueblo of Laguna to CDOT		
January 29, 2011	Letter to ACHP from FHWA transmitting documentation for Finding of Adverse Effect (DAE)		
February 8, 2011	Response letter from ACHP to FHWA re: Webb Ranch (Documentation for Finding of Adverse Effect)		

Date	Correspondence		
February 24, 2011	Western Alternative E-mail File Search Results (from Lisa Schoch)		
March 24, 2011	Letter to Willie Taylor (USDOI) from FHWA re: Section 4(f) Evaluation		
March 25, 2011	to Sabrina Hicks (CDOT) from Thomas McNeill re: proposed realignment		
March 30, 2011	Letter to Reid Nelson (ACHP) re: Draft MOA and Section 4(f) Evaluation		
April 5, 2011	Letter to CDOT from FHWA re: Detemination of Need for SEIS		
April 7, 2011	Letter to Antonia Clark from FHWA re: Draft Memorandum of Agreement and Draft Section 4(f) Evaluation		
April 7, 2011	NRCS coordination re: farmland impacts		
April 14, 2011	Letter to CDOW from CDOT requesting species list		
April 15, 2011	Letter to FHWA from Thomas McNeill re: FHWA Response to ACHP February 8, 2011, letter		
April 15, 2011	USFWS letter to Kerrie Neet re: T&E/species list		
April 21, 2011	Letter to Consulting Parties/ACHP re: US 160 review extension and SEIS announcement		
April 26, 2011	Response letter from Pueblo of Laguna to FHWA for SEIS		
April 29, 2011	Letter from DOI to FHWA re: comments on the Draft Section 4(f) Evaluation		
May 27, 2011	Letter to Robert Stewart (USDOI) re: Draft Section 4(f) Evaluation		
May 31, 2011	Letter from ACHP to FHWA re: comments on Draft MOA and Section 4(f) Evaluation		
August 15, 2011	Letter to Lynn Woodell (BLM) from John Cater (FHWA) re: cooperating agency update for SEIS		
August 15, 2011	Letter to Kara Hellige (USACE) from John Cater (FHWA) re: Corps request for concurrence		
August 18, 2011	Additional Section 106 consultation (letter to Edward Nichols, SHPO, from Jane Hann)		
August 19, 2011	Additional Section 106 consultation (letter to Shannon Bennett, from Jane Hann)		
August 19, 2011	Additional Section 106 consultation (letter to Philip S. Craig, from Jane Hann)		
August 19, 2011	Additional Section 106 consultation (letter to Joel Craig, from Jane Hann)		
August 19, 2011	Additional Section 106 consultation (letter to Peggy Cooley, from Jane Hann)		
August 19, 2011	Additional Section 106 consultation (letter to Edward Pappas, from Jane Hann)		

Date	Correspondence		
August 19, 2011	Additional Section 106 consultation (letter to Leroy Shingoitewa, The Hopi Tribe, from Jane Hann)		
August 19, 2011	Additional Section 106 consultation (letter to Richard B. Luarkie, Pueblo of Laguna, from Jane Hann)		
August 19, 2011	dditional Section 106 consultation (letter to Pearl Casias, Southern Ute Indian Tribe, from Jane Hann)		
August 19, 2011	Additional Section 106 consultation site forms (5LP6654_1)		
August 19, 2011	Additional Section 106 consultation site form attachments (5LP6654_1)		
August 24, 2011	Additional Section 106 consultation (reply letter from Edward Nichols, SHPO, to Jane Hann)		
September 8, 2011	Letter from USACE to John Cater, FHWA re: concurrence points		
September 14, 2011	Letter from FHWA to Reid Nelson, ACHP re: eligibility and effect		

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



January 4, 2008

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

Subject: Additional Determinations of Eligibility and Effect, US 160 Durango to Bayfield Environmental Impact Statement, La Plata County

Dear Ms. Contiguglia:

This letter and the attached site form constitutes a request for concurrence on eligibility and effects determinations for one historic property associated with the project referenced above. As you may recall from previous submittals, the undertaking involves phased improvements to a 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County. On US Highway 550, the project limits extend 1.2 miles south from US160/US550 intersection.

The Record of Decision (ROD) for this project was signed on November 7, 2006. However, minor design changes to the Preferred Alternative—specifically the new connection between US 160 and US 550—require the reevaluation of impacts to an assortment of environmental resources. The Webb Ranch, located north of and adjacent to County Road 220 east of US 550, was taken into account during the development of alternatives for the EIS process, but was not evaluated as a historic property under Section 106. This submittal includes an eligibility determination for the Webb Ranch (5LP8461) and assesses effects to it based on the Preferred Alternative. Please see the attached aerial photo for information about the project location and alternatives.

Eligibility Determination

<u>Webb Ranch (5LP8461)</u>: The Webb Ranch has been determined eligible to the National Register of Historic Places under Criterion C as a representative example of ranch architecture in La Plata County. Please see the site form for additional information.

Effects Determination

The US 160 EIS evaluated a range of alternatives for the US 550/US 160 connection. Two alternatives (1F and 1G Modified) were carried forward to the Final EIS with Alternative 1G Modified selected as the Preferred. A reconfiguration of US 550 at its intersection with US 160 is necessary because the current alignment follows an unacceptable grade that is greater than 6%, with numerous curves on a wintershaded north facing slope. During project development, it was determined that a recently created natural gas well lies within the alignment for Alternative 1G Modified. Also, an NRHP eligible archaeological site not addressed in the US 160 EIS but identified in the concurrent US 550 Environmental Assessment would also be impacted by the Preferred Alternative. To avoid the gas well and archaeological site the alignment was shifted slightly to the east; the majority of the realignment still lies within the Area of

Ms. Contiguglia January 4, 2008 Page 2

alignment was shifted slightly to the east; the majority of the realignment still lies within the Area of Potential Effects for the original 1G Modified alternative. Shifting of the alignment resulted in avoidance of impacts to the archaeological site and the buildings on the eligible Webb Ranch property without having to relocate the natural gas well. The revised alignment impacts slightly more irrigated farmland (7.20 acres vs. 6.38), less pinion-juniper wildlife habitat (18.26 acres vs. 24.18 acres) and fewer wetlands (0.00 acres vs. 0.06 acres). This alternative also provides for the least fragmentation of the Webb Ranch based on an alignment that skirts the western edge of the mesa and ranch property while keeping the largest portion of the ranch intact.

The Preferred Alternative will intersect the Webb Ranch property to the east of the current US 550 alignment. The enclosed plan sheet provides a visual representation of the existing US 550 alignment and the proposed US 550 realignment, noted as the "Proposed Modification." Although the alternative avoids the buildings on the Webb Ranch, the highway realignment extends through the historic boundary of the ranch and introduces a new visual element to the setting. CDOT has determined that the project results in an *adverse effect* to the entire Webb Ranch property. We believe the best form of mitigation for this adverse effect involves the preparation of Level II Documentation as established by your office in Form 1595, and we request your comments on the proposed mitigation.

We request your concurrence with the determinations of eligibility and effect outlined herein. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations. These materials have also been submitted to the La Plata County Historical Society for review; once we receive their comments we will forward them to you.

Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Assistant Staff Historian Jennifer Olander at (303) 757-9758.

Very truly yours,

Brad Beckham, Manager Environmental Programs Branch

Enclosures: site form, location map, plan sheet, photographs

cc: Paul Jankowski, Region 5 File

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



January 4, 2008

Ms. Mary Jane Hood La Plata County Historical Society P.O. Box 3384 Durango, CO 81302

Subject: Additional Determinations of Eligibility and Effect, US 160 Durango to Bayfield Environmental Impact Statement, La Plata County

Dear Ms. Hood:

This letter and the attached materials constitutes a request for comments on eligibility and effects determinations for one historic property associated with the project referenced above. The undertaking involves phased improvements to a 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County. On US Highway 550, the project limits extend 1.2 miles south from US 160/US 550 intersection.

The Record of Decision (ROD) for this project was signed on November 7, 2006. However, minor design changes to the Preferred Alternative—specifically the new connection between US 160 and US 550—require the reevaluation of impacts to an assortment of environmental resources. The Webb Ranch, located north of and adjacent to County Road 220 east of US 550, was taken into account during the development of alternatives for the EIS process, but was not evaluated as a historic property under Section 106 of the National Historic Preservation Act. This submittal includes an eligibility determination for the Webb Ranch (5LP8461) and assesses effects to it based on the Preferred Alternative. Please see the attached aerial photo for information about the project location and alternatives.

Eligibility Determination

<u>Webb Ranch (5LP8461)</u>: The Webb Ranch has been determined eligible to the National Register of Historic Places under Criterion C as a representative example of ranch architecture in La Plata County. Please see the site form for additional information.

Effects Determination

The US 160 EIS evaluated a range of alternatives for the US 550/US 160 connection. Two alternatives (1F and 1G Modified) were carried forward to the Final EIS with Alternative 1G Modified selected as the Preferred. A reconfiguration of US 550 at its intersection with US 160 is necessary because the current alignment follows an unacceptable grade that is greater than 6%, with numerous curves on a wintershaded north facing slope. During project development, it was determined that a recently created natural gas well lies within the alignment for Alternative 1G Modified. Also, an NRHP eligible archaeological site not addressed in the US 160 EIS but identified in the concurrent US 550 Environmental Assessment would also be impacted by the Preferred Alternative. To avoid the gas well and archaeological site the alignment was shifted slightly to the east; the majority of the realignment still lies within the Area of

Ms. Hood January 4, 2008 Page 2

Potential Effects for the original 1G Modified alternative. Shifting of the alignment resulted in avoidance of impacts to the archaeological site and the buildings on the eligible Webb Ranch property without having to relocate the natural gas well. The revised alignment impacts slightly more irrigated farmland (7.20 acres vs. 6.38), less pinion-juniper wildlife habitat (18.26 acres vs. 24.18 acres) and fewer wetlands (0.00 acres vs. 0.06 acres). This alternative also provides for the least fragmentation of the Webb Ranch based on an alignment that skirts the western edge of the mesa and ranch property while keeping the largest portion of the ranch intact.

The Preferred Alternative will intersect the Webb Ranch property to the east of the current US 550 alignment. The enclosed plan sheet provides a visual representation of the existing US 550 alignment and the proposed US 550 realignment, noted as the "Proposed Modification." Although the alternative avoids the buildings on the Webb Ranch, the highway realignment extends through the historic boundary of the ranch and introduces a new visual element to the setting. CDOT has determined that the project results in an *adverse effect* to the entire Webb Ranch property. We believe the best form of mitigation for this adverse effect involves the preparation of Level II Documentation as established by the Colorado Office of Archaeology and Historic Preservation.

As a local historical society with a potential interest in this historic resource, we welcome your comments regarding the Section 106 determinations. Should you elect to respond we request that you do so within 30 days of receipt of this letter. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Assistant Staff Historian Jennifer Olander at (303) 757-9758.

Very truly yours,

Brad Beckham, Manager Environmental Programs Branch

Enclosures: site form, location map, photographs

cc: Paul Jankowski, Region 5 File

CFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

January 14, 2008

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

Re: US 160 Durango to Bayfield Environmental Impact Statement, La Plata County. (CHS #33425)

Dear Mr. Beckham:

Thank you for your correspondence dated January 4, 2008 and received by our office on January 8, 2008 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 that resource 5LP.8461/Webb Ranch is eligible for the National Register of Historic Places. After review of the Assessment of Adverse Effect, we concur with the finding of *adverse effect* for the proposed undertaking. We agree that OAHP Level II documentation would be appropriate for this resource, and we look forward to continued consultation on the Memorandum of Agreement.

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. Also, the 30-day review period under Section 106 begins when our office receives your correspondence, not on the date of the correspondence.

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

Sincerely,

marhi

Georgianna Contiguglia State Historic Preservation Officer

COLORADO HISTORICAL SOCIETY

...



of Transportation Federal Highway Administration

U.S. Department

Colorado Federal Aid Division

12300 W. Dakota Ave. Suite 180 Lakewood, CO 80228

April 27, 2009

Mr. Reid Nelson, Director Office of Federal Agency Programs Attn: Carol Legard Advisory Council on Historic Preservation 1100 Pennsylvania Avenue, NW, Ste. 803 Washington, DC 20004

Dear Mr. Nelson:

Subject: US Highway 160 from Durango to Bayfield Project, La Plata County, Colorado

As part of our consultation under Section 106 of the National Historic Preservation Act, I write to update you on the status of work to avoid impacts to the historic Webb Ranch, which was determined to be eligible for the National Register of Historic Places (NRHP) after completion of the "Final Environmental Impact Statement/Final Section 4(f) Evaluation For US Highway 160 From Durango To Bayfield" (US 160 FEIS) published in 2006.

As you know, the historic Webb Ranch is also subject to Section 4(f) of the Department of Transportation Act of 1966. Under this provision, the Federal Highway Administration (FHWA) may not approve the use of a property protected by Section 4(f) unless there is no feasible and prudent avoidance alternative and the action includes all possible planning to minimize harm to the property. FHWA and the Colorado Department of Transportation (CDOT) are currently analyzing whether a feasible and prudent avoidance alternative exists for the US 550/160 connection which avoids harm to Section 4(f) resources, including the historic Webb Ranch. If no such alterative exists, FHWA and CDOT must choose the alternative that causes the least harm in light of the preservation purposes of Section 4(f).

A Section 4(f) evaluation must discuss the impacts on Section 4(f) resources for each alternative. For this project, this allows a comparison among those alternatives advanced for consideration in the US 160 FEIS as well as with any other alternatives that avoid or minimize the use of Section 4(f) resources. The forthcoming Section 4(f) Evaluation will provide valuable information on avoidance opportunities that can be used in the Section 106 process. Therefore, I am writing to advise you that FHWA has preliminarily determined the alignments to be considered in our on-going Section 4(f) analysis.

In reviewing the information we have on this area, we have identified alignments designed to avoid the Webb Ranch that will be subject to further study. It is important to emphasize that the exact locations of these alignments may change as we gather more information. For example, an alignment may be shifted to avoid sensitive resources, such as important wildlife habitat, as we learn more about the potential impacts of an alignment. In addition, if other

MOVING THE -AMERICAN ECONOMY

properties that are protected under Section 106 and/or Section 4(f) are found along the new alignments, those alignments may be altered or new alternatives may emerge.

Once again cautioning that we may revise or refine these alignments as we learn more, the following alternatives will be considered (see the attached figure):

Alternative G Modified: Alternative G Modified was one of two alternatives for a US 160/US 550 (south) connection that was advanced for consideration in the EIS. The evaluation will therefore consider Alternative G Modified, as well as a revision of this alignment that avoids a gas well within the original Alternative G Modified alignment (Revised Alternative G Modified). These alternatives would be east of the existing US 550 alignment, located along the western edge of the Florida Mesa and would connect to US 160 approximately 0.6 mile east of the existing US 160/US 550 (south) intersection at a new interchange that is currently under construction. They would cross through the historic Webb Ranch. Please note that due to the scale of the figure, Alternative G Modified and Revised Alternative G Modified are indicated by a single line, although the alignments differ slightly.

Alternative F Modified: This alternative was advanced for consideration in the EIS and the evaluation will address its impacts on Section 4(f) resources. As noted above, this allows comparison among the alternatives advanced in the EIS and against any other alternatives that avoid or minimize use of the Section 4(f) resources. Alternative F Modified would cross the Florida Mesa through the Webb Ranch and connect to US 160 at the proposed interchange at CR 233 (west), approximately 1.5 miles east of the existing US 160/US 550 (south) intersection.

Current US 550 alignment: The alternatives along the current US 550 alignment (Preliminary Alternative A and Feasibility Alternative 1B in the EIS) were not advanced for detailed consideration during the EIS process due to constructability and other problems. The current alignment will be reviewed in light of new information, including proposals submitted by attorney Thomas McNeill on behalf of Webb Ranch owners. In particular, in an October 28, 2008 letter to me, Mr. McNeill provided seven design alternatives that are variations on the existing US 550 alignment. We will consider whether the design variations suggested by Mr. McNeill, or other designs of US 550 generally along its current alignment, can lead to a feasible and prudent avoidance alternative.

Eastern Realignment Alternative: We will consider an alternative that avoids the historic Webb Ranch by realigning US 550 to the east of the ranch. This is similar to Alternative S.1, suggested by Mr. McNeill in his October 28, 2008 letter to me. This alternative would cross the Florida Mesa to the east of the Webb Ranch, connecting to US 160 at the proposed interchange at CR 233 (west), approximately 1.5 miles east of the existing US 160/US 550 (south) intersection. However, as we learn more about the area, this alternative will likely be refined so as to result in an optimal alignment that avoids impacts to sensitive resources, which can include other historic resources, wildlife areas, wetlands, or community resources.

Western Realignment Alternative: We will consider an alternative that avoids the historic Webb Ranch by taking a route west of the ranch and the existing US 550 alignment. This alternative is similar to Alternative S.2 suggested by Mr. McNeill in his October 28, 2008 letter. This alternative begins much further south on US 550, and would travel north across the

Animus River valley to connect with US 160 approximately 0.5 miles west of the existing US 160/US 550 (south) intersection. Due to the configuration of the Animus River, this alternative requires two crossings of the river, and will likely involve coordination with the U.S. Army Corps of Engineers to determine the most acceptable alignment in this area.

FHWA and CDOT will be reviewing the information prepared during the EIS process for Alternatives A, 1B, G Modified, Revised G Modified, and F Modified, and updating the information as necessary. For the Eastern and Western Realignment Alternatives, new environmental reviews and studies (historic, archeological, wetlands, wildlife, etc) are needed. Gathering and analyzing this information will be a lengthy process; therefore we anticipate that the Section 4(f) Evaluation will be completed no earlier than late next year.

As the Advisory Council on Historic Preservation (ACHP) noted in is January 30, 2009 letter to me, it is important that the ACHP, State Historic Preservation Officer (SHPO) and other consulting parties have an opportunity to offer comments and suggestions on the alternatives intended to avoid historic properties or minimize harm. At this time, we are forwarding information on our preliminary determination of the alternatives to be analyzed in the Section 4(f) Evaluation. I am forwarding the same packet of information to the consultation parties, including the Webb Ranch owners as well as Indian Tribes who may attach religious or cultural importance to historic resources in the project area. We once again emphasize that we are in the early stage of work on the Section 4(f) Evaluation and these alternatives may be revised or refined as we proceed with the evaluation.

We note that the eligibility of properties for the NRHP is an important consideration under both Section 4(f) and Section 106. In keeping with the ACHP's regulations, consulting parties may wish to review and offer input on eligibility and other determinations made pursuant Section 106 of the National Historic Preservation Act. We expect that studies by CDOT this year will lead to a report outlining proposed determinations with regard to the National Register for Historic Places that will be circulated to the SHPO, ACHP and consulting parties for review and comment.

We look forward to working with your office, the SHPO and consulting parties as we move forward with the Section 4(f) Evaluation and Section 106 process.

Sincerely,

arla

Karla S. Petty, P.E. Division Administrator

Enclosure

cc w/enclosure:

Ms. Christine M. Johnson, FHWA

Ms. Maryann Blouin, FHWA

Ms. MaryAnn Nabor, FHWA

Mr. Richard Reynolds, CDOT

Ms. Kerrie Neet, CDOT

Mr. Dan Jepson, CDOT

Mr. Eric Meyer, State of Colorado Office of the Attorney General

Mr. Edward C. Nichols, SHPO

Mr. Thomas G. McNeill, Dickinson Wright PLLC

Ms. Mary Felter, The Hopi Tribe

Mr. Leigh Kuwanwisiwma, The Hopi Tribe

Mr. John Antonio, Sr., Pueblo of Laguna

Mr. Bob Mooney, Pueblo of Laguna

Mr. Matthew Box, Southern Ute Indian Tribe

Mr. Neil Cloud, Southern Ute Indian Tribe

LEGEND

INTERCHANGE UNDER CONSTRUCTION

FUTURE INTERCHANGE

ALTERNATIVE A, FEASIBILITY ALTERNATIVE 1B, AND T SERIES (INTERCHANGE DR INTERSECTION DEPENDING ON ALTERNATIVE)

SCALE

2000'

0' 500' 1000'

- WESTERN REALIGNMENT (INTERCHANGE)
- EASTERN REALIGNMENT (INTERCHANGE)
- GRANDVIEW F MODIFIED (INTERCHANGE)
- GRANDVIEW G MODIFIED AND REVISED G MODIFIED (INTERCHANGE)
 - EXISTING HIGHWAYS

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



November 9, 2009

Mr. Edward C. Nichols State Historic Preservation Officer Colorado Historical Society 1300 Broadway Denver, CO 80203

SUBJECT: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County

Dear Mr. Nichols:

Enclosed for your review is a copy of the cultural resources survey report and associated site forms for the undertaking referenced above. In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 550 and 160 south of Durango, the Preferred Alternative for which would necessitate a 1.2-mile segment of new highway alignment for US 550.

Section 106 consultation with your office regarding the US 160 EIS occurred over the course of several years beginning in 2000. However, due to the discovery of a large previously undocumented historic site on the alignment approved in the ROD and other associated environmental issues related to the new US 550/160 connection, FHWA and CDOT have undertaken additional analysis of possible alternatives, including historic properties studies along two alignment alternatives known as the Eastern Realignment and F Modified Alternatives.

The report included herewith is specific to pedestrian inventory of the Eastern Realignment Alternative and determinations of eligibility and effects for historic properties therein; a separate report documenting the results of the F Modified Alternative survey will be submitted at a later date once that alignment is comprehensively inventoried. Analysis of the environmental impacts of these two alternatives, as well as other alternatives that are not presently undergoing this level of intensive study, will result in the selection of a Preferred Alternative for the US 550/160 connection as part of FHWA's National Environmental Policy Act (NEPA) obligations.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Eastern Realignment Alternative survey was a generally linear corridor beginning at (and incorporating a short segment of) the existing US Highway 550 alignment, and extending for approximately 2.8 miles to the north-northeast, terminating at US Highway 160 (refer to report Figures 1 and 2). In order to include potential direct and indirect impacts, the APE ranged from 200-300 feet on either side of the centerline, with broader areas included at intersections with existing roads. As noted on Page 8 of the report, however, the APE was expanded to include properties with boundaries that extended beyond the linear corridor (for example, ranch complexes 5LP9306 and 5LP9307, as discussed below). Although Figure 2 does not specifically reflect

Mr. Nichols November 9, 2009 Page 2

those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Alpine Archaeological Consultants, Inc., under a subcontracting agreement with CDOT prime consultant Centennial Archaeology, Inc., conducted the survey and associated archival research, and authored the enclosed report. Six previously documented prehistoric archaeological sites within the APE were revisited and re-evaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) is assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which are evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below.

	Summary of Site Type and NRHP Eligibility Recommendations			
- Site	Site Type	Cultural Affiliation	NRHP Recommendation	
<u></u>		sly Recorded Sites		
5LP6665	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)	
5LP6666	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Not Eligible (10/02)	
5LP6668	Historic Artifact Scatter	Historic	Officially Not Eligible (10/02)	
5LP6671	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Recommended Eligible	
5LP6673	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)	
CT DCC24	Prehistoric Artifact	Basketmaker III/Pueblo I/	Officially Not Eligible (both	
5LP6674	Scatter/Historic Artifact	Historic	components) (10/02)	
Arten (Art			es actives on engate thereaft	
5LP9236	Open Camp	Pueblo II	Eligible	
5LP9237	Lithic Scatter	Unknown Prehistoric	Not Eligible	
5LP9238	Homestead	Historic	Not Eligible	
5LP9239	Lithic Scatter	Unknown Prehistoric	Not Eligible	
5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible	
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible	
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible	
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible	
5LP9244	Prehistoric Artifact Scatter/Historic Artifact Scatter	Basketmaker III/Pueblo I/ Historic	<i>Préhistoric</i> : Eligible <i>Historic</i> : Not Eligible	
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible	
5LP9257.1	Co-op Ditch	Historic	Eligible/supporting segment	
5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment	
5LP9306	Schaeferhoff/Cowan Ranch Complex	Historic	Eligible	
5LP9307	Craig Ranch Complex	Historic	Eligible	
5LP9246- 5LP9255	Isolated Finds	Unknown Prehistoric	Not Eligible	
	Linear Feature Within APE Asso	ciated With a Historic Ranc	h Outside APE	
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site	

Summary of Site Type and NRHP Eligibility Recommendations

Mr. Níchols November 9, 2009 Page 3

Effects Determinations

Please note that the effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified but no specific design or construction plans associated with this alternative have yet been developed. More detailed design may require a reassessment of these determinations in the future.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative was selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6666, 5LP6668, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

Historic Linear Sites and Ranch Complexes:

<u>Webb/Hotter Lateral (Feature of 5LP8461)</u>: A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Schaeferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral would have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, and the length of the entire lateral outside the ranch boundary is also unknown. However, the lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, CDOT has determined that the Eastern Realignment Alternative would result in *no adverse effect* to the Webb Ranch.

<u>Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2)</u>: The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Schaeferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this location, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1,319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

Mr. Nichols November 9, 2009 Page 4

Although both of the ditch segments retain integrity, the impacts to those segments are minor and affect portions of the segments that have already been disturbed. Impacts to these segments of the ditches will not alter the characteristics that make the overall Co-op Ditch significant and the remainder of the ditch will still have the integrity to convey its historic significance. For these reasons, CDOT has determined that the Eastern Realignment Alternative would have *no adverse effect* on the entire Co-op Ditch.

<u>Schaeferhoff/Cowan Ranch (5LP9306)</u>: The Schaeferhoff/Cowan Ranch is located on the north side of County Road 220, and the alignment of the Eastern Realignment Alternative extends through the western half of the property (Appendix B, Map 20). Although none of the buildings in the ranch complex would be directly affected, the new highway alignment would extend through open agricultural land that contributes to the significance of this ranch property and introduce a significant visual element to the property setting. The setting, feeling, and association of the ranch will be altered by the presence of a new highway alignment that bisects the property. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Schaeferhoff/Cowan Ranch.

<u>Craig Ranch (5LP9307)</u>: The Craig Ranch is located on the east side of US Highway 550 south of County Road 220, and the western boundary of the ranch property abuts the highway. The Eastern Realignment Alternative extends from the existing US Highway 550 alignment across the Craig Ranch, separating the main ranch complex (including the dairy barn and outbuildings) from the saddle shop and barn in the northern section of the ranch (Appendix B, Map 21). The new highway alignment would not directly impact the buildings on the property, but would bring the highway alignment closer to the building complex and would also introduce a significant visual element to the property. The Eastern Realignment Alternative would also extend across open agricultural land that contributes to the significance of 5LP9307. The setting, feeling, and association of this ranch property would be altered by the presence of a new highway alignment. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Craig Ranch.

This information has been transmitted to the Section 106 consulting parties (including tribal governments) identified for the undertaking. We will notify you of any responses received from these individuals and groups.

We request your concurrence with the site eligibility determinations outlined above and in the enclosed report, and also with the effects determinations described herein and illustrated in the report. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

Brad Beckham, Manager Environmental Programs Branch

Enclosures (report and site forms)

cc: (w/o enclosures) K. Neet (CDOT Region 5) S. Gibson (FHWA)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



November 9, 2009

Mr. Thomas G. McNeill, Esq. Dickinson Wright PLLC 500 Woodward Avenue, Suite 4000 Detroit, MI 48226-3425

SUBJECT: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. McNeill:

Enclosed is a copy of the cultural resources survey report and associated site forms for the undertaking referenced above. As the attorney for the Webb Family, the members of which are considered a consulting party for the project under the auspices of Section 106 of the National Historic Preservation Act, we are providing these documents to you for review. In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 550 and 160 south of Durango, the Preferred Alternative for which would necessitate a 1.2-mile segment of new highway alignment for US 550.

Section 106 consultation with the Colorado State Historic Preservation Officer (SHPO) and other consulting parties regarding the US 160 EIS occurred over the course of several years beginning in 2000. However, due to the discovery of a large previously undocumented historic site on the alignment approved in the ROD and other associated environmental issues related to the new US 550/160 connection, FHWA and CDOT have undertaken additional analysis of possible alternatives, including historic properties studies along two alignment alternatives known as the Eastern Realignment and F Modified Alternatives.

The report included herewith is specific to pedestrian inventory of the Eastern Realignment Alternative and determinations of eligibility and effects for historic properties therein; a separate report documenting the results of the F Modified Alternative survey will be submitted at a later date once that alignment is comprehensively inventoried. Analysis of the environmental impacts of these two alternatives, as well as other alternatives that are not presently undergoing this level of intensive study, will result in the selection of a Preferred Alternative for the US 550/160 connection as part of FHWA's National Environmental Policy Act (NEPA) obligations.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Eastern Realignment Alternative survey was a generally linear corridor beginning at (and incorporating a short segment of) the existing US Highway 550 alignment, and extending for approximately 2.8 miles to the north-northeast, terminating at US Highway 160 (refer to report Figures 1 and 2). In order to include potential direct and indirect impacts, the APE ranged from 200-300 feet on either side of the centerline, with broader areas included at intersections with existing roads. As noted on Page 8 of the report, however, the APE was expanded to include properties with boundaries that extended beyond the linear corridor (for example, ranch complexes 5LP9306 and 5LP9307, as discussed below). Although Figure 2 does not specifically reflect

Mr. McNeill November 9, 2009 Page 2

those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Six previously documented prehistoric archaeological sites within the APE were revisited and reevaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric and 4 historic localities are recommended as eligible for listing on the National Register of Historic Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) is assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which are evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below.

Site Number	Site Type	Cultural Affiliation	NRHP Recommendation	
1	Previously Recorded Sites			
5LP6665	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)	
5LP6666	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Not Eligible (10/02)	
5LP6668	Historic Artifact Scatter	Historic	Officially Not Eligible (10/02)	
5LP6671	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Recommended Eligible	
5LP6673	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)	
5LP6674	Prehistoric Artifact Scatter/Historic Artifact	Basketmaker III/Pueblo I/ Historic	Officially Not Eligible (both components) (10/02)	
的现在分词	Newly Record	d Sites and Isolated Finds	n en anter segure de la tradición de la constante de la constante de la constante de la constante de la constan	
5LP9236	Open Camp	Pueblo II	Eligible	
5LP9237	Lithic Scatter	Unknown Prehistoric	Not Eligible	
5LP9238	Homestead	Historic	Not Eligible	
5LP9239	Lithic Scatter	Unknown Prehistoric	Not Eligible	
5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible	
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible	
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible	
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible	
5LP9244	Prehistoric Artifact	Basketmaker III/Pueblo I/	Prehistoric: Eligible	
	Scatter/Historic Artifact Scatter	Historic	Historic: Not Eligible	
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible	
5LP9257.1	Co-op Ditch	Historic	Eligible/supporting segment	
5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment	
5LP9306	Schaeferhoff/Cowan Ranch Complex	Historic	Eligible	
5LP9307	Craig Ranch Complex	Historic	Eligible	
5LP9246- 5LP9255	Isolated Finds	Unknown Prehistoric	Not Eligible	
Linear Feature Within APE Associated With a Historic Ranch Outside APE				
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site	

Summary of Site Type and NRHP Eligibility Recommendations

Mr. McNeill November 9, 2009 Page 3

Effects Determinations

Please note that the effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified but no specific design or construction plans associated with this alternative have yet been developed. More detailed design may require a reassessment of these determinations in the future.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative was selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6668, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

Historic Linear Sites and Ranch Complexes:

<u>Webb/Hotter Lateral (Feature of 5LP8461)</u>: A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Schaeferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral would have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, and the length of the entire lateral outside the ranch boundary is also unknown. However, the lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, CDOT has determined that the Eastern Realignment Alternative would result in *no adverse effect* to the Webb Ranch.

<u>Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2)</u>: The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Schaeferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this location, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1,319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

Mr. McNeill November 9, 2009 Page 4

Although both of the ditch segments retain integrity, the impacts to those segments are minor and affect portions of the segments that have already been disturbed. Impacts to these segments of the ditches will not alter the characteristics that make the overall Co-op Ditch significant and the remainder of the ditch will still have the integrity to convey its historic significance. For these reasons, CDOT has determined that the Eastern Realignment Alternative would have *no adverse effect* on the entire Co-op Ditch.

<u>Schaeferhoff/Cowan Ranch (5LP9306)</u>: The Schaeferhoff/Cowan Ranch is located on the north side of County Road 220, and the alignment of the Eastern Realignment Alternative extends through the western half of the property (Appendix B, Map 20). Although none of the buildings in the ranch complex would be directly affected, the new highway alignment would extend through open agricultural land that contributes to the significance of this ranch property and introduce a significant visual element to the property setting. The setting, feeling, and association of the ranch will be altered by the presence of a new highway alignment that bisects the property. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Schaeferhoff/Cowan Ranch.

<u>Craig Ranch (5LP9307)</u>: The Craig Ranch is located on the east side of US Highway 550 south of County Road 220, and the western boundary of the ranch property abuts the highway. The Eastern Realignment Alternative extends from the existing US Highway 550 alignment across the Craig Ranch, separating the main ranch complex (including the dairy barn and outbuildings) from the saddle shop and barn in the northern section of the ranch (Appendix B, Map 21). The new highway alignment would not directly impact the buildings on the property, but would bring the highway alignment closer to the building complex and would also introduce a significant visual element to the property. The Eastern Realignment Alternative would also extend across open agricultural land that contributes to the significance of 5LP9307. The setting, feeling, and association of this ranch property would be altered by the presence of a new highway alignment. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Craig Ranch.

This information has been transmitted to the SHPO for Section 106 compliance purposes, as well as to the other consulting parties (including tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

Vor

Brad Beckham, Manager Environmental Programs Branch

Enclosures (report and site forms)

cc: (w/o enclosures) K. Neet (CDOT Region 5) S. Gibson (FHWA)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



November 9, 2009

Ms. Peggy Cooley 1525 Cliff Drive Santa Barbara, CA 93109-1733

SUBJECT: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Ms. Cooley:

Enclosed is a copy of the cultural resources survey report and associated site forms for the undertaking referenced above. As a consulting party for the project under the auspices of Section 106 of the National Historic Preservation Act, we are providing these documents to you for review. In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 550 and 160 south of Durango, the Preferred Alternative for which would necessitate a 1.2-mile segment of new highway alignment for US 550.

Section 106 consultation with the Colorado State Historic Preservation Officer (SHPO) and other consulting parties regarding the US 160 EIS occurred over the course of several years beginning in 2000. However, due to the discovery of a large previously undocumented historic site on the alignment approved in the ROD and other associated environmental issues related to the new US 550/160 connection, FHWA and CDOT have undertaken additional analysis of possible alternatives, including historic properties studies along two alignment alternatives known as the Eastern Realignment and F Modified Alternatives.

The report included herewith is specific to pedestrian inventory of the Eastern Realignment Alternative and determinations of eligibility and effects for historic properties therein; a separate report documenting the results of the F Modified Alternative survey will be submitted at a later date once that alignment is comprehensively inventoried. Analysis of the environmental impacts of these two alternatives, as well as other alternatives that are not presently undergoing this level of intensive study, will result in the selection of a Preferred Alternative for the US 550/160 connection as part of FHWA's National Environmental Policy Act (NEPA) obligations.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Eastern Realignment Alternative survey was a generally linear corridor beginning at (and incorporating a short segment of) the existing US Highway 550 alignment, and extending for approximately 2.8 miles to the north-northeast, terminating at US Highway 160 (refer to report Figures 1 and 2). In order to include potential direct and indirect impacts, the APE ranged from 200-300 feet on either side of the centerline, with broader areas included at intersections with existing roads. As noted on Page 8 of the report, however, the APE was expanded to include properties with boundaries that extended beyond the linear corridor (for example, ranch complexes 5LP9306 and 5LP9307, as discussed below). Although Figure 2 does not specifically reflect

Ms. Cooley November 9, 2009 Page 2

those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Six previously documented prehistoric archaeological sites within the APE were revisited and reevaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric and 4 historic localities are recommended as eligible for listing on the National Register of Historic Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) is assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which are evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below.

Site Number	Site Type	Cultural Affiliation	NRHP Recommendation
Serie and Series	Previo	isly Recorded Sites	
5LP6665	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6666	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Not Eligible (10/02)
5LP6668	Historic Artifact Scatter	Historic	Officially Not Eligible (10/02)
5LP6671	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Recommended Eligible
5LP6673	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6674	Prehistoric Artifact Scatter/Historic Artifact	Basketmaker III/Pueblo I/ Historic	Officially Not Eligible (both components) (10/02)
	Newly Record	ed Sites and Isolated Finds	
5LP9236	Open Camp	Pueblo II	Eligible
5LP9237	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9238	Homestead	Historic	Not Eligible
5LP9239	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo 1	Not Eligible
5LP9244	Prehistoric Artifact Scatter/Historic Artifact Scatter	Basketmaker III/Pueblo I/ Historic	Prehistoric: Eligible Historic: Not Eligible
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible
5LP9257.1	Co-op Ditch	Historic	Eligible/supporting segment
5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment
5LP9306	Schaeferhoff/Cowan Ranch Complex	Historic	Eligible
5LP9307	Craig Ranch Complex	Historic	Eligible
5LP9246- 5LP9255	Isolated Finds	Unknown Prehistoric	Not Eligible
Linear Feature Within APE Associated With a Historic Ranch Outside APE			
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site

Summary of Site Type and NRHP Eligibility Recommendations

Ms. Cooley November 9, 2009 Page 3

Effects Determinations

Please note that the effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified but no specific design or construction plans associated with this alternative have yet been developed. More detailed design may require a reassessment of these determinations in the future.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative was selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6668, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

Historic Linear Sites and Ranch Complexes:

<u>Webb/Hotter Lateral (Feature of 5LP8461)</u>: A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Schaeferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral would have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, and the length of the entire lateral outside the ranch boundary is also unknown. However, the lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, CDOT has determined that the Eastern Realignment Alternative would result in *no adverse effect* to the Webb Ranch.

<u>Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2)</u>: The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Schaeferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this location, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1,319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

Ms. Cooley November 9, 2009 Page 4

Although both of the ditch segments retain integrity, the impacts to those segments are minor and affect portions of the segments that have already been disturbed. Impacts to these segments of the ditches will not alter the characteristics that make the overall Co-op Ditch significant and the remainder of the ditch will still have the integrity to convey its historic significance. For these reasons, CDOT has determined that the Eastern Realignment Alternative would have *no adverse effect* on the entire Co-op Ditch.

<u>Schaeferhoff/Cowan Ranch (5LP9306)</u>: The Schaeferhoff/Cowan Ranch is located on the north side of County Road 220, and the alignment of the Eastern Realignment Alternative extends through the western half of the property (Appendix B, Map 20). Although none of the buildings in the ranch complex would be directly affected, the new highway alignment would extend through open agricultural land that contributes to the significance of this ranch property and introduce a significant visual element to the property setting. The setting, feeling, and association of the ranch will be altered by the presence of a new highway alignment that bisects the property. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Schaeferhoff/Cowan Ranch.

<u>Craig Ranch (5LP9307)</u>: The Craig Ranch is located on the east side of US Highway 550 south of County Road 220, and the western boundary of the ranch property abuts the highway. The Eastern Realignment Alternative extends from the existing US Highway 550 alignment across the Craig Ranch, separating the main ranch complex (including the dairy barn and outbuildings) from the saddle shop and barn in the northern section of the ranch (Appendix B, Map 21). The new highway alignment would not directly impact the buildings on the property, but would bring the highway alignment closer to the building complex and would also introduce a significant visual element to the property. The Eastern Realignment Alternative would also extend across open agricultural land that contributes to the significance of 5LP9307. The setting, feeling, and association of this ranch property would be altered by the presence of a new highway alignment. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Craig Ranch.

This information has been transmitted to the SHPO for Section 106 compliance purposes, as well as to the other consulting parties (including tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

Rad Beckham, Manager Environmental Programs Branch

Enclosures (report and site forms)

cc: (w/o enclosures) K. Neet (CDOT Region 5) S. Gibson (FHWA)

U.S. Department of Transportation Federal Highway Administration



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

November 9, 2009

STATE OF COLORADC

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Denver, Colorado 80222 (303) 757-9281



Mr. Ben Nuvamsa, Chairman The Hopi Tribe Attn: Mr. Leigh Kuwanwisiwma, Culture Preservation Office P.O. Box 123 Kykotsmovi, AZ 86039

SUBJECT: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. Nuvamsa:

Enclosed for your review is a copy of the cultural resources survey report and associated site forms for the undertaking referenced above. As a consulting tribe for the project under the auspices of Section 106 of the National Historic Preservation Act, we are providing these documents to you for review In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 550 and 160 south of Durango, the Preferred Alternative for which would necessitate a 1.2-mile segment of new highway alignment for US 550.

Section 106 consultation with the Colorado State Historic Preservation Officer (SHPO) and other consulting parties regarding the US 160 EIS occurred over the course of several years beginning in 2000. However, due to the discovery of a large previously undocumented historic site on the alignment approved in the ROD and other associated environmental issues related to the new US 550/160 connection, FHWA and CDOT have undertaken additional analysis of possible alternatives, including historic properties studies along two alignment alternatives known as the Eastern Realignment and F Modified Alternatives.

The report included herewith is specific to pedestrian inventory of the Eastern Realignment Alternative and determinations of eligibility and effects for historic properties therein; a separate report documenting the results of the F Modified Alternative survey will be submitted at a later date once that alignment is comprehensively inventoried. Analysis of the environmental impacts of these two alternatives, as well as other alternatives that are not presently undergoing this level of intensive study, will result in the selection of a Preferred Alternative for the US 550/160 connection as part of FHWA's National Environmental Policy Act (NEPA) obligations.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Eastern Realignment Alternative survey was a generally linear corridor beginning at (and incorporating a short segment of) the existing US Highway 550 alignment, and extending for approximately 2.8 miles to the north-northeast, terminating at US Highway 160 (refer to report Figures 1 and 2). In order to include potential direct and indirect impacts, the APE ranged from 200-300 feet on either side of the centerline, with broader areas included at intersections with existing roads. As noted on Page 8 of the report, however, the APE was expanded to include properties with boundaries that extended beyond the linear corridor (for example, ranch complexes 5LP9306 and 5LP9307, as discussed below). Although Figure 2 does not specifically reflect

Mr. Nuvamsa November 9, 2009 Page 2

those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Six previously documented prehistoric archaeological sites within the APE were revisited and reevaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric and 4 historic localities are recommended as eligible for listing on the National Register of Historic Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) is assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which are evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below.

Site Number	Site Type	Cultural Affiliation	NRHP Recommendation	
1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.1.	Previously Recorded Sites			
5LP6665	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)	
5LP6666	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Not Eligible (10/02)	
5LP6668	Historic Artifact Scatter	Historic	Officially Not Eligible (10/02)	
5LP6671	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Recommended Eligible	
5LP6673	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)	
5LP6674	Prehistoric Artifact	Basketmaker III/Pueblo I/	Officially Not Eligible (both	
5121 0074	Scatter/Historic Artifact	Historic	components) (10/02)	
	Newly Records	d Sites and Isolated Finds		
5LP9236	Open Camp	Pueblo II	Eligible	
5LP9237	Lithic Scatter	Unknown Prehistoric	Not Eligible	
5LP9238	Homestead	Historic	Not Eligible	
5LP9239	Lithic Scatter	Unknown Prehistoric	Not Eligible	
5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible	
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible	
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible	
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible	
5LP9244	Prehistoric Artifact Scatter/Historic Artifact Scatter	Basketmaker III/Pueblo I/ Historic	Prehistoric: Eligible Historic: Not Eligible	
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible	
5LP9257.1	Co-op Ditch	Historic	Eligible/supporting segment	
5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment	
5LP9306	Schaeferhoff/Cowan Ranch Complex	Historic	Eligible	
5LP9307	Craig Ranch Complex	Historic	Eligible	
5LP9246- 5LP9255	Isolated Finds	Unknown Prehistoric	Not Eligible	
	Linear Feature Within APE Asso	ciated With a Historic Ranc	h Outside APE	
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site	

Summary of Site Type and NRHP Eligibility Recommendations

Mr. Nuvamsa November 9, 2009 Page 3

Effects Determinations

Please note that the effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified but no specific design or construction plans associated with this alternative have yet been developed. More detailed design may require a reassessment of these determinations in the future.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative was selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6668, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

Historic Linear Sites and Ranch Complexes:

Webb/Hotter Lateral (Feature of 5LP8461): A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Schaeferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral would have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, and the length of the entire lateral outside the ranch boundary is also unknown. However, the lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, CDOT has determined that the Eastern Realignment Alternative would result in *no adverse effect* to the Webb Ranch.

<u>Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2)</u>: The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Schaeferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this location, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1,319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

Mr. Nuvamsa November 9, 2009 Page 4

Although both of the ditch segments retain integrity, the impacts to those segments are minor and affect portions of the segments that have already been disturbed. Impacts to these segments of the ditches will not alter the characteristics that make the overall Co-op Ditch significant and the remainder of the ditch will still have the integrity to convey its historic significance. For these reasons, CDOT has determined that the Eastern Realignment Alternative would have *no adverse effect* on the entire Co-op Ditch.

<u>Schaeferhoff/Cowan Ranch (5LP9306)</u>: The Schaeferhoff/Cowan Ranch is located on the north side of County Road 220, and the alignment of the Eastern Realignment Alternative extends through the western half of the property (Appendix B, Map 20). Although none of the buildings in the ranch complex would be directly affected, the new highway alignment would extend through open agricultural land that contributes to the significance of this ranch property and introduce a significant visual element to the property setting. The setting, feeling, and association of the ranch will be altered by the presence of a new highway alignment that bisects the property. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Schaeferhoff/Cowan Ranch.

<u>Craig Ranch (5LP9307)</u>: The Craig Ranch is located on the east side of US Highway 550 south of County Road 220, and the western boundary of the ranch property abuts the highway. The Eastern Realignment Alternative extends from the existing US Highway 550 alignment across the Craig Ranch, separating the main ranch complex (including the dairy barn and outbuildings) from the saddle shop and barn in the northern section of the ranch (Appendix B, Map 21). The new highway alignment would not directly impact the buildings on the property, but would bring the highway alignment closer to the building complex and would also introduce a significant visual element to the property. The Eastern Realignment Alternative would also extend across open agricultural land that contributes to the significance of 5LP9307. The setting, feeling, and association of this ranch property would be altered by the presence of a new highway alignment. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Craig Ranch.

This information has been transmitted to the SHPO for Section 106 compliance purposes, as well as to the other consulting parties (including tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

Brad Beckham, Manager Environmental Programs Branch

Enclosures (report and site forms)

cc: (w/o enclosures) K. Neet (CDOT Region 5) S. Gibson (FHWA)

U.S. Department of Transportation Federal Highway Administration



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

November 9, 2009

Mr. John Antonio, Sr., Governor Pueblo of Laguna c/o Laguna Pueblo Tribal Council P.O. Box 194 Laguna, NM 87026

SUBJECT: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County, Colorado

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch 4201 East Arkansas Avenue

Denver, Colorado 80222

(303) 757-9281

Dear Mr. Antonio:

Enclosed for your review is a copy of the cultural resources survey report and associated site forms for the undertaking referenced above. As a consulting tribe for the project under the auspices of Section 106 of the National Historic Preservation Act, we are providing these documents to you for review In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 550 and 160 south of Durango, the Preferred Alternative for which would necessitate a 1.2-mile segment of new highway alignment for US 550.

Section 106 consultation with the Colorado State Historic Preservation Officer (SHPO) and other consulting parties regarding the US 160 EIS occurred over the course of several years beginning in 2000. However, due to the discovery of a large previously undocumented historic site on the alignment approved in the ROD and other associated environmental issues related to the new US 550/160 connection, FHWA and CDOT have undertaken additional analysis of possible alternatives, including historic properties studies along two alignment alternatives known as the Eastern Realignment and F Modified Alternatives.

The report included herewith is specific to pedestrian inventory of the Eastern Realignment Alternative and determinations of eligibility and effects for historic properties therein; a separate report documenting the results of the F Modified Alternative survey will be submitted at a later date once that alignment is comprehensively inventoried. Analysis of the environmental impacts of these two alternatives, as well as other alternatives that are not presently undergoing this level of intensive study, will result in the selection of a Preferred Alternative for the US 550/160 connection as part of FHWA's National Environmental Policy Act (NEPA) obligations.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Eastern Realignment Alternative survey was a generally linear corridor beginning at (and incorporating a short segment of) the existing US Highway 550 alignment, and extending for approximately 2.8 miles to the north-northeast, terminating at US Highway 160 (refer to report Figures 1 and 2). In order to include potential direct and indirect impacts, the APE ranged from 200-300 feet on either side of the centerline, with broader areas included at intersections with existing roads. As noted on Page 8 of the report, however, the APE was expanded to include properties with boundaries that extended beyond the linear corridor (for example, ranch complexes 5LP9306 and 5LP9307, as discussed below). Although Figure 2 does not specifically reflect

Mr. Antonio November 9, 2009 Page 2

those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Six previously documented prehistoric archaeological sites within the APE were revisited and reevaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric and 4 historic localities are recommended as eligible for listing on the National Register of Historic Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) is assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which are evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below.

Site Nümber	Site Type	Cultural Affiliation	NRHP Recommendation
A STATISTICS	Previou	sly Recorded Sites	
5LP6665	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6666	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Not Eligible (10/02)
5LP6668	Historic Artifact Scatter	Historic	Officially Not Eligible (10/02)
5LP6671	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Recommended Eligible
5LP6673	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6674	Prehistoric Artifact	Basketmaker III/Pueblo I/	Officially Not Eligible (both
3LP00/4	Scatter/Historic Artifact	Historic	components) (10/02)
	Newly Recorde	d Sites and Isolated Finds	
5LP9236	Open Camp	Pueblo II	Eligible
5LP9237	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9238	Homestead	Historic	Not Eligible
5LP9239	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9244	Prehistoric Artifact Scatter/Historic Artifact Scatter	Basketmaker III/Pueblo I/ Historic	Prehistoric: Eligible Historic: Not Eligible
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible
5LP9257.1	Co-op Ditch	Historic	Eligible/supporting segment
5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment
5LP9306	Schaeferhoff/Cowan Ranch Complex	Historic	Eligible
5LP9307	Craig Ranch Complex	Historic	Eligible
5LP9246- 5LP9255	Isolated Finds	Unknown Prehistoric	Not Eligible
Linear Feature Within APE Associated With a Historic Ranch Outside APE			
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site

Summary of Site Type and NRHP Eligibility Recommendations

Mr. Antonio November 9, 2009 Page 3

Effects Determinations

Please note that the effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified but no specific design or construction plans associated with this alternative have yet been developed. More detailed design may require a reassessment of these determinations in the future.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative was selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6666, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

Historic Linear Sites and Ranch Complexes:

<u>Webb/Hotter Lateral (Feature of 5LP8461)</u>: A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Schaeferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral would have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, and the length of the entire lateral outside the ranch boundary is also unknown. However, the lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, CDOT has determined that the Eastern Realignment Alternative would result in *no adverse effect* to the Webb Ranch.

<u>Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2)</u>: The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Schaeferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this location, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1,319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

Mr. Antonio November 9, 2009 Page 4

Although both of the ditch segments retain integrity, the impacts to those segments are minor and affect portions of the segments that have already been disturbed. Impacts to these segments of the ditches will not alter the characteristics that make the overall Co-op Ditch significant and the remainder of the ditch will still have the integrity to convey its historic significance. For these reasons, CDOT has determined that the Eastern Realignment Alternative would have *no adverse effect* on the entire Co-op Ditch.

<u>Schaeferhoff/Cowan Ranch (5LP9306)</u>: The Schaeferhoff/Cowan Ranch is located on the north side of County Road 220, and the alignment of the Eastern Realignment Alternative extends through the western half of the property (Appendix B, Map 20). Although none of the buildings in the ranch complex would be directly affected, the new highway alignment would extend through open agricultural land that contributes to the significance of this ranch property and introduce a significant visual element to the property setting. The setting, feeling, and association of the ranch will be altered by the presence of a new highway alignment that bisects the property. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Schaeferhoff/Cowan Ranch.

<u>Craig Ranch (5LP9307)</u>: The Craig Ranch is located on the east side of US Highway 550 south of County Road 220, and the western boundary of the ranch property abuts the highway. The Eastern Realignment Alternative extends from the existing US Highway 550 alignment across the Craig Ranch, separating the main ranch complex (including the dairy barn and outbuildings) from the saddle shop and barn in the northern section of the ranch (Appendix B, Map 21). The new highway alignment would not directly impact the buildings on the property, but would bring the highway alignment closer to the building complex and would also introduce a significant visual element to the property. The Eastern Realignment Alternative would also extend across open agricultural land that contributes to the significance of 5LP9307. The setting, feeling, and association of this ranch property would be altered by the presence of a new highway alignment. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Craig Ranch.

This information has been transmitted to the SHPO for Section 106 compliance purposes, as well as to the other consulting parties (including tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

Brad Beckham, Manager Environmental Programs Branch

Enclosures (report and site forms)

cc: (w/o enclosures) K. Neet (CDOT Region 5) S. Gibson (FHWA)

U.S. Department of Transportation Federal Highway Administration



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

November 9, 2009

Mr. Matthew Box, Chairman Southern Ute Indian Tribe Attn: Mr. Neil Cloud, Culture Preservation Office P.O. Box 737 Ignacio, CO 81137

SUBJECT: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County, Colorado

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch 4201 East Arkansas Avenue

Denver, Colorado 80222

(303) 757-9281

Dear Mr. Box:

Enclosed for your review is a copy of the cultural resources survey report and associated site forms for the undertaking referenced above. As a consulting tribe for the project under the auspices of Section 106 of the National Historic Preservation Act, we are providing these documents to you for review In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement (EIS) and subsequent Record of Decision (ROD) specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 550 and 160 south of Durango, the Preferred Alternative for which would necessitate a 1.2-mile segment of new highway alignment for US 550.

Section 106 consultation with the Colorado State Historic Preservation Officer (SHPO) and other consulting parties regarding the US 160 EIS occurred over the course of several years beginning in 2000. However, due to the discovery of a large previously undocumented historic site on the alignment approved in the ROD and other associated environmental issues related to the new US 550/160 connection, FHWA and CDOT have undertaken additional analysis of possible alternatives, including historic properties studies along two alignment alternatives known as the Eastern Realignment and F Modified Alternatives.

The report included herewith is specific to pedestrian inventory of the Eastern Realignment Alternative and determinations of eligibility and effects for historic properties therein; a separate report documenting the results of the F Modified Alternative survey will be submitted at a later date once that alignment is comprehensively inventoried. Analysis of the environmental impacts of these two alternatives, as well as other alternatives that are not presently undergoing this level of intensive study, will result in the selection of a Preferred Alternative for the US 550/160 connection as part of FHWA's National Environmental Policy Act (NEPA) obligations.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Eastern Realignment Alternative survey was a generally linear corridor beginning at (and incorporating a short segment of) the existing US Highway 550 alignment, and extending for approximately 2.8 miles to the north-northeast, terminating at US Highway 160 (refer to report Figures 1 and 2). In order to include potential direct and indirect impacts, the APE ranged from 200-300 feet on either side of the centerline, with broader areas included at intersections with existing roads. As noted on Page 8 of the report, however, the APE was expanded to include properties with boundaries that extended beyond the linear corridor (for example, ranch complexes 5LP9306 and 5LP9307, as discussed below). Although Figure 2 does not specifically reflect

Mr. Box November 9, 2009 Page 2

those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Six previously documented prehistoric archaeological sites within the APE were revisited and reevaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric and 4 historic localities are recommended as eligible for listing on the National Register of Historic Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) is assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which are evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below.

Site Numbers	Site Type	Cultural Affiliation	NRHP Recommendation
		usly Recorded Sites	
5LP6665	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6666	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Not Eligible (10/02)
5LP6668	Historic Artifact Scatter	Historic	Officially Not Eligible (10/02)
5LP6671	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Recommended Eligible
5LP6673	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)
5LP6674	Prehistoric Artifact Scatter/Historic Artifact	Basketmaker III/Pueblo I/ Historic	Officially Not Eligible (both components) (10/02)
		d Sites and Isolated Finds	
5LP9236	Open Camp	Pueblo II	Eligible
5LP9237	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9238	Homestead	Historic	Not Eligible
5LP9239	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9244	Prehistoric Artifact Scatter/Historic Artifact Scatter	Basketmaker III/Pueblo I/ Historic	Prehistoric: Eligible Historic: Not Eligible
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible
5LP9257.1	Co-op Ditch	Historic	Eligible/supporting segment
5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment
5LP9306	Schaeferhoff/Cowan Ranch Complex	Historic	Eligible
5LP9307	Craig Ranch Complex	Historic	Eligible
5LP9246- 5LP9255	Isolated Finds	Unknown Prehistoric	Not Eligible
	Linear Beature Within APE Asso	ciated With a Historic Ranc	h Outside APE
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site

Summary of Site Type and NRHP Eligibility Recommendations

Mr. Box November 9, 2009 Page 3

Effects Determinations

Please note that the effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified but no specific design or construction plans associated with this alternative have yet been developed. More detailed design may require a reassessment of these determinations in the future.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative was selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6668, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

Historic Linear Sites and Ranch Complexes:

Webb/Hotter Lateral (Feature of 5LP8461): A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Schaeferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral would have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, and the length of the entire lateral outside the ranch boundary is also unknown. However, the lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, CDOT has determined that the Eastern Realignment Alternative would result in *no adverse effect* to the Webb Ranch.

<u>Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2)</u>: The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Schaeferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this location, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1,319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

Mr. Box November 9, 2009 Page 4

Although both of the ditch segments retain integrity, the impacts to those segments are minor and affect portions of the segments that have already been disturbed. Impacts to these segments of the ditches will not alter the characteristics that make the overall Co-op Ditch significant and the remainder of the ditch will still have the integrity to convey its historic significance. For these reasons, CDOT has determined that the Eastern Realignment Alternative would have *no adverse effect* on the entire Co-op Ditch.

<u>Schaeferhoff/Cowan Ranch (5LP9306)</u>: The Schaeferhoff/Cowan Ranch is located on the north side of County Road 220, and the alignment of the Eastern Realignment Alternative extends through the western half of the property (Appendix B, Map 20). Although none of the buildings in the ranch complex would be directly affected, the new highway alignment would extend through open agricultural land that contributes to the significance of this ranch property and introduce a significant visual element to the property setting. The setting, feeling, and association of the ranch will be altered by the presence of a new highway alignment that bisects the property. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Schaeferhoff/Cowan Ranch.

<u>Craig Ranch (5LP9307)</u>: The Craig Ranch is located on the east side of US Highway 550 south of County Road 220, and the western boundary of the ranch property abuts the highway. The Eastern Realignment Alternative extends from the existing US Highway 550 alignment across the Craig Ranch, separating the main ranch complex (including the dairy barn and outbuildings) from the saddle shop and barn in the northern section of the ranch (Appendix B, Map 21). The new highway alignment would not directly impact the buildings on the property, but would bring the highway alignment closer to the building complex and would also introduce a significant visual element to the property. The Eastern Realignment Alternative would also extend across open agricultural land that contributes to the significance of 5LP9307. The setting, feeling, and association of this ranch property would be altered by the presence of a new highway alignment. For these reasons, CDOT has determined that this alternative would have an *adverse effect* on the Craig Ranch.

This information has been transmitted to the SHPO for Section 106 compliance purposes, as well as to the other consulting parties (including tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

Brad Beckham, Manager Environmental Programs Branch

Enclosures (report and site forms)

cc: (w/o enclosures) K. Neet (CDOT Region 5) S. Gibson (FHWA)



VICE-CHAIRMAN



November 23, 2009

Brad Beckham, Manager, Environmental Programs Branch Attention: Dan Jepson, Senior Staff Archaeologist State of Colorado, Department of Transportation, Environmental Programs Branch 4201 East Arkansas Ave. Denver, Colorado 80222

Dear Mr. Beckham,

This letter is in response to a your correspondence dated November 9, 2009, regarding the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) proposed US Highways 550 and 160 Connection in La Plata County, Colorado. The Hopi Tribe claims cultural affiliation to prehistoric cultural groups in southwestern Colorado, and the Hopi Cultural Preservation Office supports the identification and avoidance of archaeological sites and Traditional Cultural Properties. We consider the archaeological sites of our ancestors to be Traditional Cultural Properties. Therefore, we appreciate CDOT's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office previously consulted on the US Highway 160 between Durango and Bayfield project. We understand the enclosed cultural resources survey report is for the Eastern Realignment Alternative and a separate report will be submitted for the F Modified Alternative. We have reviewed the enclosed *Cultural Resources Inventory CDOT U.S. Highways 160/550 Connection Alternative Alignments Project: East Alternative* that identifies 8 National Register eligible prehistoric sites, primarily described as artifact scatters, which will be adversely affected if this alternative is implemented.

And therefore, we request continuing consultation to this proposal and look forward to receiving a copy of the cultural resources survey of the F Modified Alternative. If the East Alternative is proposed for construction, or if another alternative is proposed that will adversely affect prehistoric, National Register eligible sites, we request continuing consultation on any proposed treatment plans.

Should you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office. Thank you again for your consideration.

full Kuwanwisiwma, Director Hopi Cultural Preservation Office

xc: Colorado State Historic Preservation Office

OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

December 1, 2009

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

Re: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County. (CHS #33425)

Dear Mr. Beckham:

Thank you for your correspondence dated November 9, 2009 and received by our office on that same date 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 recommended findings of eligibility for the submitted surveyed resources. We concur that resource 5LP.9306 is significant under National Register Criterion A and C. According to item 40/Period of Significance on the site form, the Period of Significance is from 1900 to 1959, which would incorporate the dates of alternations to the main house/structure 3. Considering that the dates of alternations of the main house are covered under the Period of Significance, why is the main house recommended as not contributing to the overall property's significance under National Register Criterion A and C?

However, staff does not concur with the recommended finding of eligibility for resource 5LP.6666. Although it is clear that this site has integrity issues considering that it is located within a disked pasture and has experienced disking and grazing, our office recommends a finding of need data for the site until additional information can be obtained on the potential depth and integrity of any buried deposits at the site. The original recording provides neither soil depth information nor data on the depth of cultural deposits. The original recording notes a primary assemblage of ceramic fragments, and a small amount of lithic debitage, whereas this most recent recording notes (in addition to ceramic sherds and lithic debitage) 17 manos/mano fragments, three metate fragments, three indeterminate groundstone fragments, and two pieces of adobe, suggesting the presence of a structure.

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

COLORADO HISTORICAL SOCIETY

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 Shina DuVall, our Section 106 Compliance Manager for Archaeology, at 303-866-4678 with any archaeology questions and Amy Pallante, our Section 106 Compliance Manager for the Built Environment, at (303) 866-4678, for any other questions.

Sincerely,

. .

> W. T

Edward C. Nichols State Historic Preservation Officer

US Hwy 550 and 160 Connection CHS #33425 December 1, 2009



Office of:

The Governor The Secretary The Treasurer PUEBLO OF LAGUNA

P.O. BOX 194 LAGUNA, NEW MEXICO 87028



(505) 552-6598 (505) 552-6654 (505) 552-6655

December 3, 2009

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

Dear Mr. Beckham:

RE: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection La Plata County, Colorado

The Pueblo of Laguna appreciates your consideration to comment on the possible interest your projects may have on any traditional or cultural properties.

The Pueblo of Laguna has determined that the undertaking WILL NOT have a significant impact at this time. However, in the event that any new archaeological sites are discovered and any new artifacts are removed, we request to be notified to review items. We also request photographs of items. According to our unpublished migration history, our ancestors journeyed from the north through that area and settled for periods of time before traveling to our present location. Therefore, the possibilities of some findings may exist.

We thank you and your staff for the information provided.

Sincerely, lohn E. Antonio, Governor, Pueblo of Laguna

EASTERN ALT.

OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

December 11, 2009

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

Re: Determinations of Eligibility and Effects, US Highway 550 and 160 Connection, La Plata County. (CHS #33425)

Dear Mr. Beckham:

On December 9, 2009, staff spoke to Dan Jepson of your office to clarify the eligibility status of resource 5LP.6666. We recommend a finding of needs data for resource 5LP.6666 and continued consultation in regards to the assessment of adverse effect [36 CFR 800.(b)] under Section 106. In regards to the eligibility and assessment of adverse effect for the remaining submitted survey properties, we concur with the recommend findings of eligibility and assessments of adverse effect for those properties.

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 Shina DuVall, our Section 106 Compliance Manager for Archaeology, at 303-866-4678 with any archaeology questions and Amy Pallante, our Section 106 Compliance Manager for the Built Environment, at (303) 866-4678, for any other questions.

Sincerely,

Edward C. Nichols State Historic Preservation Officer



of Transportation Federal Highway Administration **Colorado Division**

12300 W. Dakota Avenue, Suite 180 Lakewood, CO 80228 Phone: 720-963-3000

January 25, 2010

Mr. John M. Fowler, Executive Director Attn: Carol Legard Advisory Council on Historic Preservation 1100 Pennsylvania Avenue, NW, Suite 803 Washington, DC 20004

SUBJECT: Determinations of Eligibility and Effects, US Highway 550/US Highway 160 Connection, La Plata County, Colorado

Dear Mr. Fowler:

Enclosed for your review is a copy of the cultural resources survey report for the undertaking referenced above. In 2006 the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) completed and signed an Environmental Impact Statement and subsequent Record of Decision specific to proposed improvements to an approximately 16.2-mile segment of US Highway 160 between Durango and Bayfield in La Plata County (CDOT Project FC-NH[CX] 160-2[48]). Also included in that proposed action was a new connection between US Highways 160 and 550 south of Durango, the Preferred Alternative for which would necessitate a segment of new highway alignment for US 550. The attached report was submitted to the State Historic Preservation Officer (SHPO) and consulting parties for review in November 2009.

Section 106 consultation regarding the US 160 EIS project occurred over the course of several years beginning in-2000. However, due to the discovery of a large previously undocumented historic site on the alignment approved in the ROD and other associated environmental issues related to the new US 160/550 connection, FHWA and CDOT have undertaken additional analysis of possible alternatives, including historic properties studies along two alignment alternatives known as the Eastern Realignment and F Modified Alternatives. In August 2008, the Advisory Council indicated that it would participate in consultation on this project.

The report included herewith is specific to pedestrian inventory of the Eastern Realignment Alternative and determinations of eligibility and effects for historic properties therein; a separate report documenting the results of the F Modified Alternative survey will be submitted to SHPO, the consulting parties and your office at a later date once that alignment is comprehensively inventoried. Intensive analysis of the environmental impacts of these two alternatives, as well as other alternatives that are not presently undergoing this level of intensive study, will result in the selection of a Preferred Alternative for the US 550/160 connection as part of FHWA's National Environmental Policy Act (NEPA) obligations.



Area of Potential Effects

The Area of Potential Effects (APE) established for the Eastern Realignment Alternative survey was a generally linear corridor beginning at (and incorporating a short segment of) the existing US Highway 550 alignment, and extending for approximately 2.8 miles to the north-northeast, terminating at US Highway 160 (refer to report Figures 1 and 2). In order to include potential direct and indirect effects, the APE ranged from 200-300 feet on either side of the centerline, with broader areas included at intersections with existing roads. As noted on Page 8 of the report, however, the APE was expanded to include properties with boundaries that extended beyond the linear corridor (for example, ranch complexes 5LP9306 and 5LP9307, as discussed below). Although Figure 2 does not specifically reflect those properties as being within the APE, they are in fact considered to be within the APE boundary, and direct and indirect effects to those resources in their entirety were evaluated.

Eligibility Determinations

Six previously documented prehistoric archaeological sites within the APE were revisited and reevaluated, and 10 archaeological sites (7 prehistoric, 1 historic, 2 multi-component prehistoric/historic), two historic ditch segments, and two historic ranches were newly recorded. One additional historic ditch lateral that bisects the APE but is directly associated with, and is a feature of, a historic ranch that is not within the Eastern Realignment Alternative APE (5LP8461, Webb Ranch) was also newly documented. Of the 20 sites (not including the 5LP8461 ditch lateral), 8 prehistoric and 4 historic localities were recommended as eligible for listing on the National Register of Historic Places (NRHP), whereas the remaining eight sites are assessed as not eligible. The Webb/Hotter Lateral (a feature of 5LP8461) was assessed as a supporting element of the NRHP-eligible Webb Ranch. Ten prehistoric isolated finds were also newly recorded, all of which were evaluated as not eligible for the NRHP. A tabular version of the site eligibility data is presented below. The SHPO concurred with these eligibility determinations (with the exception of 5LP6666, which was determined to be a "need data" site) in correspondence dated December 1, 2009.

Site Number	Site II ype	Cultural Affiliation	NRHP Recommendation		
	Previously Recorded Sites				
5LP6665	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)		
5LP6666	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Not Eligible (10/02)		
5LP6668	Historic Artifact Scatter	Historic	Officially Not Eligible (10/02)		
5LP6671	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Recommended Eligible		
5LP6673	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Officially Eligible (10/02)		
5LP6674	Prehistoric Artifact Scatter/Historic Artifact	Basketmaker III/Pueblo I/ Historic	Officially Not Eligible (both components) (10/02)		
	Newly	Recorded Sites			
5LP9236	Open Camp	Pueblo II	Eligible		
5LP9237	Lithic Scatter	Unknown Prehistoric	Not Eligible		
5LP9238	Homestead	Historic	Not Eligible		
5LP9239	Lithic Scatter	Unknown Prehistoric	Not Eligible		
5LP9240	Lithic Scatter	Unknown Prehistoric	Not Eligible		
5LP9241	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible		
5LP9242	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible		
5LP9243	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible		
5LP9244	Prehistoric Artifact Scatter/Historic Artifact Scatter	Basketmaker III/Pueblo I/ Historic	Prehistoric: Eligible Historic: Not Eligible		
5LP9245	Prehistoric Artifact Scatter	Ancestral Puebloan	Eligible		

Summary of Site Type and NRHP Eligibility Recommendations

Site Number	Site Type	Cultural Affiliation	NRHP Recommendation-
5LP8461	Webb/Hotter Lateral	Historic	Eligible/supporting element of NRHP-eligible site
5LP9257.1	Co-op Ditch	Historic	Eligible/supporting segment
5LP9257.2	Co-op Ditch	Historic	Eligible/supporting segment
5LP9306	Schaeferhoff/Cowan Ranch Complex	Historic	Eligible
5LP9307	Craig Ranch Complex	Historic	Eligible

Effects Determinations

The effects determinations outlined below are based on preliminary engineering data for the Eastern Realignment Alternative. At this time the general footprint of the alignment has been accurately identified, but no specific design or construction plans associated with this alternative have yet been developed. While we are confident the following effects findings are as accurate as possible, more detailed design may require a reassessment of these determinations in the future. The SHPO concurred with these determinations in correspondence dated December 11, 2009.

Archaeological Sites and Isolated Finds:

All eight of the NRHP eligible archaeological sites within the APE (5LP6665, 5LP6671, 5LP6673, 5LP9236, 5LP9241, 5LP9242, 5LP9244, 5LP9245) would be directly impacted by construction if the Eastern Realignment Alternative were to be selected as the preferred alignment (refer to report Appendix A, and Appendix B, Maps 1, 4, 5, 7, 12, 13, 15 & 16). Based on their locations and proximity to the proposed travel lanes and artificial highway prism (again, in the context of the minimal design completed at this time), these sites would be completely or partially destroyed by grading, leveling and paving activities undertaken with heavy equipment. As a result, the project would have an *adverse effect* on all eight eligible archaeological sites. It is our judgment that the eligible archaeological sites are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place. The project would result in *no effect to historic properties* for the remaining eight archaeological sites (5LP6666, 5LP6674, 5LP9237-5LP9240, 5LP9243) and ten isolated finds (5LP9246-5LP9255) assessed as not eligible for the NRHP.

Historic Linear Sites and Ranch Complexes:

<u>Webb/Hotter Lateral (Feature of 5LP8461)</u>: A 1,643-foot segment of the Webb/Hotter Lateral was documented, which extends through a portion of the eligible Shaferhoff/Cowan Ranch (5LP9306) prior to crossing onto the eligible Webb Ranch property (5LP8461). Based on the location of the Eastern Realignment Alternative footprint, approximately 870 feet of the documented Webb/Hotter Lateral would be directly impacted by the new highway alignment (Appendix B, Map 17). The water in this section of the lateral will have to be relocated to a siphon. The length and condition of the lateral as it extends through the Webb Ranch property is presently unknown, but only a small portion of the lateral located outside the Webb Ranch boundary will be enclosed in a siphon. The lateral on the ranch itself will not be impacted by the Eastern Realignment Alternative, and the lateral is only a single feature of the ranch, which is significant for its ranching architecture and associated agricultural lands. None of the Webb Ranch buildings will be affected by the Eastern Realignment Alternative. The impacts to this portion of the ditch lateral are minor and the changes to this feature will not alter the qualities that make the overall Webb Ranch significant. For these reasons, FHWA and CDOT have determined that the Eastern Realignment Alternative will result in *no adverse effect* to the Webb Ranch.

<u>Co-op Ditch (5LP9257/5LP9257.1/5LP9257.2)</u>: The entire Co-op Ditch is being treated as NRHP eligible. Two geographically discrete segments of this ditch were evaluated and both segments were found to have integrity. Segment 5LP9257.1 extends for a total of 1,300 feet north of County Road 220 through the eligible Shaferhoff/Cowan Ranch (5LP9306). Segment 5LP9257.2 is a 7,984-foot section that meanders parallel to (and in two locations is crossed by) US Highway 550 on the western edge of the eligible Craig Ranch property (5LP9307), and then extends through the southern portion of that property. The Eastern Realignment Alternative would impact approximately 190 feet of 5LP9257.1 that includes a 30-foot existing structure under County Road 220. Due to the angle of the pipe in this locatioh, the water will likely be placed in a new longer pipe and not in an extension of the existing pipe. The Eastern Realignment Alternative will impact approximately 1319 feet of segment 5LP9257.2. Included in this impact area are two existing structures that run beneath US 550 (a 50-foot northern structure and a 49-foot southern structure) that will need to be replaced with longer structures, and 645 feet of ditch that will likely need to be re-graded to address issues with elevation and slopes in this area. The impacts to the ditch segments are in areas where the ditch has already been disturbed by the existing US 550 and County Road 220 alignments.

Although both of the ditch segments retain integrity, the impacts to those segments are minor and affect portions of the segments that have already been disturbed. Impacts to these segments of ditches will not alter the characteristics that make the overall Co-op Ditch significant and the remainder of the ditch will still have the integrity to convey its significance. FHWA and CDOT determined that the Eastern Realignment Alternative will have *no adverse effect* on the entire Co-op Ditch.

<u>Schaeferhoff/Cowan Ranch (5LP9306)</u>: The Schaeferhoff/Cowan Ranch is located on the north side of County Road 220, and the alignment of the Eastern Realignment Alternative extends through the western half of the property (Appendix B, Map 20). Although none of the buildings in the ranch complex would be directly affected, the new highway alignment would extend through open agricultural land that contributes to the significance of this ranch property and introduce a significant visual element to the property setting. The setting, feeling, and association of the ranch will be altered by the presence of a new highway alignment that bisects the property. FHWA and CDOT have determined that this alternative will have an *adverse effect* on the Schaeferhoff/Cowan Ranch.

<u>Craig Ranch (5LP9307)</u>: The Craig Ranch is located on the east side of US Highway 550 south of County Road 220, and the western boundary of the ranch property abuts the highway. The Eastern Realignment Alternative extends from the existing US Highway 550 alignment across the Craig Ranch, separating the main ranch complex (including the dairy barn and outbuildings) from the saddle shop and barn in the northern section of the ranch (Appendix B, Map 21). The new highway alignment would not directly impact the buildings on the property, but would bring the highway alignment closer to the building complex and would also introduce a significant visual element to the property. The Eastern Realignment Alternative would also extend across open agricultural land that contributes to the significance of 5LP9307. The setting, feeling, and association of this ranch property would be altered by the presence of a new highway alignment. FHWA and CDOT have determined that this alternative will have an *adverse effect* on the Craig Ranch.

Because the Council elected to participate in the Section 106 consultation process for this project, we welcome your comments on the report and the eligibility and effect determinations. If you would like to review the site forms or have any questions, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). For general information related to the project, please contact FHWA Environmental Program Manager Stephanie Gibson (720-963-3013; <u>stephanie.gibson@dot.gov</u>).

Sincerely yours,

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ξ₀∕ Karla S. Petty Division Administrator

Enclosure Cc: Dan Jepson, CDOT

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STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkanses Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



August 5, 2010

Mr. Daniel A. Gregory Gregory, Golden and Landeryou Attorneys at Law 1199 Main Ave. Ste. 213 Durango, CO 81301

SUBJECT: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County

Dear Mr. Gregory:

As a consulting party for the project referenced above under Section 106 of the National Historic Preservation Act, in November 2009 we provided the Webb Family (via attorney Thomas McNeill) with National Register of Historic Places (NRHP) eligibility and effects determinations for an alternative alignment (the East Alternative) under consideration. As noted in that correspondence, additional alternatives are being studied to ultimately facilitate a new connection between US Highways 550 and 160 south of Durango. Toward that end, enclosed for your review and distribution are three copies of the report and associated site forms documenting survey and site recordation for two additional alignments known as the Revised F Modified and Revised G Modified Alternatives. Please refer to Figure 2 in the report for a graphic illustration of the location of the Revised F and G Alternatives, as well as the previously inventoried East Alternative.

The report included herewith documents the results of four primary tasks:

- 1) A historic properties survey of that portion of the Revised F Modified Alternative within the boundary of the historic Webb Ranch (5LP8461) that was not previously inventoried;
- 2) Formal documentation of archaeological sites located along the Revised G Modified Alternative within the Webb Ranch identified in 2008 by a private consultant under contract to the landowner. The original G Modified Alternative was initially surveyed in 1999-2000 by a CDOT consultant during studies undertaken for the US 160 Durango to Bayfield EIS; in 2005 CDOT staff inventoried a minor revision to that route (the current Revised G Modified);
- 3) Test excavations at previously recorded prehistoric site 5LP6666; and
- 4) An assessment of NRHP eligibility for all historic and archaeological resources present within the Revised F Modified and Revised G Modified Alternatives.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Revised F Modified Alternative survey was a generally linear corridor beginning at US Highway 550 and extending for over one mile to the north and east, including an associated connection to County Road 220 (refer to report Figure 2). The APE terminated at the point where the Revised F Modified and East Alternatives share a common segment south of US Highway 160. In order to include potential direct and indirect effects, the APE ranged generally from 200-275 ft (60-85 m) on either side of the centerline; the APE was expanded in some

Mr. Gregory August 6, 2010 Page 2

areas to include property boundaries, proposed intersections and other potential construction impacts. A formal APE was not created for the G Modified Alternative, as documentation of previously identified sites was the primary task conducted for that alignment. Nonetheless, that corridor is also reflected on report Figure 2, and the historic Webb Ranch site boundary appears on a separate attachment.

Eligibility Determinations

Alpine Archaeological Consultants, Inc., under a subcontracting agreement with CDOT prime consultant Centennial Archaeology, Inc., conducted all 2010 archival, field and laboratory tasks, and authored the enclosed report. A summary of the NRHP eligibility recommendations by Alternative is presented in tabular form below, followed by a narrative description. Note that tested site 5LP6666, which is not within either the Revised F Modified or Revised G Modified Alternatives (rather the previously surveyed East Alternative alignment), is not included in the table.

Site No.	Site Type	Cultural Affiliation	NRHP Recommendation
		Iodified Alternative Inventory	,
5LP8461	Webb Ranch (segment of Webb/Hotter Lateral Ditch)	Historic	Eligible/supporting element of NRHP-eligible Webb Ranch (2009)
5LP9307	Craig Ranch	Historic	Original residence (ruins) documented in 2010 as supporting element of larger ranch; larger property Officially Eligible (2009)
5LP9308	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9309	Prehistoric Habitation/ Historic Artifact Scatter	Pueblo I/Pueblo II/Historic	Eligible (prehistoric component only)
5LP9310	Clark Property	Historic	Eligible
5LP9311	Isolated Find	Unknown	Not Eligible
5LP9312	Isolated Find	Unknown	Not Eligible
5LP9213	Isolated Find	Unknown	Not Eligible
5LP9581	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Bligible
5LP9582	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9583	Prehistoric Artifact Scatter	Pueblo I	Eligible
5LP9584	Prehistoric Habitation/ Historic Habitation	Basketmaker III/Pueblo I/ Historic	Eligible
	Revised G Modifi	ed Alternative Site Document	tation
5LP2223	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I	Officially Eligible (2000)
5LP9585	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9586	Prehistoric Artifact Scatter	Unknown Prehistoric	Not Eligible
5LP9587	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9588	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9589	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9590	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I/ Pueblo II	Eligible

NRHP Eligibility Recommendations

Revised F Modified Alternative Survey

The Revised F Modified Alternative survey resulted in the new documentation of seven sites (5LP9308-5LP9310; 5LP9581-5LP9584) and three isolated finds (5LP9311-5LP9313); a boundary enlargement of the historic Craig Ranch (5LP9307); and the recordation of an additional segment of an irrigation ditch Mr. Gregory August 6, 2010 Page 3

(Webb/Hotter Lateral) and structures associated with the historic Webb Ranch (5LP8461). All seven of the newly recorded localities are recommended as *eligible* for the NRHP under Criterion D. Based largely on information provided by a member of the Craig family, the historic boundary of the Craig Ranch (5LP9307)—which was determined officially eligible in consultation with the State Historic Preservation Officer (SHPO) in December 2009 subsequent to the East Alternative survey—has been expanded. CDOT maintains that the site retains its NRHP eligible designation. The additional segment of the Webb/Hotter Lateral ditch is recommended as a supporting element of the eligible Webb Ranch (5LP8461), as is the additional building complex located east of the core ranch structures. All three isolated finds (5LP9311-5LP9313) consist of two or fewer artifacts of unknown cultural affiliation; pertinent data for those localities were collected in the field and each is evaluated as *not eligible*.

Revised G Modified Site Documentation

Within and near the footprint of the Revised G Modified Alternative, six archaeological sites were newly documented (5LP9585-5LP9590) and one previously recorded site was re-evaluated (5LP2223). The latter site was determined officially NRHP eligible in 2000, an assessment with which CDOT continues to agree. Of the remaining six sites, two (5LP9585 and 5LP9586) are evaluated as *not eligible* based on a lack of surface and subsurface cultural deposits coupled with severe physical disturbances, and four sites (5LP9587-5LP9590) are recommended as eligible under Criterion D.

Test Excavations at 5LP6666

Site 5LP6666 was evaluated as not eligible for the NRHP subsequent to the East Alternative survey in 2009. However, the SHPO disagreed with that assessment and indicated that further work was required to evaluate the nature and extent of potential subsurface deposits. Test excavations were therefore conducted during the 2010 phase of work. Testing revealed very shallow and highly disturbed cultural remains, all of which were observed within the upper modern agricultural plow zone. The site is recommended as *not eligible* for inclusion on the NRHP.

Effects Determinations

Please note that the following effects determinations are based on preliminary engineering data for both the Revised F Modified and Revised G Modified Alternatives. At this time the general footprint of each alignment has been accurately identified but no specific design or construction plans have been developed. More detailed design may require a reassessment of these determinations in the future. Please refer to the site planview maps contained in Appendix B of the report for graphic representations of the effects described below.

Revised F Modified Alternative

Should this alternative be selected as the preferred route as a result of the NEPA analysis presently underway, all nine sites completely or partially within the APE of the Revised F Modified Alternative would be adversely affected. The prehistoric archaeological sites would be directly impacted by construction facilitated by heavy equipment (i.e., grading, cutting, leveling and/or paving), whereas the alternative footprint and/or the centerline extend through portions of the Craig Ranch, the Clark property and the Webb Ranch.

With regard to the **Craig Ranch** (5LP9307), the Revised F Modified centerline extends through a small area on the west side of the property before the alignment continues on a tangent and crosses the northern section of the property near County Road 220, well away from the main complex of buildings documented in 2009. Part of the alternative footprint may also cross a small area of the original homestead site (now in ruins), which is a contributing element to the overall ranch property. The proposed County Road 220 reconnection will also extend through the northern part of the Craig Ranch.

Mr. Gregory August 6, 2010 Page 4

On the Clark property (5LP9310), the alternative centerline extends through the northern end of that property boundary. The main house on the Clark property is about 725 feet south of the conceptual right-of-way for US Highway 550 and about 190 feet north of any improvements associated with County Road 220.

With regard to the overall Webb Ranch (5LP8461), the alternative centerline curves through the eastern portion of the ranch and impacts the Webb/Hotter Lateral, portions of which will likely be placed in siphon structures. As a result, 5LP9307, 5LP9310 and 5LP8461 could potentially have a new highway alignment within their boundaries, which would compromise the setting, feeling, and association of the properties and result in an *adverse effect*. Again, please refer to the report and associated maps for more information about the location of the Revised F Modified Alternative in relation to these resources.

Revised G Modified Alternative

Of the five NRHP eligible archaeological sites associated with the Revised G Modified Alternative, three sites (5LP9588-5LP9590) would be directly impacted by construction in a fashion similar to those described above within the Revised F Modified alignment. A finding of *adverse effect* is therefore appropriate for those localities. The remaining two sites (5LP2223 and 5LP9587) have only very small slivers of their boundaries within the larger corridor footprint; consequently complete avoidance of both sites would be possible during the future design phase. With regard to those sites, the project will have *no effect to historic properties*. It is our judgment that the eligible archaeological sites associated with both alignment alternatives are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

The Revised G Modified Alternative would also have an *adverse effect* on 5LP8461, Webb Ranch, in the same fashion outlined above for Revised F Modified (compromise the setting, feeling, and association of the property).

This information has been transmitted to the SHPO as well as the other Section 106 consulting parties (including three tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

Jane Hann, Manager Environmental Programs Branch

Enclosures: Report and site forms Map showing historic Webb Ranch boundary

cc: K. Neet (CDOT Region 5) S. Gibson (FHWA)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



August 6, 2010

Ms. Peggy Cooley 1525 Cliff Drive Santa Barbara, CA 93109-1733

SUBJECT: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County

Dear Ms. Cooley:

As a consulting party for the project referenced above under Section 106 of the National Historic Preservation Act, in November 2009 we provided you with National Register of Historic Places (NRHP) eligibility and effects determinations for an alternative alignment (the East Alternative) under consideration. As noted in that correspondence, additional alternatives are being studied to ultimately facilitate a new connection between US Highways 550 and 160 south of Durango. Toward that end, enclosed for your review is a copy of the report and associated site forms documenting survey and site recordation for two additional alignments known as the Revised F Modified and Revised G Modified Alternatives. Please refer to Figure 2 in the report for a graphic illustration of the location of the Revised F and G Alternatives, as well as the previously inventoried East Alternative.

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Area of Potential Effects

The Area of Potential Effects (APE) established for the Revised F Modified Alternative survey was a generally linear corridor beginning at US Highway 550 and extending for over one mile to the north and east, including an associated connection to County Road 220 (refer to report Figure 2). The APE terminated at the point where the Revised F Modified and East Alternatives share a common segment south of US Highway 160. In order to include potential direct and indirect effects, the APE ranged generally from 200-275 ft (60-85 m) on either side of the centerline; the APE was expanded in some areas to include property boundaries, proposed intersections and other potential construction impacts. A formal APE was not created for the G Modified Alternative, as documentation of previously identified sites was

Ms. Cooley August 6, 2010 Page 2

the primary task conducted for that alignment. Nonetheless, that corridor is also reflected on report Figure 2, and the historic Webb Ranch site boundary appears on a separate attachment.

Eligibility Determinations

Alpine Archaeological Consultants, Inc., under a subcontracting agreement with CDOT prime consultant Centennial Archaeology, Inc., conducted all 2010 archival, field and laboratory tasks, and authored the enclosed report. A summary of the NRHP eligibility recommendations by Alternative is presented in tabular form below, followed by a narrative description. Note that tested site 5LP6666, which is not within either the Revised F Modified or Revised G Modified Alternatives (rather the previously surveyed East Alternative alignment), is not included in the table.

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NRHP Eligibility Recommendations

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largely on information provided by a member of the Craig family, the historic boundary of the Craig Ranch (5LP9307)—which was determined officially eligible in consultation with the State Historic Preservation Officer (SHPO) in December 2009 subsequent to the East Alternative survey—has been expanded. CDOT maintains that the site retains its NRHP eligible designation. The additional segment of the Webb/Hotter Lateral ditch is recommended as a supporting element of the eligible Webb Ranch (5LP8461), as is the additional building complex located east of the core ranch structures. All three isolated finds (5LP9311-5LP9313) consist of two or fewer artifacts of unknown cultural affiliation; pertinent data for those localities were collected in the field and each is evaluated as *not eligible*.

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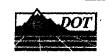
Very truly yours,

Jane Hann, Manager Environmental Programs Branch

Enclosures: Report and site forms Map showing historic Webb Ranch boundary

cc: K. Nect (CDOT Region 5) S. Gibson (FHWA) STATE OF COLORADO

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



U.S. Department of Transportation Federal Highway Administration



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

August 6, 2010

Mr. Matthew Box, Chairman Southern Ute Indian Tribe Attn: Mr. Neil Cloud, Culture Preservation Office P.O. Box 737 Ignacio, CO 81137

SUBJECT: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. Box:

As a consulting tribe for the project referenced above under Section 106 of the National Historic Preservation Act, in November 2009 we provided you with National Register of Historic Places (NRHP) eligibility and effects determinations for an alternative alignment (the East Alternative) under consideration. As noted in that correspondence, additional alternatives are being studied to ultimately facilitate a new connection between US Highways 550 and 160 south of Durango. Toward that end, enclosed for your review are three copies of the report and associated site forms documenting survey and site recordation for two additional alignments known as the Revised F Modified and Revised G Modified Alternatives. Please refer to Figure 2 in the report for a graphic illustration of the location of the Revised F and G Alternatives, as well as the previously inventoried East Alternative.

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Mr. Box August 6, 2010 Page 2

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5LP9308	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible	
5LP9309	Prehistoric Habitation/ Historic Artifact Scatter	Pueblo I/Pueblo II/Historic	Eligible (prehistoric component only)	
5LP9310	Clark Property	Historic	Eligible	
5LP9311	Isolated Find	Unknown	Not Eligible	
5LP9312	Isolated Find	Unknown	Not Eligible	
5LP9213	Isolated Find	Unknown	Not Eligible	
5LP9581	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible	
5LP9582	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible	
5LP9583	Prehistoric Artifact Scatter	Pueblo I	Eligible	
5LP9584	Prehistoric Habitation/ Historic Habitation	Basketmaker III/Pueblo I/ Historic	Eligible	
	Revised G Modifi	ed Alternative Site Document	tation	
5LP2223	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I	Officially Eligible (2000)	
5LP9585	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible	
5LP9586	Prehistoric Artifact Scatter	Unknown Prehistoric	Not Eligible	
5LP9587	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible	
5LP9588	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible	
5LP9589	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible	
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NRHP Eligibility Recommendations

Revised F Modified Alternative Survey

The Revised F Modified Alternative survey resulted in the new documentation of seven sites (5LP9308-5LP9310; 5LP9581-5LP9584) and three isolated finds (5LP9311-5LP9313); a boundary enlargement of the historic Craig Ranch (5LP9307); and the recordation of an additional segment of an irrigation ditch Mr. Box August 6, 2010 Page 3

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Revised G Modified Site Documentation

Within and near the footprint of the Revised G Modified Alternative, six archaeological sites were newly documented (5LP9585-5LP9590) and one previously recorded site was re-evaluated (5LP2223). The latter site was determined officially NRHP eligible in 2000, an assessment with which CDOT continues to agree. Of the remaining six sites, two (5LP9585 and 5LP9586) are evaluated as *not eligible* based on a lack of surface and subsurface cultural deposits coupled with severe physical disturbances, and four sites (5LP9587-5LP9590) are recommended as eligible under Criterion D.

Test Excavations at 5LP6666

Site 5LP6666 was evaluated as not eligible for the NRHP subsequent to the East Alternative survey in 2009. However, the SHPO disagreed with that assessment and indicated that further work was required to evaluate the nature and extent of potential subsurface deposits. Test excavations were therefore conducted during the 2010 phase of work. Testing revealed very shallow and highly disturbed cultural remains, all of which were observed within the upper modern agricultural plow zone. The site is recommended as *not eligible* for inclusion on the NRHP.

Effects Determinations

Please note that the following effects determinations are based on preliminary engineering data for both the Revised F Modified and Revised G Modified Alternatives. At this time the general footprint of each alignment has been accurately identified but no specific design or construction plans have been developed. More detailed design may require a reassessment of these determinations in the future. Please refer to the site planview maps contained in Appendix B of the report for graphic representations of the effects described below.

Revised F Modified Alternative

Should this alternative be selected as the preferred route as a result of the NEPA analysis presently underway, all nine sites completely or partially within the APE of the Revised F Modified Alternative would be adversely affected. The prehistoric archaeological sites would be directly impacted by construction facilitated by heavy equipment (i.e., grading, cutting, leveling and/or paving), whereas the alternative footprint and/or the centerline extend through portions of the Craig Ranch, the Clark property and the Webb Ranch.

With regard to the **Craig Ranch** (5LP9307), the Revised F Modified centerline extends through a small area on the west side of the property before the alignment continues on a tangent and crosses the northern section of the property near County Road 220, well away from the main complex of buildings documented in 2009. Part of the alternative footprint may also cross a small area of the original homestead site (now in ruins), which is a contributing element to the overall ranch property. The proposed County Road 220 reconnection will also extend through the northern part of the Craig Ranch. Mr. Box August 6, 2010 Page 4

On the Clark property (5LP9310), the alternative centerline extends through the northern end of that property boundary. The main house on the Clark property is about 725 feet south of the conceptual right-of-way for US Highway 550 and about 190 feet north of any improvements associated with County Road 220.

With regard to the overall Webb Ranch (5LP8461), the alternative centerline curves through the eastern portion of the ranch and impacts the Webb/Hotter Lateral, portions of which will likely be placed in siphon structures. As a result, 5LP9307, 5LP9310 and 5LP8461 could potentially have a new highway alignment within their boundaries, which would compromise the setting, feeling, and association of the properties and result in an *adverse effect*. Again, please refer to the report and associated maps for more information about the location of the Revised F Modified Alternative in relation to these resources.

Revised G Modified Alternative

Of the five NRHP eligible archaeological sites associated with the Revised G Modified Alternative, three sites (5LP9588-5LP9590) would be directly impacted by construction in a fashion similar to those described above within the Revised F Modified alignment. A finding of *adverse effect* is therefore appropriate for those localities. The remaining two sites (5LP2223 and 5LP9587) have only very small slivers of their boundaries within the larger corridor footprint; consequently complete avoidance of both sites would be possible during the future design phase. With regard to those sites, the project will have *no effect to historic properties*. It is our judgment that the eligible archaeological sites associated with both alignment alternatives are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

The Revised G Modified Alternative would also have an *adverse effect* on 5LP8461, Webb Ranch, in the same fashion outlined above for Revised F Modified (compromise the setting, feeling, and association of the property).

This information has been transmitted to the SHPO as well as the other Section 106 consulting parties (including two additional tribal governments) identified for the undertaking.

Your comments on the site eligibility determinations outlined above and in the enclosed report, and also on the effects determinations described herein and illustrated in the report, are welcomed. If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

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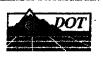
Jane Hann, Manager Environmental Programs Branch

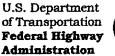
Enclosures: Report and site forms Map showing historic Webb Ranch boundary

cc: K. Neet (CDOT Region 5) S. Gibson (FHWA)



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







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

August 6, 2010

Mr. Leroy Shingoitewa, Chairman The Hopi Tribe Attn: Mr. Leigh Kuwanwisiwma, Culture Preservation Office P.O. Box 123 Kykotsmovi, AZ 86039

SUBJECT: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. Shingoitewa:

As a consulting tribe for the project referenced above under Section 106 of the National Historic Preservation Act, in November 2009 we provided you with National Register of Historic Places (NRHP) eligibility and effects determinations for an alternative alignment (the East Alternative) under consideration. As noted in that correspondence, additional alternatives are being studied to ultimately facilitate a new connection between US Highways 550 and 160 south of Durango. Toward that end, enclosed for your review are three copies of the report and associated site forms documenting survey and site recordation for two additional alignments known as the Revised F Modified and Revised G Modified Alternatives. Please refer to Figure 2 in the report for a graphic illustration of the location of the Revised F and G Alternatives, as well as the previously inventoried East Alternative.

The report included herewith documents the results of four primary tasks:

- 1) A historic properties survey of that portion of the Revised F Modified Alternative within the boundary of the historic Webb Ranch (5LP8461) that was not previously inventoried;
- 2) Formal documentation of archaeological sites located along the Revised G Modified Alternative within the Webb Ranch identified in 2008 by a private consultant under contract to the landowner. The original G Modified Alternative was initially surveyed in 1999-2000 by a CDOT consultant during studies undertaken for the US 160 Durango to Bayfield EIS; in 2005 CDOT staff inventoried a minor revision to that route (the current Revised G Modified);
- 3) Test excavations at previously recorded prehistoric site 5LP6666; and
- 4) An assessment of NRHP eligibility for all historic and archaeological resources present within the Revised F Modified and Revised G Modified Alternatives.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Revised F Modified Alternative survey was a generally linear corridor beginning at US Highway 550 and extending for over one mile to the north and east, including an associated connection to County Road 220 (refer to report Figure 2). The APE terminated at the point where the Revised F Modified and East Alternatives share a common segment south of US Highway 160. In order to include potential direct and indirect effects, the APE ranged generally from 200-275 ft (60-85 m) on either side of the centerline; the APE was expanded in some

Mr. Shingoitewa August 6, 2010 Page 2

areas to include property boundaries, proposed intersections and other potential construction impacts. A formal APE was not created for the G Modified Alternative, as documentation of previously identified sites was the primary task conducted for that alignment. Nonetheless, that corridor is also reflected on report Figure 2, and the historic Webb Ranch site boundary appears on a separate attachment.

Eligibility Determinations

Alpine Archaeological Consultants, Inc., under a subcontracting agreement with CDOT prime consultant Centennial Archaeology, Inc., conducted all 2010 archival, field and laboratory tasks, and authored the enclosed report. A summary of the NRHP eligibility recommendations by Alternative is presented in tabular form below, followed by a narrative description. Note that tested site SLP6666, which is not within either the Revised F Modified or Revised G Modified Alternatives (rather the previously surveyed East Alternative alignment), is not included in the table.

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	Revised F M	Iodified Alternative Inventory	
5LP8461	Webb Ranch (segment of Webb/Hotter Lateral Ditch)	Historic	Eligible/supporting element of NRHP-eligible Webb Ranch (2009)
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5LP9582	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9583	Prehistoric Artifact Scatter	Pueblo I	Eligible
5LP9584	Prehistoric Habitation/ Historic Habitation	Basketmaker III/Pueblo I/ Historic	Eligible
	Revised G Modifi	ied Alternative Site Document	tation
5LP2223	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I	Officially Eligible (2000)
5LP9585	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9586	Prehistoric Artifact Scatter	Unknown Prehistoric	Not Eligible
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NRHP Eligibility Recommendations

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The Revised F Modified Alternative survey resulted in the new documentation of seven sites (5LP9308-5LP9310; 5LP9581-5LP9584) and three isolated finds (5LP9311-5LP9313); a boundary enlargement of the historic Craig Ranch (5LP9307); and the recordation of an additional segment of an irrigation ditch Mr. Shingoitewa August 6, 2010 Page 3

(Webb/Hotter Lateral) and structures associated with the historic Webb Ranch (5LP8461). All seven of the newly recorded localities are recommended as *eligible* for the NRHP under Criterion D. Based largely on information provided by a member of the Craig family, the historic boundary of the Craig Ranch (5LP9307)—which was determined officially eligible in consultation with the State Historic Preservation Officer (SHPO) in December 2009 subsequent to the East Alternative survey—has been expanded. CDOT maintains that the site retains its NRHP eligible designation. The additional segment of the Webb/Hotter Lateral ditch is recommended as a supporting element of the eligible Webb Ranch (5LP8461), as is the additional building complex located east of the core ranch structures. All three isolated finds (5LP9311-5LP9313) consist of two or fewer artifacts of unknown cultural affiliation; pertinent data for those localities were collected in the field and each is evaluated as *not eligible*.

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Test Excavations at 5LP6666

Site 5LP6666 was evaluated as not eligible for the NRHP subsequent to the East Alternative survey in 2009. However, the SHPO disagreed with that assessment and indicated that further work was required to evaluate the nature and extent of potential subsurface deposits. Test excavations were therefore conducted during the 2010 phase of work. Testing revealed very shallow and highly disturbed cultural remains, all of which were observed within the upper modern agricultural plow zone. The site is recommended as *not eligible* for inclusion on the NRHP.

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Mr. Shingoitewa August 6, 2010 Page 4

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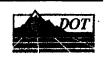
Very truly yours,

Jane Hann, Manager Environmental Programs Branch

Enclosures: Report and site forms Map showing historic Webb Ranch boundary

cc: K. Neet (CDOT Region 5) S. Gibson (FHWA) STATE OF COLORADO

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



U.S. Department of Transportation Federal Highway Administration



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

August 6, 2010

Mr. John Antonio Sr., Governor Pueblo of Laguna c/o Laguna Pueblo Tribal Council P.O. Box 194 Laguna, NM 87026

SUBJECT: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. Antonio:

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Mr. Antonio August 6, 2010 Page 2

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Mr. Antonio August 6, 2010 Page 4

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Jane Hann, Manager Environmental Programs Branch

Enclosures: Report and site forms Map showing historic Webb Ranch boundary

cc: K. Neet (CDOT Region 5) S. Gibson (FHWA)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



August 6, 2010

Mr. Edward C. Nichols State Historic Preservation Officer History Colorado 1560 Broadway, Ste. 400 Denver, CO 80202

SUBJECT: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County (CHS #33425)

Dear Mr. Nichols:

In correspondence dated November 9, 2009, we submitted eligibility and effects determinations for an alternative alignment (the East Alternative) specific to the project referenced above. As noted in that letter, additional alternatives are under consideration to ultimately facilitate a new connection between US Highways 550 and 160 south of Durango. Toward that end, enclosed for your review is a copy of the report and associated site forms documenting survey and site recordation for two additional alignments known as the Revised F Modified and Revised G Modified Alternatives. Please refer to Figure 2 in the report for a graphic illustration of the location of the Revised F and G Alternatives, as well as the previously inventoried East Alternative.

The report included herewith documents the results of four primary tasks:

- 1) A historic properties survey of that portion of the Revised F Modified Alternative within the boundary of the historic Webb Ranch (5LP8461) that was not previously inventoried;
- 2) Formal documentation of archaeological sites located along the Revised G Modified Alternative within the Webb Ranch identified in 2008 by a private consultant under contract to the landowner. The original G Modified Alternative was initially surveyed in 1999-2000 by a CDOT consultant during studies undertaken for the US 160 Durango to Bayfield EIS; in 2005 CDOT staff inventoried a minor revision to that route (the current Revised G Modified);
- 3) Test excavations at previously recorded prehistoric site 5LP6666; and
- 4) An assessment of National Register of Historic Places (NRHP) eligibility for all historic and archaeological resources present within the Revised F Modified and Revised G Modified Alternatives.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Revised F Modified Alternative survey was a generally linear corridor beginning at US Highway 550 and extending for over one mile to the north and east, including an associated connection to County Road 220 (refer to report Figure 2). The APE terminated at the point where the Revised F Modified and East Alternatives share a common segment south of US Highway 160. In order to include potential direct and indirect effects, the APE ranged generally from 200-275 ft (60-85 m) on either side of the centerline; the APE was expanded in some areas

Mr. Nichols August 6, 2010 Page 2

to include property boundaries, proposed intersections and other potential construction impacts. A formal APE was not created for the G Modified Alternative, as documentation of previously identified sites was the primary task conducted for that alignment. Nonetheless, that corridor is also reflected on report Figure 2, and the historic Webb Ranch site boundary appears on a separate attachment.

Eligibility Determinations

Alpine Archaeological Consultants, Inc., under a subcontracting agreement with CDOT prime consultant Centennial Archaeology, Inc., conducted all 2010 archival, field and laboratory tasks, and authored the enclosed report. A summary of the eligibility recommendations by Alternative is presented in tabular form below, followed by a narrative description. Note that tested site 5LP6666, which is not within either the Revised F Modified or Revised G Modified Alternatives (rather the previously surveyed East Alternative alignment), is not included in the table.

Site No.	Site Type	Cultural Affiliation	NRHP Recommendation
	Revised F M	odified Alternative Inventory	,
5LP8461	Webb Ranch (segment of Webb/Hotter Lateral Ditch)	Historic	Eligible/supporting element of NRHP-eligible Webb Ranch (2009)
5LP9307	Craig Ranch	Historic	Original residence (ruins) documented in 2010 as supporting element of larger ranch; larger property Officially Eligible (2009)
5LP9308	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9309	Prehistoric Habitation/ Historic Artifact Scatter	Pueblo I/Pueblo II/Historic	Eligible (prehistoric component only)
5LP9310	Clark Property	Historic	Eligible
5LP9311	Isolated Find	Unknown	Not Eligible
5LP9312	Isolated Find	Unknown	Not Eligible
5LP9213	Isolated Find	Unknown	Not Eligible
5LP9581	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9582	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible
5LP9583	Prehistoric Artifact Scatter	Pueblo I	Eligible
5LP9584	Prehistoric Habitation/ Historic Habitation	Basketmaker III/Pueblo I/ Historic	Eligible
	Revised G Modifi	ed Alternative Site Document	ation
5LP2223	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I	Officially Eligible (2000)
5LP9585	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible
5LP9586	Prehistoric Artifact Scatter	Unknown Prehistoric	Not Eligible
5LP9587	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9588	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9589	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible
5LP9590	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I/ Pueblo II	Eligible

NRHP Eligibility Recommendations

Revised F Modified Alternative Survey

The Revised F Modified Alternative survey resulted in the new documentation of seven sites (5LP9308-5LP9310; 5LP9581-5LP9584) and three isolated finds (5LP9311-5LP9313); a boundary enlargement of the historic Craig Ranch (5LP9307); and the recordation of an additional segment of an irrigation ditch (Webb/Hotter Lateral) and structures associated with the historic Webb Ranch (5LP8461). All seven of the newly recorded localities are recommended as *eligible* for the NRHP under Criterion D. Based Mr. Nichols August 6, 2010 Page 3

largely on information provided by a member of the Craig family, the historic boundary of the Craig Ranch (5LP9307)—which was determined officially eligible in consultation with your office in December 2009 subsequent to the East Alternative survey—has been expanded. CDOT maintains that the site retains its NRHP eligible designation. The additional segment of the Webb/Hotter Lateral ditch is recommended as a supporting element of the eligible Webb Ranch (5LP8461), as is the additional building complex located east of the core ranch structures. All three isolated finds (5LP9311-5LP9313) consist of two or fewer artifacts of unknown cultural affiliation; pertinent data for those localities was collected in the field and each is evaluated as *not eligible*.

Revised G Modified Site Documentation

Within and near the footprint of the Revised G Modified Alternative, six archaeological sites were newly documented (5LP9585-5LP9590) and one previously recorded site was re-evaluated (5LP2223). The latter site was determined officially NRHP eligible in 2000, an assessment with which CDOT continues to agree. Of the remaining six sites, two (5LP9585 and 5LP9586) are evaluated as *not eligible* based on a lack of surface and subsurface cultural deposits coupled with severe physical disturbances, and four sites (5LP9587-5LP9590) are recommended as eligible under Criterion D.

Test Excavations at 5LP6666

Site 5LP6666 was evaluated as not eligible for the NRHP subsequent to the East Alternative survey in 2009. However, you disagreed with that assessment and indicated that further work was required to evaluate the nature and extent of potential subsurface deposits. Test excavations were therefore conducted during the 2010 phase of work. Testing revealed very shallow and highly disturbed cultural remains, all of which were observed within the upper modern agricultural plow zone. The site is recommended as *not eligible* for inclusion on the NRHP.

Effects Determinations

Please note that the following effects determinations are based on preliminary engineering data for both the Revised F Modified and Revised G Modified Alternatives. At this time the general footprint of each alignment has been accurately identified but no specific design or construction plans have been developed. More detailed design may require a reassessment of these determinations in the future. Please refer to the site planview maps contained in Appendix B of the report for graphic representations of the effects described below.

Revised F Modified Alternative

Should this alternative be selected as the preferred route as a result of the NEPA analysis presently underway, all nine sites completely or partially within the APE of the Revised F Modified Alternative would be adversely affected. The prehistoric archaeological sites would be directly impacted by construction facilitated by heavy equipment (i.e., grading, cutting, leveling and/or paving), whereas the alternative footprint and/or the centerline extend through portions of the Craig Ranch, the Clark property and the Webb Ranch.

With regard to the **Craig Ranch** (5LP9307), the Revised F Modified centerline extends through a small area on the west side of the property before the alignment continues on a tangent and crosses the northern section of the property near County Road 220, well away from the main complex of buildings documented in 2009. Part of the alternative footprint may also cross a small area of the original homestead site (now in ruins), which is a contributing element to the overall ranch property. The proposed County Road 220 reconnection will also extend through the northern part of the Craig Ranch.

Mr. Nichols August 6, 2010 Page 4

On the **Clark property** (5LP9310), the alternative centerline extends through the northern end of that property boundary. The main house on the Clark property is about 725 feet south of the conceptual right-of-way for US Highway 550 and about 190 feet north of any improvements associated with County Road 220.

With regard to the overall **Webb Ranch** (5LP8461), the alternative centerline curves through the eastern portion of the ranch and impacts the Webb/Hotter Lateral, portions of which will likely be placed in siphon structures. As a result, 5LP9307, 5LP9310 and 5LP8461 could potentially have a new highway alignment within their boundaries, which would compromise the setting, feeling, and association of the properties and result in an *adverse effect*. Again, please refer to the report and associated maps for more information about the location of the Revised F Modified Alternative in relation to these resources.

Revised G Modified Alternative

Of the five NRHP eligible archaeological sites associated with the Revised G Modified Alternative, three sites (5LP9588-5LP9590) would be directly impacted by construction in a fashion similar to those described above within the Revised F Modified alignment. A finding of *adverse effect* is therefore appropriate for those localities. The remaining two sites (5LP2223 and 5LP9587) have only very small slivers of their boundaries within the larger corridor footprint; consequently complete avoidance of both sites would be possible during the future design phase. With regard to those sites, the project will have *no effect to historic properties*. It is our judgment that the eligible archaeological sites associated with both alignment alternatives are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

The Revised G Modified Alternative would also have an *adverse effect* on 5LP8461, Webb Ranch, in the same fashion outlined above for Revised F Modified (compromise the setting, feeling, and association of the property).

This information has been transmitted to the Section 106 consulting parties (including three tribal governments) identified for the undertaking. We will notify you of any responses received from these individuals and groups.

We request your concurrence with the site eligibility determinations outlined above and in the enclosed report, and also with the effects determinations described herein and illustrated in the report. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

Jane Hann, Manager Environmental Programs Branch

Enclosures: Report and site forms Map showing historic Webb Ranch boundary

cc: K. Neet (CDOT Region 5) S. Gibson (FHWA)

Leroy N. Shingoitewa CHAIRMAN

Herman G. Honanie VICE-CHAIRMAN



August 16, 2010

Jane Hann, Manager, Environmental Programs Branch Attention, Dan Jepson, Archaeologist State of Colorado, Department of Transportation, Environmental Programs Branch 4201 East Arkansas Avenue Denver, Colorado 80222

Re: US Highway 550 and 160 Connection, La Plata County Additional Determinations of Eligibility and Effects, Revised F and G Modified Alternatives

Dear Ms. Hann,

Thank you for your correspondence dated August 6, 2010, with an enclosed cultural resources survey report and site forms regarding the US Highway 550 and 160 Connection, Revised F and G Modified Alternatives. The Hopi Tribe claims cultural affiliation to the Ancestral Puebloan prehistoric cultural groups in Colorado. The Hopi Cultural Preservation Office supports identification and avoidance of prehistoric archaeological sites and Traditional Cultural Properties, and we consider the archaeological sites of our ancestors to be Traditional Cultural Properties. Therefore, we appreciate the Colorado Department of Transportation's continuing solicitation of our input and your efforts to address our concerns.

The Hopi Cultural Preservation Office responded to the November, 2009, correspondence regarding the East Alternative. We have now reviewed the enclosed cultural resources survey report that identifies 6 National Register eligible prehistoric sites in the Revised F Modified Alternative, and 4 National Register eligible prehistoric sites in the Revised G Modified Alternative. We understand that either of these alternatives will result in adverse effects to prehistoric structures.

Therefore, if either of these alternatives are implemented, we request ongoing consultation including being provided with copies of any proposed treatment plans for review and comment. We also request an opportunity to review and comment on the preliminary and draft data recovery reports. If you have any questions or need additional information, please contact Terry Morgart at the Hopi Cultural Preservation Office at 928-734-3619 or tmorgart@hopi.nsn.us. Thank you for your consideration.

Kuwanwisiwma, Director Hopi Cultural Preservation Office

xc: Colorado State Historic Preservation Office



August 25, 2010

Jane Hann Environmental Programs Branch Department of Transportation 4201 E. Arkansas Ave. Shumate Building Denver, CO 80222

Re: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County, Colorado (CHS #33425)

Dear Ms. Hann,

Thank you for your correspondence dated August 6, 2010 (received by our office on August 6, 2010; additional revised documentation received on August 20, 2010) and the documentation provided regarding the subject project.

Following our review of the documentation provided, we provide the following comments:

- We concur with your determination that the following sites are eligible for the National Register of Historic Places (NRHP): 5LP8461, 5LP9307, 5LP9308, 5LP9309, 5LP9310, 5LP9581, 5LP9582, 5LP9583, 5LP9584, 5LP2223, 5LP9587, 5LP9588, 5LP9589, and 5LP9590.
- We concur with your determination that the following sites are not eligible for the NRHP: 5LP6666, 5LP9585, and 5LP9586.
- We concur with your determination that the following isolated finds are not eligible for the NRHP: 5LP9311, 5LP9312, and 5LP9313.
- Regarding the determination of effect, we concur that a finding of adverse effect is appropriate for the Revised F Modified Alternative as would impact all nine sites located completely or partially within the area of potential effects (APE).
- We further concur that a finding of adverse effect is appropriate for the Revised G Modified Alternative, specifically with regard to the three archaeological that would be directly impacted by construction (5LP9588, 5LP9589, and 5LP9590) and the Webb Ranch (5LP8561). Assuming as the documentation suggests that final design could ensure complete avoidance of sites 5LP2223 and 5LP9587, we conditionally concur that a finding of no historic properties affected is appropriate with specific regard to these two sites and the Revised G Modified Alternative.

Thank you for the opportunity to comment. We look forward to continued consultation on the US Highway 550 and 160 Connection project. If we may be of further assistance please contact Shina duVall, Section 106 Compliance Manager, at (303) 866-4674 or shina.duvall@chs.state.co.us or Amy Pallante, Section 106 Compliance Manager, at (303) 866-4678 or amy.pallante@chs.state.co.us.

Sincerely

Edward C. Nichols State Historic Preservation Officer ECN/SAD

THE COLORADO HISHORICAL SOCIED

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



September 21, 2010

Mr. Shannon Bennett 455 Pinnacle View Drive Durango CO 81301

SUBJECT: Solicitation for Consulting Party Status, US Highways 550 and 160 Connection, La Plata County

Dear Mr. Bennett:

Per your request, in late August you were sent the historic properties survey report specific to two alignment alternatives presently being studied by the Colorado Department of Transportation (CDOT) as a possible new connection between US Highways 550 and 160 south of Durango. As you are aware from review of that document, your property bordering County Road 220—referenced as the Clark Ranch and assigned site number 5LP9310—is located along the "Revised F Modified Alternative." The ranch has been determined eligible for inclusion on the National Register of Historic Places as a significant historic resource, an assessment with which the State Historic Preservation Officer concurred.

The US 550/160 project is sponsored by the Federal Highway Administration (FHWA) and therefore constitutes a federal undertaking requiring compliance with Section 106 of the National Historic Preservation Act, as amended (16 U.S.C. 470f), and its implementing regulations (36 CFR 800). As a potentially impacted and/or interested local landowner, FHWA and CDOT would like to formally offer you the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f) of the regulation. Two documents are enclosed that provide information about the Section 106 process and the role of consulting parties; in particular, please refer to pp. 15-16 of the *Citizen's Guide to Section 106 Review* for a succinct summary of consulting parties in the historic preservation compliance process.

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 Dan Jepson, CDOT Senior Staff Archaeologist, 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 questions, please contact Mr. Jepson at (303) 757-9631 or via Email at <u>daniel.jepson@dot.state.co.us</u>, or FHWA Environmental Program Manager Stephanie Gibson at (720) 963-3013 or <u>stephanie.gibson@dot.gov</u>.

Very truly yours. Jane Hann, Manager

Environmental Programs Branch

Enclosures

cc: K. Neet (CDOT Region 5) S. Gibson (FHWA) 

U.S. Department of Transportation

Federal Highway Administration Colorado Division September 22, 2010 12300 W. Dakota Avenue, Suite 180 Lakewood, CO 80228 720-963-3000 FAX: 720-963-3001

Mr. John M. Fowler Office of the Executive Director Advisory Council on Historic Preservation 1100 Pennsylvania Avenue, NW, Suite 803 Washington, DC 20004 Attn: Ms. Carol Legard, FHWA Liaison

Dear Mr. Fowler:

Enclosed for your review is a copy of the cultural resources survey report for two proposed alternative alignments specific to the Colorado Department of Transportation (CDOT) undertaking referenced above. In correspondence dated January 25, 2010, the Federal Highway Administration (FHWA) forwarded you a report documenting the results of the survey conducted for the Eastern Realignment Alternative related to this project. (Please note that the previous report, as well as the document enclosed herewith, refers to that alignment as the "East Alternative;" however, both titles denote the same alignment.) The attached document presents the results of the Revised F Modified and Revised G Modified Alternatives pedestrian inventory, as well as determinations of site eligibility; effects are discussed in this letter. The report was submitted to the Colorado State Historic Preservation Officer (SHPO) and consulting parties for review in August 2010. Please refer to the January 2010 letter for additional background on the US Highway 550/160 Connection project.

As noted in the earlier correspondence, intensive analysis of the environmental impacts of these three alternatives, as well as other alternatives that are not undergoing this level of study, will result in the selection of a Preferred Alternative for the project as part of FHWA's National Environmental Policy Act (NEPA) obligations. Refer to Figure 2 in the enclosed report for a graphic illustration of the location of the Revised F and G Alternatives, as well as the previously inventoried Eastern Realignment Alternative.

The report included herewith documents the results of four primary tasks:

1) A historic properties survey of that portion of the Revised F Modified Alternative within the boundary of the historic Webb Ranch (5LP8461) that was not previously inventoried;



SUBJECT: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County, Colorado

- 2) Formal documentation of archaeological sites located along the Revised G Modified Alternative within the Webb Ranch identified in 2008 by a private consultant under contract to the landowner. The original G Modified Alternative was initially surveyed in 1999-2000 by a CDOT consultant during studies undertaken for the US 160 Durango to Bayfield EIS; in 2005 CDOT staff inventoried a minor revision to that route (the current Revised G Modified);
- 3) Test excavations at previously recorded prehistoric site 5LP6666; and
- 4) An assessment of National Register of Historic Places (NRHP) eligibility for all historic and archaeological resources present within the Revised F Modified and Revised G Modified Alternatives.

Area of Potential Effects

The Area of Potential Effects (APE) established for the Revised F Modified Alternative survey was a generally linear corridor beginning at US Highway 550 and extending for over one mile to the north and east, including an associated connection to County Road 220 (refer to report Figure 2). The APE terminated at the point where the Revised F Modified and Eastern Realignment Alternatives share a common segment south of US Highway 160. In order to include potential direct and indirect effects, the APE ranged generally from 200-275 ft (60-85 m) on either side of the centerline; the APE was expanded in some areas to include property boundaries, proposed intersections and other potential construction impacts. A formal APE was not created for the Revised G Modified Alternative, as documentation of previously identified sites was the primary task conducted for that alignment. Nonetheless, that corridor is also reflected on report Figure 2, and the historic Webb Ranch site boundary (5LP8461) appears on a separate attachment.

Eligibility Determinations

A summary of the site eligibility recommendations by Alternative is presented in tabular form below, followed by a narrative description. Note that tested site 5LP6666, which is not within either the Revised F Modified or Revised G Modified Alternatives (rather the previously surveyed Eastern Realignment Alternative), is not included in the table.

Site No.	Site Type	Cultural Affiliation	NRHP Recommendation			
Revised F Modified Alternative Inventory						
5LP8461	Webb Ranch (segment of Webb/Hotter Lateral Ditch)	Historic	Eligible/supporting element of NRHP-eligible Webb Ranch (2009)			
5LP9307	Craig Ranch	Historic	Original residence (ruins) documented in 2010 as supporting element of larger ranch; larger property Officially Eligible (2009)			
5LP9308	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible			
5LP9309	Prehistoric Habitation/ Historic Artifact Scatter	Pueblo I/Pueblo II/Historic	Eligible (prehistoric component only)			
5LP9310	Clark Property	Historic	Eligible			

NRHP Eligibility Recommendations

Site No.	Site Type	Cultural Affiliation	NRHP Recommendation		
5LP9311	Isolated Find	Unknown	Not Eligible		
5LP9312	Isolated Find	Unknown	Not Eligible		
5LP9213	Isolated Find	Unknown	Not Eligible		
5LP9581	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible		
5LP9582	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Eligible		
5LP9583	Prehistoric Artifact Scatter	Pueblo I	Eligible		
51 00594	Prehistoric Habitation/	Basketmaker III/Pueblo I/	Eligible		
5LP9584	Historic Habitation	Historic			
	Revised G Modified Alternative Site Documentation				
5LP2223	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I	Officially Eligible (2000)		
5LP9585	Prehistoric Artifact Scatter	Basketmaker III/Pueblo I	Not Eligible		
5LP9586	Prehistoric Artifact Scatter	Unknown Prehistoric	Not Eligible		
5LP9587	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible		
5LP9588	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible		
5LP9589	Prehistoric Artifact Scatter	Unknown Prehistoric	Eligible		
5LP9590	Prehistoric Artifact Scatter/ Habitation	Basketmaker III/Pueblo I/ Pueblo II	Eligible		

Revised F Modified Alternative Survey

The Revised F Modified Alternative survey resulted in the new documentation of seven sites (5LP9308-5LP9310; 5LP9581-5LP9584) and three isolated finds (5LP9311-5LP9313); a boundary enlargement of the historic Craig Ranch (5LP9307); and the recordation of an additional segment of an irrigation ditch (Webb/Hotter Lateral) and structures associated with the historic Webb Ranch (5LP8461). All seven of the newly recorded localities are recommended as *eligible* for the NRHP under Criterion D. Based largely on information provided by a member of the Craig family, the historic boundary of the Craig Ranch (5LP9307)—which was determined officially NRHP eligible in December 2009 subsequent to the Eastern Realignment Alternative survey—has been expanded. CDOT maintains that the site retains its NRHP eligible designation. The additional segment of the Webb/Hotter Lateral ditch is recommended as a supporting element of the eligible Webb Ranch (5LP8461), as is the additional building complex located east of the core ranch structures. All three isolated finds (5LP9311-5LP9313) consist of two or fewer artifacts of unknown cultural affiliation; pertinent data for those localities were collected in the field and each is evaluated as *not eligible*.

Revised G Modified Site Documentation

Within and near the footprint of the Revised G Modified Alternative, six archaeological sites were newly documented (5LP9585-5LP9590) and one previously recorded site was re-evaluated (5LP2223). The latter site was determined officially NRHP eligible in 2000, an assessment with which CDOT continues to agree. Of the remaining six sites, two (5LP9585 and 5LP9586) are evaluated as *not eligible* based on a lack of surface and subsurface cultural deposits coupled with severe physical disturbances, and four sites (5LP9587-5LP9590) are recommended as eligible under Criterion D.

Test Excavations at 5LP6666

Site 5LP6666 was evaluated as not eligible for the NRHP subsequent to the Eastern Realignment Alternative survey in 2009. However, you disagreed with that assessment and indicated that further work was required to evaluate the nature and extent of potential subsurface deposits. Test excavations were therefore conducted during the 2010 phase of work. Testing revealed very shallow and highly disturbed cultural remains, all of which were observed within the upper modern agricultural plow zone. The site is recommended as *not eligible* for inclusion on the NRHP.

Effects Determinations

Please note that the following effects determinations are based on preliminary engineering data for both the Revised F Modified and Revised G Modified Alternatives. At this time the general footprint of each alignment has been accurately identified but no specific design or construction plans have been developed. More detailed design may require a reassessment of these determinations in the future. Please refer to the site planview maps contained in Appendix B of the report for graphic representations of the effects described below.

Revised F Modified Alternative

Should this alternative be selected as the preferred route as a result of the NEPA analysis presently underway, all nine sites completely or partially within the APE of the Revised F Modified Alternative would be adversely affected. The prehistoric archaeological sites would be directly impacted by construction facilitated by heavy equipment (i.e., grading, cutting, leveling and/or paving), whereas the alternative footprint and/or the centerline extend through portions of the Craig Ranch, the Clark property and the Webb Ranch.

With regard to the **Craig Ranch** (5LP9307), the Revised F Modified centerline extends through a small area on the west side of the property before the alignment continues on a tangent and crosses the northern section of the property near County Road 220, well away from the main complex of buildings documented in 2009. Part of the alternative footprint may also cross a small area of the original homestead site (now in ruins), which is a contributing element to the overall ranch property. The proposed County Road 220 reconnection will also extend through the northern part of the Craig Ranch.

On the **Clark property** (5LP9310), the alternative centerline extends through the northern end of that property boundary. The main house on the Clark property is about 725 feet south of the conceptual right-of-way for US Highway 550 and about 190 feet north of any improvements associated with County Road 220.

With regard to the overall **Webb Ranch** (5LP8461), the alternative centerline curves through the eastern portion of the ranch and impacts the Webb/Hotter Lateral, portions of which will likely be placed in siphon structures.

As a result, 5LP9307, 5LP9310 and 5LP8461 could potentially have a new highway alignment within their boundaries, which would compromise the setting, feeling, and association of the properties and result in an *adverse effect*. Again, please refer to the report and associated maps for more information about the location of the Revised F Modified Alternative in relation to these resources.

Revised G Modified Alternative

Of the five NRHP eligible archaeological sites associated with the Revised G Modified Alternative, three sites (5LP9588-5LP9590) would be directly impacted by construction in a fashion similar to that described above within the Revised F Modified alignment. A finding of *adverse effect* is therefore appropriate for those localities. The remaining two sites (5LP2223 and 5LP9587) have only very small slivers of their boundaries within the larger corridor footprint; consequently complete avoidance of both sites would be possible during the future design phase. With regard to those sites, the project will have *no effect to historic properties*. It is our judgment that the eligible archaeological sites associated with both alignment alternatives are significant chiefly because of what can be learned by data recovery and have minimal value for preservation in place.

The Revised G Modified Alternative would also have an *adverse effect* on 5LP8461, Webb Ranch, in the same fashion outlined above for Revised F Modified (compromise the setting, feeling, and association of the property).

Because the Council elected to participate in the Section 106 consultation process for this project, we welcome your comments on the report as well as the eligibility and effects determinations. If you would like to review the site forms or have any questions, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). For general information related to the project, please contact FHWA Environmental Program Manager Stephanie Gibson at 720-963-3013; or by e-mail, <u>stephanie.gibson@dot.gov</u>.

Sincerely yours,

Staph Lgbson

Qo1 Douglas Bennett, P.E. Acting Division Administrator

Enclosures: Report Map of Webb Ranch site boundary

cc: Dan Jepson, CDOT



38525 WOODWARD AVE., SUITE 2000 BLOOMFIELD HILLS, MI 48304-5092 TELEPHONE: (248) 433-7200 FACSIMILE: (248) 433-7274 http://www.dickinsonwright.com

EDWARD H. PAPPAS EPappas@dickinsonwright.com (248) 433-7228

September 29, 2010

Jane Hann, Manager Environment Programs Branch Colorado Department of Transportation 4201 East Arkansas Avenue Shumate Building Denver, CO 80222

Re: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County

Dear Ms. Hann:

We have received your letter of August 5, 2010 addressed to our co-counsel Daniel Gregory and its enclosed report concerning the survey of the Revised F Modified and Revised G Modified Alternatives as conducted by Alpine Archaeological Consultants (under subcontract to Centennial Archaeology).

In connection with CDOT/FHWA's continuing administrative proceedings under Section 4(f) of the Department of Transportation Act and Section 106 of the National Historic Preservation Act, on behalf of our clients, the owners of Webb Ranch, we plan to submit written comments no later than October 21, 2010. We note your request for submission of comments within 30 days of receipt of your August 5 letter. Please immediately notify us in writing if the additional response time would cause you, CDOT or FHWA to decline to consider, or to disregard, our comments.

In the meantime, we would like additional information concerning the cultural resource reports, studies or surveys conducted with respect to other alternatives for a new connection between U.S. 160 and 550 (south of Durango) which remain under consideration by CDOT and FHWA. In your letter of August 5, you reference material sent to my partner in November 2009 concerning the East Alternative. Would you please provide us with any subsequent correspondence or documentation concerning any Effects Determinations made in relation as to the properties in the path of the East Alignment. By Effects Determinations, we mean analysis or comment such as the Effects Determinations section of your August 5 letter, at pages 3 and 4.

In addition, we note in the first paragraph of your August 5 letter that "additional alternatives are being studied..." Would you please identify each such alternative -- in addition to the East, Revised F Modified and Revised G Modified Alternatives -- and please provide us with any cultural resource reports, studies and surveys and Effects Determinations prepared for such additional alternatives. We request those materials as counsel to consulting parties under

Jane Hann, Manager September 29, 2010 Page 2

Section 106 of NHPA. Please advise if you would like us to submit a more formal request for these documents, under the Colorado Open Records Act, § 24-72-201, et seq.

Very truly yours,

Echrend H Papper

Edward H. Pappas

EHP/lm

cc: Kerrie Neet (CDOT Region 5) Stephanie Gibson (FHWA) Daniel A. Gregory, Esq. Thomas G. McNeill, Esq.

DETROIT 47919-3 1177144

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



(Sent via Email 10/8/10 without attachments, and via USPS 10/8/10 with attachments)

October 8, 2010

Mr. Edward H. Pappas Dickinson Wright PLLC 38525 Woodward Ave., Suite 2000 Bloomfield Hills, MI 48304-5092

SUBJECT: Section 106 Consultation, US Highway 550/160 Connection, La Plata County, Colorado

Dear Mr. Pappas:

I am in receipt of your letter dated September 29, 2010 regarding determinations of historic properties eligibility and effects for two alternative alignments proposed by the Colorado Department of Transportation for the project referenced above. You inquired about the timing for submission of more formal written comments and also requested additional information related to other alignment alternatives being considered by CDOT and the Federal Highway Administration (FHWA).

As a consulting party for the project under Section 106 of the National Historic Preservation Act (as amended), the Webb Ranch is provided the opportunity to submit comments to the agencies regarding a variety of issues related to the compliance process, but specifically the eligibility of and effects to historic properties relevant to the undertaking. As codified in the rules and procedures implementing the Section 106 regulations (36 CFR §800.5(c)(1)), "the agency official may proceed after the close of the 30 day review period if the SHPO...has agreed with the finding or has not provided a response, *and no consulting party has objected* [emphasis added]." CDOT submitted site eligibility and effects determinations to the Colorado SHPO for the Revised F Modified and Revised G Modified Alternatives in a letter dated August 6, 2010; the SHPO concurred with all findings in correspondence dated August 25, 2010. CDOT did not receive written objections from any consulting party, including the Webb Ranch, within the 30 day comment period. You may submit comments specific to historic properties at any time; objections to our findings will be considered but may be disregarded, however, at the discretion of the lead federal agency (FHWA).

You also requested additional documentation concerning cultural resource reports, studies or surveys conducted for other US 550/160 alternatives under consideration. As of this date you are in possession of all reports and directly associated materials for the three alternatives intensively studied for historic properties, including the Eastern Realignment Alternative (previously referenced as the "East Alternative"), the Revised F Modified Alternative, and the Revised G Modified Alternative. You asked for correspondence and/or documentation of effects determinations for the Eastern Realignment Alternative; copies of letters in that regard exchanged with the Colorado SHPO and other consulting parties are enclosed.

Other alternatives CDOT and FHWA are considering are the Western Realignment, and alternatives along the existing US 550 alignment including Revised Preliminary Alternative A, an alternative with a partial interchange at the existing US 550/US 160 intersection, and an alternative with an at-grade intersection.

Mr. Pappas October 8, 2010 Page 2

These alignments are described in a letter from FHWA to the Advisory Council on Historic Preservation dated April 27, 2009, which is attached for reference. For the Western Realignment Alternative—which parallels the existing US 550 alignment in the Animas River basin to the west—a search was conducted in May 2009 of the site files housed at the Colorado Office of Archaeology and Historic Preservation. The results of that research, in addition to internal CDOT Emails related to that topic, are also included herewith. Similar research was not conducted for Revised Preliminary Alternative A and other alternatives along the current US 550 alignment because that portion of the corridor was surveyed for historic properties during a 1995 CDOT project unrelated to the present undertaking, and therefore those results are known. A copy of that report was provided to you during an earlier Colorado Open Records Act Request; however, if you would like an additional copy, please let us know.

If you have questions regarding any information contained herein, please contact CDOT Senior Staff Archaeologist Dan Jepson at (303) 757-9631 or <u>daniel.jepson@dot.state.co.us</u>. Thank you for your continued participation as a Section 106 consulting party for the US 550/160 Connection project.

Very truly yours,

Jane Hann, Manager Environmental Programs Branch

Enclosures: Eastern Realignment Alternative Section 106 correspondence Western Realignment Alternative file search results and correspondence April 27, 2009 FHWA letter to ACHP

cc: K. Neet (CDOT Region 5)

E. Meyer (Colorado Attorney General's Office)

L. Tannenbaum (Colorado Attorney General's Office)



38525 WOODWARD AVE., SUITE 2000 BLOOMFIELD HILLS, MI 48304-5092 TELEPHONE: (248) 433-7200 FACSIMILE: (248) 433-7274 http://www.dickinsonwright.com

EDWARD H. PAPPAS EPappas@dickinsonwright.com (248) 433-7228

October 26, 2010

Jane Hann, Manager Environment Programs Branch Colorado Department of Transportation 4201 East Arkansas Avenue Shumate Building Denver, CO 80222

Re: Additional Determinations of Eligibility and Effects, Revised F Modified and Revised G Modified Alternatives, US Highway 550 and 160 Connection, La Plata County

Dear Ms. Hann:

As indicated in my letter of September 29, 2010, we have received your letter of August 5, 2010 addressed to our co-counsel Daniel Gregory (which he received by overnight courier on August 12, 2010) and its enclosed report concerning the survey of the Revised F Modified and Revised G Modified Alternatives as conducted by Alpine Archaeological Consultants under subcontract to Centennial Archaeology (the "Alpine Report"). We also have received your letter dated October 8, 2010 and its enclosures.

At the outset of our comments, we are constrained to note a certain capricious variance between your two letters with respect to the time frame in which to submit comments concerning your August 5, 2010 letter and the Alpine Report. In the August 5 letter, you indicated that our comments "are welcomed," and as to timing you stated:

If you elect to submit comments we would appreciate receiving them within 30 days of receipt of this letter.

But your October 8, 2010 response to my September 29 letter belies that cordial invitation to comment. The lengthy second paragraph of your October 8 letter articulates a much more formalistic position, citing 36 CFR § 800.5(c)(1) (not cited in your first letter) and suggesting that FHWA could now properly exercise discretion to disregard "objections to [CDOT's] findings" which the owners of Webb Ranch submit after the expiration of "the 30 day comment period."

In any event, we submit the following observations for consideration by CDOT and FHWA with respect to the continuing administrative proceedings conducted under both Section 106 of the National Historic Preservation Act and Section 4(f) of the Department of Transportation Act of 1966.

COUNSELORS AT LAW

The Alpine Report (pp. 10-11) confirms that the entirety of Webb Ranch (5LP 8461) is eligible for listing on the National Register of Historic Places ("NRHP"). We concur in that determination. However, the table set forth on page 2 of your August 5 letter inaccurately establishes the date of that determination as 2009. In fact, CDOT and SHPO made that determination in January/February 2008. We would like the record corrected to reflect that fact.

The Alpine Report (pp. 11-15) purports to confirm the NRHP eligibility of the "historic Craig Ranch complex" (now designated 5LP 9307) with reference to the September 2009 report prepared by Alpine employee Jack E. Pfertsh. We reserve the right to further comment upon the historical designations conferred upon Craig Ranch and the Schaeferhoff/Cowan Ranch (5LP 9306), the timing of those determinations and CDOT's motivation with respect thereto.

Apart from its discussion of Webb Ranch and Craig Ranch, the Alpine Report concludes that there exist five prehistoric sites (including two Ancestral Puebloan habitation sites, 5LP 2223 and 5LP 9590) in the immediate vicinity of the Revised G Modified and seven prehistoric sites (including two additional Ancestral Puebloan habitation sites, 5LP 9584 and 5LP 9309) in the immediate vicinity of Revised F Modified. We concur with the determination that each of these 12 sites is NRHP eligible.

It is important to note, however, that Alpine's recitation of the procedural history with respect to discovery of these prehistoric sites is incomplete and inaccurate. *See, e.g.,* "Abstract," p. (iii); "Previous Work and Expected Results," p. 7. CDOT and/or its retained consultants conducted cultural resource surveys and pedestrian surveys on Webb Ranch in 1988, 1995, 1998-99, 2002 and 2007. *See,* our letter to Karla S. Petty (FHWA), dated October 15, 2008, and copied to three key CDOT employees. Following the completion of these surveys, on November 6, 2007, CDOT issued its Record of Decision, closing its administrative proceedings and establishing G Modified (not then "Revised"), which if constructed would bisect and destroy Webb Ranch, as CDOT's sole preferred alternative.¹

In these six previous surveys, CDOT entirely missed 11 of the 12 NRHP eligible prehistoric sites described in the Alpine Report.² In fact, in its report (p. 7), Alpine specifically

² In 2000, CDOT identified site 5LP 2223, located on Webb Ranch, and determined that is NRHP eligible.

Counselors At Law

¹ As noted above, nearly three months later, CDOT determined that the entirety of Webb Ranch is NRHP eligible, causing CDOT to scramble to backfill to create a quasi "administrative record" concerning Webb Ranch as an historical property protected by Section 4(f) of the Department of Transportation Act, but which attempts to conceal that CDOT had not engaged in *any* investigation, study, planning or development of prudent and feasible alternatives directly designed to avoid or minimize harm to Webb Ranch as required by Section 4(f). CDOT previously has provided the owners of Webb Ranch with extensive documentation of its post-ROD efforts in this regard. The record also makes clear that CDOT and SHPO conferred the historical designation upon Webb Ranch several months before CDOT commenced construction of the new bridge, ramps and associated elements at the base of Farmington Hill on U.S. 160.

notes that in 2002 CDOT's consultant, URS Corporation, failed to identify at least four prehistoric sites in the path of Revised F Modified. Alpine implies that in Summer, 2009 its employee, Jack Pfertsh, identified several of the prehistoric sites during his survey of the East Alternative alignment.³

In reality, the identification of the extensive and important prehistoric sites located on and near Webb Ranch properly must be attributed to Stratified Environmental & Archaeological Services, LLC ("SEAS") and its principal, Doug Loebig. Retained by the owners of Webb Ranch, SEAS identified eight prehistoric sites located on Webb Ranch in the path of [Revised] G Modified. SEAS detailed its findings in a seventeen page report issued in July, 2008. Thereafter, during field work conducted on April 2-3, 2009, SEAS identified two additional prehistoric sites located on Webb Ranch in the path of [Revised] F Modified. SEAS detailed its findings in this regard in its April, 2009 Report (13 pages). The owners of Webb Ranch provided both SEAS Reports to CDOT. For your convenience, we have enclosed copies. The Alpine Report refers to the SEAS reports, but downplays them as "two informal inventories."

Based in part upon SEAS' July 2008 report, in October, 2008 CDOT formally reopened the administrative proceedings. Thereafter, in its scope of work, CDOT specifically directed Centennial Archaeology to conduct a thorough investigation of SEAS's sites and findings, which Centennial subcontracted to Alpine. In point of fact, Alpine's July, 2010 Report has authenticated and validated, and even expanded upon, SEAS's findings.

Site 5LP 9590 – originally designated SEAS 108-08-10 – is an extremely significant prehistoric site. It covers nearly 15 acres and occupies a portion of Webb Ranch, state land owned by CDOT and lands administered by the Bureau of Land Management, all in the immediate area in which Revised G Modified would connect to U.S. 160 and the elements of the bridge and ramps which CDOT already has constructed. The site includes more than seven hundred artifacts and seven distinct features. Alpine has opined that prolonged site habitation and varied activities at this location is likely, extending over at least two prehistoric periods, Basketmaker III/Pueblo I (AD 500-900) and Pueblo II (AD 900-1150); and Loebig has opined that elements of the late Archaic to Basketmaker II period (BC 800 to AD 400) may also be present. Alpine Report, pp. 52-56; SEAS July 2008 Report, pp. 8-10.

Alpine acknowledges that 5LP 9590 is an important find, but in our view Alpine understates the significance of the site, particularly with respect to the Pueblo II elements. Alpine states: "Sites dating to the Pueblo II period are not well documented in the Animas River drainage, because it appears that by this period, populations favored a shift westward." Alpine Report, p. 57, *citing, Colorado Prehistory: A Context for the Southern Colorado River Basin*, Mark D. Varien, W.D. Lipe and R.H. Wilshusen (1999). But SEAS goes further, opining that:

Counselors At Law

³ By letter to Ms. Petty and Richard Reynolds dated October 28, 2008, counsel for the owners of Webb Ranch submitted nine alternatives, including what has now become CDOT's East Alternative, for the relocation of U.S. 550 between U.S. 160 and County Road 220 which would avoid Webb Ranch altogether.

"The site possesses unique data potential given the probable multi-component nature of the site and an extremely rare instance of a Pueblo II period occupation in the Animas River drainage." SEAS July 2008 Report, p. 10. SEAS concludes that the site possesses "high research value." *Id.*

The preliminary investigations of site 5LP 9590 indicate evidence of occupation over a period of more than 1000 years. There exists a "high potential" for buried intact subsurface cultural deposits. Further investigation and analysis could and should cause a re-evaluation of previous conclusions, or assumptions, that the ancient indigenous population migrated westward out of the Animas River valley during the Pueblo II period (AD 900-1150). *See also*, site 5LP 9309, discussed below.⁴

Alpine also has confirmed the existence of two Ancestral Puebloan habitation sites which would be impacted by Revised F Modified. Site 5LP 9484, located on Webb Ranch, evidences a large prehistoric artifact scatter, with possible prehistoric habitation structures, covering more than 14 acres. SEAS April 2009 Report, pp. 3-9, Alpine July, 2010 Report, pp. 32-39. SEAS first identified a portion of the site (approximately 6 acres) on April 2-3, 2009 and denoted it SEAS site 09-21-01. SEAS and Alpine have identified the period of habitation as Basketmaker III to Pueblo I (AD 500-900). Alpine opines that much of the site demonstrates a high degree of integrity and that there exists a likely potential to produce intact subsurface cultural deposits. Alpine Report, p. 39. Please also note that this site contains an additional important *historical* element – an early turn of the 20th Century homestead that is one of the earliest examples of a ranch in this part of Colorado.

Alpine also identified site 5LP 9309, not located on Webb Ranch, which is relatively small (comprising approximately 3,000 square meters, or ³/₄ of an acre) but is highly significant. The site contains four habitation structures, a thermal feature and ceramic artifacts dating to the Pueblo II period (AD 900-1150). Again, Pueblo II artifacts are extremely rare in the Animas River drainage, and it is highly significant that there are two Pueblo II sites located on this portion of Florida Mesa.

Each of the four Ancestral Puebloan habitation sites, 5LP 2223, 9590, 9484 and 9309, are highly significant. Each requires additional investigation – including through the use of ground penetrating radar and excavation to exacting archaeological standards – followed by in depth *in situ* evaluation and analysis. Each site offers a probability of recovery of subsurface cultural deposits and the examination of prehistoric habitation structures; and there exists a possibility human remains may be found at one or more of these four sites.

Counselors At Law

⁴ In this letter, we do not further discuss site 5LP 2223, located in the southwestern corner of Webb Ranch. That site has been the object of considerable evaluation, and now re-evaluation (Alpine Report, pp. 40-46). The site is large (more than 9 acres) with clear evidence of architectural remains, and a "high potential to yield information important to Basketmaker III/Pueblo I prehistory." This site clearly requires further investigation, evaluation and analysis.

Alpine also has determined significance in eight other prehistoric sites, which are comprised of artifact scatters and are NRHP eligible. At this time, we do not offer commentary on these sites beyond that which is contained in the Alpine Report and the two SEAS Reports.

Please note that the owners of Webb Ranch hereby invoke their rights under Colorado law to require CDOT and its cultural resource consultant(s) to conduct all further examination of artifacts on site at Webb Ranch (without removal therefrom) and that the owners shall retain all ownership and possessory rights in such artifacts.

The preliminary investigations conducted by SEAS and Alpine, and your letters of August 5 and October 8, 2010, raise the following questions which we now submit to you for written response:

1. Has CDOT submitted the Alpine Report to FHWA for review and comment? If so, please provide copies of the correspondence between CDOT and FHWA.

2. Has CDOT formulated written plans for further investigation, evaluation and analysis of the twelve prehistoric sites which Alpine has recommended as NRHP eligible? If so, please provide those written plans to us so that we may offer comment on them.

3. Has CDOT submitted such written plans to SHPO for review, comment and approval? If so, please provide copies of the correspondence between CDOT and SHPO.

4. What federal and state law, and regulations, does CDOT acknowledge as governing the further investigation, evaluation and analysis of the twelve prehistoric sites which Alpine has recommended as NRHP eligible?

5. Although it has not acquired the land upon which the 12 prehistoric sites are located and such land is not presently Indian Land, does CDOT intend to proceed in compliance with the Archaeological Resource Protection Act of 1979, 16 U.S.C. §§ 470aa, *et seq.*, and the regulations promulgated thereunder?

6. By copy of this letter, we ask Ms. Petty, Ms. Gibson and Ms. Blouin whether FHWA intends to disregard this letter by invoking 36 CFR § 800.5(c)(1). If so, we would like a written statement of the reasons for such disregard, including whether and to what extent FHWA claims that it has sustained legal "prejudice" by the submission of these comments on this date.

We look forward to your written response to these questions, and FHWA's response to Question no. 6, and to any written response which you may wish to offer to the balance of this letter.

Very truly yours awan 18 topas

Edward H. Pappas

EHP/lm

cc: Edward C. Nichols, Colorado Historical Society President and CEO and SHPO, with enclosures Kerrie Neet (CDOT Region 5), without enclosures Karla Petty (FHWA), with enclosures Stephanie Gibson (FHWA), without enclosures Douglas Loebig, without enclosures Larry Tannenbaum, Esq., without enclosures Eric Meyer, Esq., without enclosures Marianne Blouin, Esq., without enclosures Daniel A. Gregory, Esq., without enclosures Thomas G. McNeill, Esq., without enclosures

DETROIT 47919-2 1180216v4

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



November 1, 2010

Mr. Shannon Bennett 455 Pinnacle View Drive Durango CO 81301

SUBJECT: Documentation of Historic and Archaeological Sites, US Highways 550 and 160 Connection, La Plata County

Dear Mr. Bennett:

In late September 2010 you spoke by telephone to CDOT Senior Staff Archaeologist Dan Jepson regarding our letter of September 21, wherein CDOT and the Federal Highway Administration invited you to be a consulting party for the project referenced above under Section 106 of the National Historic Preservation Act. During that phone call you indicated a desire to be a consulting party and also asked for copies of site forms pertaining to historic and archaeological sites located on your property. Per that request, enclosed are forms for the Clark Ranch proper (5LP9310), two prehistoric archaeological sites (5LP9308 and 5LP9309), and two isolated finds (5LP9311 and 5LP9312).

If you have questions regarding any of the enclosed information, please contact Mr. Jepson at (303) 757-9631 or via Email at <u>daniel.jepson@dot.state.co.us</u>.

Very truly yours,

M

Jane Hann, Manager Environmental Programs Branch

Enclosures (5 site and isolated find forms)

cc: K. Neet (CDOT Region 5) S. Gibson (FHWA)

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Shannon Bennett 455 Pinnacle View Drive Durango, CO 81301

November 7, 2010

State of Colorado Department of Transportation Environmental Programs Branch Shumante Building Denver Colorado 80222

C/O Dan Jepson

Dear Dan:

I received your letter dated November1, 2010. Sorry for the delay in responding to our conversation in late September 2010. Antonia Clark and myself would like to be a consulting party for the project, Documentation of Historic and Archaeological sites, US 550 and 160 connection, La Plata County.

Please contact me if you have any questions. The easiest number to reach me at is 970-749-1094 or shannondog@mindspring.com

Sincerely,

Shannon Bennett 455 Pinnacle View DR. Durango, CO 81301

Sincerely,

Antonia Clark

Antonia Clark P.O. Box 2329 Durango, CO 81303

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



November 9, 2010

Mr. Edward H. Pappas Dickinson Wright PLLC 38525 Woodward Ave., Suite 2000 Bloomfield Hills, MI 48304-5092

SUBJECT: Continued Section 106 Consultation, US Highway 550/160 Connection, La Plata County, Colorado

Dear Mr. Pappas:

I received your letter dated October 26, 2010, which addresses issues related to site eligibility and effects determinations for the project referenced above. Our response to a number of your concerns follows.

Many of the archaeological sites within the Webb Ranch were initially identified by Stratified Environmental & Archaeological Services (SEAS), and reports documenting those sites completed by SEAS in 2008 and 2009 were forwarded to the Colorado Department of Transportation (CDOT). CDOT subsequently used information derived from those reports when it conducted fieldwork specific to the Revised F Modified and Revised G Modified Alternatives. However, the SEAS field research and documentation was not authorized, endorsed or sanctioned by either CDOT or the Federal Highway Administration (FHWA), and the actions and reports resulting therefrom cannot be recognized as an official part of FHWA's Section 106 compliance process. Your letter takes issue with CDOT's characterization of the SEAS work as "informal inventories." We are compelled to point out that both the 2008 and 2009 SEAS reports reference their efforts using *exactly* that phrase (p. 1 of both documents).

Your correspondence reiterates the significance of a number of archaeological localities within or near the two proposed alignment alternatives that cross the Webb Ranch. As noted in the 2010 report completed by Alpine Archaeological Consultants on behalf of CDOT, the sites you reference (5LP2223, 5LP9309, 5LP9590, and 5LP9584 [misidentified in your letter as 5LP9484]), are eligible for the National Register of Historic Places. The State Historic Preservation Officer (SHPO) concurred with CDOT's determinations in this regard (documentation of which is enclosed).

You suggest that the Alpine report "understates the significance of the site[s]" and that they are, in fact, "highly significant." However, eligibility to the National Register is not graded on a sliding scale, with some sites being "more significant" than others. All historic properties are treated equally under the law according to the provisions of the Section 106 regulations. The fact that one or more of the sites was characterized in the Alpine report as possessing "unique data potential" does not raise the legal bar for protection of those localities, or provide for expedited "in depth *in situ* evaluation and analysis," as noted in your letter. Once a Preferred Alternative for the US 550/160 Connection is selected at the conclusion of the Section 4(f) Evaluation, mitigation measures and data recovery plans will be developed for any NRHP eligible site that will be impacted along the selected alignment. Those plans will be reviewed and approved by the Colorado SHPO and the Advisory Council on Historic Preservation prior to implementation. As a consulting party for the project, the Webb Ranch will also be provided an opportunity to review those plans. Mr. Pappas November 9, 2010 Page 2

The questions you raised on p. 5 of your letter are addressed individually, below:

1. Has CDOT submitted the Alpine Report to FHWA for review and comment? If so, please provide copies of the correspondence between CDOT and FHWA.

The report was forwarded via Email to FHWA Environmental Program Manager Stephanie Gibson on August 9, 2010. A copy of that transmittal is enclosed for your review.

2. Has CDOT formulated written plans for further investigation, evaluation and analysis of the twelve prehistoric sites which Alpine has recommended as NRHP eligible? If so, please provide those written plans to us so that we may offer comment on them.

Please see the discussion above.

3. Has CDOT submitted such written plans to SHPO for review, comment and approval? If so, please provide copies of the correspondence between CDOT and SHPO.

Again, please refer to the discussion above.

4. What federal and state law, and regulations, does CDOT acknowledge as governing the further investigation, evaluation and analysis of the twelve prehistoric sites which Alpine has recommended as NRHP eligible?

The agencies follow all applicable conditions and protocols outlined in the rules and procedures implementing Section 106 of the National Historic Preservation Act (36 CFR 800), as well as similar regulations at the state level (CRS § 24-80-401-411 and CRS § 24-80-1301-1305). In addition, Section 4(f) of the US Department of Transportation Act (initially codified at 49 USC 1653(f), now found at 23 CFR 774) stipulates that FHWA cannot approve the use of land from publicly owned parks, recreational areas, wildlife and waterfowl refuges, or public and private historical sites unless there is no feasible and prudent alternative to the use of land, and the action includes all possible planning to minimize harm to the property resulting from use.

5. Although it has not acquired the land upon which the 12 prehistoric sites are located and such land is not presently Indian Land, does CDOT intend to proceed in compliance with the Archaeological Resource[s] Protection Act of 1979, 16 U.S.C. §§ 470AA, et seq., and the regulations promulgated thereunder?

The Archaeological Resources Protection Act regulates the preservation of and effects to archaeological resources on Federal properties and Indian owned lands, neither of which apply in this case. Although portions of the alternatives being studied for this project are located within the external boundary of the Southern Ute Indian Reservation, none of those lands are Indian owned. The Southern Ute Indian Tribe (SUIT) has specifically stipulated that it is not interested in cultural resources consultation on non-Indian owned lands within the reservation boundary, except for issues related to human remains. Enclosed is a copy of an April 25, 2006 letter from SUIT to CDOT with this language highlighted.

6. By copy of this letter, we ask Ms. Petty, Ms. Gibson and Ms. Blouin whether FHWA intends to disregard this letter by invoking 36 CFR 800.5(c)(1). If so, we would like a written statement of

Mr. Pappas November 9, 2010 Page 3

the reasons for such disregard, including whether and to what extent FHWA claims that it has sustained legal "prejudice" by the submission of these comments on this date.

This point is directed to FHWA and as such we will defer to that agency to provide a separate response. Please note that John M. Cater is now the FHWA Colorado Division Director.

We look forward to your continued participation as a Section 106 consulting party for this undertaking.

Very truly yours,

Jane Hann, Manager Environmental Programs Branch

Enclosures (3)

cc: K. Neet (CDOT Region 5)

- E. Meyer (Colorado Attorney General's Office)
- L. Tannenbaum (Colorado Attorney General's Office)
- S. Gibson (FHWA)

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281

December 8, 2010

DEPARTMENT OF TRANSPORTATION

RECEIVED BY:

PROOR

Mr. Edward C. Nichols State Historic Preservation Officer History Colorado/Colorado Historical Society 1560 Broadway, Ste. 400 Denver, CO 80202

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County (CHS #33425)

Dear Mr. Nichols:

This letter and the attached materials constitute the request for concurrence on additional eligibility and effects determinations for the project referenced above. In correspondence dated November 9, 2009, we consulted with you regarding eligibility and effects associated with the Eastern Realignment Alternative, and on August 6, 2010, we consulted with you regarding the Revised F Modified and Revised G Modified Alternatives. During your review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein.

Eligibility Determinations

Webb Ranch (5LP8461): In our initial identification of the Webb Ranch in 2008, we determined the ranch is significant under National Register of Historic Places (NRHP) Criterion C for its examples of ranching architecture. Additional research indicates that the Webb Ranch is also significant under NRHP Criterion A for its association with ranching on Florida Mesa. We request that you make a note of this in your file.

Webb/Hotter Lateral: In our previous consultation, CDOT identified the Webb/Hotter Lateral as a feature of the historic Webb Ranch (5LP8461). Since that time we have determined that the lateral should be documented as a stand-alone resource with a separate site number. A site and segment number— 5LP9256/5LP9256.1—were initially assigned to this resource during previous survey efforts and will be used to identify the resource. Since the lateral extends onto two separate historic ranch properties, we have documented the section of the lateral on the historic Schaeferhoff-Cowan Ranch as 5LP9256.1, and the segment that extends into the Webb Ranch as 5LP9256.2. A Management Data Form and separate Linear Component Forms were completed to document these segments of the lateral. Although this feature is an irrigation lateral, and most laterals are not individually significant, CDOT has determined that the Webb/Hotter Lateral is significant for its association with two historic ranches—the Webb Ranch (5LP8461) and the Schaeferhoff-Cowan Ranch (5LP9306). Please see the attached site forms for more information.

Effects Determinations

Schaeferhoff-Cowan Ranch (5LP9306): In our August 2010 consultation for the Revised F Modified Alternative, we did not include an effects determination for this historic ranch so that information is outlined here. The Revised F Modified Alternative shares a common alignment with the Eastern Realignment Alternative that extends through the northern portion of the Schaeferhoff-Cowan ranch boundary (see attached figure). The presence of this alignment through the open land within the historic



Mr. Nichols December 8, 2010 Page 2

ranch boundary compromises the setting, feeling, and association of the property and results in an *adverse* effect.

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Webb/Hotter Lateral (5LP9256.1/5LP9256.2): As noted above, the Webb/Hotter Lateral was previously evaluated as a feature of the historic Webb Ranch and not as an individual property. Following are effects determinations for the ditch based on the three alternatives under consideration: <u>Eastern Realignment</u>: Approximately 870 feet of segment 5LP9256.1 on the Schaeferhoff-Cowan Ranch (5LP9306) will be directly impacted by the new highway alignment and water in this section would have to be relocated to a siphon. Segment 5LP9256.2 on the Webb Ranch (5LP8461) will not be directly impacted by this alternative. CDOT has determined that the Eastern Realignment Alternative will result in an *adverse effect* to the overall Webb/Hotter Lateral because over a quarter of the entire lateral length that is currently an open irrigation feature will be relocated into a siphon.

<u>Revised F Modified</u>: This alternative directly impacts both segments of the lateral. The conceptual centerline curves through the northwest quadrant of the Schaeferhoff-Cowan Ranch and will impact 1,423 feet of segment 5LP9256.1. The alternative centerline also curves through the eastern portion of the Webb Ranch and impacts 1,096 feet of segment 5LP9256.2. Portions of these segments will likely be placed in siphon structures. CDOT has determined that this alternative will result in an *adverse effect* to the Webb/Hotter lateral since a significant percentage of the overall lateral length will be impacted by these alignments.

<u>Revised G Alternative</u>: The Revised G Alternative will not directly affect segments 5LP9256.1 or 5LP9256.2 of the Webb/Hotter Lateral, which therefore results in *no historic properties affected*.

Co-op Ditch (5LP9257)

Eastern Realignment: In our November 2009 consultation, we indicated that this alternative would affect 190 feet of segment 5LP9257.1, including an existing 30-foot structure under County Road 220; you concurred that there would be *no adverse effect* to the ditch. During that consultation, however, we did not discuss an additional feature of the ditch that was identified in the field survey—a narrow, shallow linear depression that parallels the length of the recorded ditch segment on the west side. The Eastern Realignment will likely have a similar impact on this shallow depression since it parallels the ditch segment, but the shallow depression will not be restored to its current appearance. The shallow depression appears to be an abandoned ditch (as noted in the site form) that may have served as a secondary channel to the Co-op Ditch. It was documented on the site form but is not considered part of the eligible ditch resource. CDOT has determined that the initial *no adverse effect* determination to the overall Co-op Ditch is still appropriate.

<u>Revised F Modified, Revised G Alternative</u>: Both of these alternatives will have a direct impact on 488 linear feet of segment 5LP9257.2 of the Co-op ditch as a result of widening the highway from two to four lanes. The ditch will likely be placed in a siphon at this location. Given the overall length of the segment (7,984 feet) and the fact that the segment to be affected currently extends through two culverts where it crosses the highway, CDOT has determined that there will be *no adverse effect* to the Co-op Ditch based on these alternatives.

Craig Limousin Ranch (5LP9307)

Mr. Nichols December 8, 2010 Page 3

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<u>Revised G Modified</u>: US 550 will be widened from two to four lanes along the historic ranch boundary and the alternative will require acquisition of 22.7 acres along the western property boundary from County Road 220 to the edge of the property boundary along the US 550 alignment. The acquisition is distributed for slightly over a mile on the ranch's western boundary and ranges from 164 to 211 feet in depth. None of the ranch's buildings will be directly affected by this acquisition; however, open ranch land along the entire western property boundary will be acquired and the widened US 550 alignment will be closer to the ranch buildings. These effects will diminish the setting, feeling, and association of the ranch. Based on this, CDOT has determined that Revised G Modified results in an *adverse effect* to the Craig Limousin Ranch.

We request your concurrence with the eligibility and effects determinations outlined above. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

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Jane Hann, Manager Environmental Programs Branch

Enclosures

Site Forms, 5LP9256.1, 5LP9256.2 Figure showing alternatives and resources

cc:

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



December 8, 2010

Mr. Edward H. Pappas Dickinson Wright PLLC 38525 Woodward Ave., Suite 2000 Bloomfield Hills, MI 48304-5092

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Mr. Pappas:

This letter and the attached materials are provided so that you have an opportunity to comment on additional eligibility and effects determinations for the project referenced above. As a Section 106 consulting party for this undertaking, you were previously involved in the review of eligibility and effects determinations for the Eastern Realignment, Revised F Modified, and Revised G Modified Alternatives. During the present review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein.

Eligibility Determinations

Webb Ranch (5LP8461): In our initial identification of the Webb Ranch in 2008, CDOT determined the ranch is significant under National Register of Historic Places (NRHP) Criterion C for its examples of ranching architecture. Additional research indicates that the Webb Ranch is also significant under NRHP Criterion A for its association with ranching on Florida Mesa.

Webb/Hotter Lateral: In our previous consultation, CDOT identified the Webb/Hotter Lateral as a feature of the historic Webb Ranch (5LP8461). Since that time we have determined that the lateral should be documented as a stand-alone resource with a separate site number. A site and segment number— 5LP9256/5LP9256.1—were initially assigned to this resource during previous survey efforts and will be used to identify the feature. Since the lateral extends onto two separate historic ranch properties, we have documented the section of the lateral on the historic Schaeferhoff-Cowan Ranch as 5LP9256.1, and the segment that extends into the Webb Ranch as 5LP9256.2. A Management Data Form and separate Linear Component Forms were completed to document these segments of the lateral. Although this feature is an irrigation lateral, and most laterals are not individually significant, CDOT has determined that the Webb/Hotter Lateral is significant for its association with two historic ranches—the Webb Ranch (5LP8461) and the Schaeferhoff-Cowan Ranch (5LP9306). Please see the attached site forms for more information.

Effects Determinations

Schaeferhoff-Cowan Ranch (5LP9306): In our August 2010 consultation for the Revised F Modified Alternative, we did not include an effects determination for this historic ranch, so that information is outlined here. The Revised F Modified Alternative shares a common alignment with the Eastern Realignment Alternative that extends through the northern portion of the Schaeferhoff-Cowan ranch boundary (see attached figure). The presence of this alignment through the open land within the historic Mr. Pappas December 8, 2010 Page 2

ranch boundary compromises the setting, feeling, and association of the property and results in an *adverse* effect.

Webb/Hotter Lateral (5LP9256.1/5LP9256.2): As noted above, the Webb/Hotter Lateral was previously evaluated as a feature of the historic Webb Ranch and not as an individual property. Following are effects determinations for the ditch based on the three alternatives under consideration: <u>Eastern Realignment</u>: Approximately 870 feet of segment 5LP9256.1 on the Schaeferhoff-Cowan Ranch (5LP9306) will be directly impacted by the new highway alignment and water in this section would have to be relocated to a siphon. Segment 5LP9256.2 on the Webb Ranch (5LP8461) will not be directly impacted by this alternative. CDOT has determined that the Eastern Realignment Alternative will result in an *adverse effect* to the overall Webb/Hotter Lateral because over a quarter of the entire lateral length that is currently an open irrigation feature will be relocated into a siphon.

<u>Revised F Modified</u>: This alternative directly impacts both segments of the lateral. The conceptual centerline curves through the northwest quadrant of the Schaeferhoff-Cowan Ranch and will impact 1,423 feet of segment 5LP9256.1. The alternative centerline also curves through the eastern portion of the Webb Ranch and impacts 1,096 feet of segment 5LP9256.2. Portions of these segments will likely be placed in siphon structures. CDOT has determined that this alternative will result in an *adverse effect* to the Webb/Hotter lateral since a significant percentage of the overall lateral length will be impacted by these alignments.

<u>Revised G Alternative</u>: The Revised G Alternative will not directly affect segments 5LP9256.1 or 5LP9256.2 of the Webb/Hotter Lateral, which therefore results in *no historic properties affected*.

Co-op Ditch (5LP9257)

Eastern Realignment: In our November 2009 consultation, we indicated that this alternative would affect 190 feet of segment 5LP9257.1, including an existing 30-foot structure under County Road 220; the State Historic Preservation Officer (SHPO) concurred that there would be *no adverse effect* to the ditch. During that consultation, however, we did not discuss an additional feature of the ditch that was identified in the field survey—a narrow, shallow linear depression that parallels the length of the recorded ditch segment on the west side. The Eastern Realignment will likely have a similar impact on this shallow depression since it parallels the ditch segment, but the shallow depression will not be restored to its current appearance. The shallow depression appears to be an abandoned ditch (as noted in the site form) that may have served as a secondary channel to the Co-op Ditch. It was documented on the site form but is not considered part of the eligible ditch resource. CDOT has determined that the initial *no adverse effect* determination to the overall Co-op Ditch is still appropriate.

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Craig Limousin Ranch (5LP9307)

Mr. Pappas December 8, 2010 Page 3

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This information has been sent concurrently to the Colorado SHPO and other consulting parties identified for the project.

If you elect to submit comments regarding the eligibility and effects determinations outlined herein, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

Jane Hann, Manager Environmental Programs Branch

Enclosures

cc:

Site Forms, 5LP9256.1, 5LP9256.2 Figures showing alternatives and resources

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DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



December 9, 2010

Mr. Shannon Bennett 455 Pinnacle View Drive Durango, CO 81301

SUBJECT:

Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Mr.Bennett:

This letter and the attached materials are provided so that you have an opportunity to comment on additional eligibility and effects determinations for the project referenced above. As a Section 106 consulting party for this undertaking, you will be involved in reviewing historic properties issues associated with this undertaking from this point forward. During the present review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein.

Eligibility Determinations

Webb Ranch (5LP8461): In our initial identification of the Webb Ranch in 2008, CDOT determined the ranch is significant under National Register of Historic Places (NRHP) Criterion C for its examples of ranching architecture. Additional research indicates that the Webb Ranch is also significant under NRHP Criterion A for its association with ranching on Florida Mesa.

Webb/Hotter Lateral: In our previous consultation, CDOT identified the Webb/Hotter Lateral as a feature of the historic Webb Ranch (5LP8461). Since that time we have determined that the lateral should be documented as a stand-alone resource with a separate site number. A site and segment number— 5LP9256/5LP9256.1—were initially assigned to this resource during previous survey efforts and will be used to identify the feature. Since the lateral extends onto two separate historic ranch properties, we have documented the section of the lateral on the historic Schaeferhoff-Cowan Ranch as 5LP9256.1, and the segment that extends into the Webb Ranch as 5LP9256.2. A Management Data Form and separate Linear Component Forms were completed to document these segments of the lateral. Although this feature is an irrigation lateral, and most laterals are not individually significant, CDOT has determined that the Webb/Hotter Lateral is significant for its association with two historic ranches—the Webb Ranch (5LP8461) and the Schaeferhoff-Cowan Ranch (5LP9306). Please see the attached site forms for more information.

Effects Determinations

Schaeferhoff-Cowan Ranch (5LP9306): In our August 2010 consultation for the Revised F Modified Alternative, we did not include an effects determination for this historic ranch, so that information is outlined here. The Revised F Modified Alternative shares a common alignment with the Eastern Realignment Alternative that extends through the northern portion of the Schaeferhoff-Cowan ranch boundary (see attached figure). The presence of this alignment through the open land within the historic

Mr. Bennett December 9, 2010 Page 2

ranch boundary compromises the setting, feeling, and association of the property and results in an *adverse* effect.

Webb/Hotter Lateral (5LP9256.1/5LP9256.2): As noted above, the Webb/Hotter Lateral was previously evaluated as a feature of the historic Webb Ranch and not as an individual property. Following are effects determinations for the ditch based on the three alternatives under consideration: <u>Eastern Realignment</u>: Approximately 870 feet of segment 5LP9256.1 on the Schaeferhoff-Cowan Ranch (5LP9306) will be directly impacted by the new highway alignment and water in this section would have to be relocated to a siphon. Segment 5LP9256.2 on the Webb Ranch (5LP8461) will not be directly impacted by this alternative. CDOT has determined that the Eastern Realignment Alternative will result in an *adverse effect* to the overall Webb/Hotter Lateral because over a quarter of the entire lateral length that is currently an open irrigation feature will be relocated into a siphon.

<u>Revised F Modified</u>: This alternative directly impacts both segments of the lateral. The conceptual centerline curves through the northwest quadrant of the Schaeferhoff-Cowan Ranch and will impact 1,423 feet of segment 5LP9256.1. The alternative centerline also curves through the eastern portion of the Webb Ranch and impacts 1,096 feet of segment 5LP9256.2. Portions of these segments will likely be placed in siphon structures. CDOT has determined that this alternative will result in an *adverse effect* to the Webb/Hotter lateral since a significant percentage of the overall lateral length will be impacted by these alignments.

<u>Revised G Alternative</u>: The Revised G Alternative will not directly affect segments 5LP9256.1 or 5LP9256.2 of the Webb/Hotter Lateral, which therefore results in *no historic properties affected*.

Co-op Ditch (5LP9257)

Eastern Realignment: In our November 2009 consultation, we indicated that this alternative would affect 190 feet of segment 5LP9257.1, including an existing 30-foot structure under County Road 220; the State Historic Preservation Officer (SHPO) concurred that there would be *no adverse effect* to the ditch. During that consultation, however, we did not discuss an additional feature of the ditch that was identified in the field survey—a narrow, shallow linear depression that parallels the length of the recorded ditch segment on the west side. The Eastern Realignment will likely have a similar impact on this shallow depression since it parallels the ditch segment, but the shallow depression will not be restored to its current appearance. The shallow depression appears to be an abandoned ditch (as noted in the site form) that may have served as a secondary channel to the Co-op Ditch. It was documented on the site form but is not considered part of the eligible ditch resource. CDOT has determined that the initial *no adverse effect* determination to the overall Co-op Ditch is still appropriate.

<u>Revised F Modified, Revised G Alternative</u>: Both of these alternatives will have a direct impact on 488 linear feet of segment 5LP9257.2 of the Co-op ditch as a result of widening the highway from two to four lanes. The ditch will likely be placed in a siphon at this location. Given the overall length of the segment (7,984 feet) and the fact that the segment to be affected currently extends through two culverts where it crosses the highway, CDOT has determined that there will be *no adverse effect* to the Co-op Ditch based on these alternatives.

Craig Limousin Ranch (5LP9307)

Mr. Bennett December 9, 2010 Page 3

<u>Revised G Modified</u>: US 550 will be widened from two to four lanes along the historic ranch boundary and the alternative will require acquisition of 22.7 acres along the western property boundary from County Road 220 to the edge of the property boundary along the US 550 alignment. The acquisition is distributed for slightly over a mile on the ranch's western boundary and ranges from 164 to 211 feet in depth. None of the ranch's buildings will be directly affected by this acquisition; however, open ranch land along the entire western property boundary will be acquired and the widened US 550 alignment will be closer to the ranch buildings. These effects will diminish the setting, feeling, and association of the ranch. Based on this, CDOT has determined that Revised G Modified results in an *adverse effect* to the Craig Limousin Ranch.

This information has been sent concurrently to the Colorado SHPO and other consulting parties identified for the project.

If you elect to submit comments regarding the eligibility and effects determinations outlined herein, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

Jane Hann, Manager Environmental Programs Branch

Enclosures

cc:

Site Forms, 5LP9256.1, 5LP9256.2 Figures showing alternatives and resources

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



December 9, 2010

Ms. Peggy Cooley 1525 Cliff Drive Santa Barbara, CA 93109-1733

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Ms. Cooley:

This letter and the attached materials are provided so that you have an opportunity to comment on additional eligibility and effects determinations for the project referenced above. As a Section 106 consulting party for this undertaking, you were previously involved in the review of eligibility and effects determinations for the Eastern Realignment, Revised F Modified, and Revised G Modified Alternatives. During the present review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein.

Eligibility Determinations

Webb Ranch (5LP8461): In our initial identification of the Webb Ranch in 2008, CDOT determined the ranch is significant under National Register of Historic Places (NRHP) Criterion C for its examples of ranching architecture. Additional research indicates that the Webb Ranch is also significant under NRHP Criterion A for its association with ranching on Florida Mesa.

Webb/Hotter Lateral: In our previous consultation, CDOT identified the Webb/Hotter Lateral as a feature of the historic Webb Ranch (5LP8461). Since that time we have determined that the lateral should be documented as a stand-alone resource with a separate site number. A site and segment number— 5LP9256/5LP9256.1—were initially assigned to this resource during previous survey efforts and will be used to identify the feature. Since the lateral extends onto two separate historic ranch properties, we have documented the section of the lateral on the historic Schaeferhoff-Cowan Ranch as 5LP9256.1, and the segment that extends into the Webb Ranch as 5LP9256.2. A Management Data Form and separate Linear Component Forms were completed to document these segments of the lateral. Although this feature is an irrigation lateral, and most laterals are not individually significant, CDOT has determined that the Webb/Hotter Lateral is significant for its association with two historic ranches—the Webb Ranch (5LP8461) and the Schaeferhoff-Cowan Ranch (5LP9306). Please see the attached site forms for more information.

Effects Determinations

Schaeferhoff-Cowan Ranch (5LP9306): In our August 2010 consultation for the Revised F Modified Alternative, we did not include an effects determination for this historic ranch, so that information is outlined here. The Revised F Modified Alternative shares a common alignment with the Eastern Realignment Alternative that extends through the northern portion of the Schaeferhoff-Cowan ranch boundary (see attached figure). The presence of this alignment through the open land within the historic

Ms. Cooley December 9, 2010 Page 2

ranch boundary compromises the setting, feeling, and association of the property and results in an *adverse* effect.

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<u>Revised G Alternative</u>: The Revised G Alternative will not directly affect segments 5LP9256.1 or 5LP9256.2 of the Webb/Hotter Lateral, which therefore results in *no historic properties affected*.

Co-op Ditch (5LP9257)

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Craig Limousin Ranch (5LP9307)

Ms. Cooley December 9, 2010 Page 3

<u>Revised G Modified</u>: US 550 will be widened from two to four lanes along the historic ranch boundary and the alternative will require acquisition of 22.7 acres along the western property boundary from County Road 220 to the edge of the property boundary along the US 550 alignment. The acquisition is distributed for slightly over a mile on the ranch's western boundary and ranges from 164 to 211 feet in depth. None of the ranch's buildings will be directly affected by this acquisition; however, open ranch land along the entire western property boundary will be acquired and the widened US 550 alignment will be closer to the ranch buildings. These effects will diminish the setting, feeling, and association of the ranch. Based on this, CDOT has determined that Revised G Modified results in an *adverse effect* to the Craig Limousin Ranch.

This information has been sent concurrently to the Colorado SHPO and other consulting parties identified for the project.

If you elect to submit comments regarding the eligibility and effects determinations outlined herein, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

cc:

Jane Hann, Manager Environmental Programs Branch

Enclosures Site Forms, 5LP9256.1, 5LP9256.2 Figures showing alternatives and resources

SEE NOTE ON PG.3

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281

December 9, 2010

Mr. Leroy Shingoitewa, Chairman The Hopi Tribe Attn: Mr. Leigh Kuwanwisiwma, Cultural Preservation Office P.O. Box 123 Kykotsmovi, AZ 86039

DEPARTMENT OF TRANSPORTATION DEC 1 5 2010

RY. CPO/AB

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Mr. Shingoitewa:

This letter and the attached materials are provided so that you have an opportunity to comment on additional eligibility and effects determinations for the project referenced above. As a Section 106 consulting party for this undertaking, you were previously involved in the review of eligibility and effects determinations for the Eastern Realignment, Revised F Modified, and Revised G Modified Alternatives. During the present review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein. Please note that this submittal does not involve any Native American sites or features.

Eligibility Determinations

Webb Ranch (5LP8461): In our initial identification of the Webb Ranch in 2008, CDOT determined the ranch is significant under National Register of Historic Places (NRHP) Criterion C for its examples of ranching architecture. Additional research indicates that the Webb Ranch is also significant under NRHP Criterion A for its association with ranching on Florida Mesa.

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Mr. Shingoitewa December 9, 2010 Page 2

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Craig Limousin Ranch (5LP9307)

Mr. Shingoitewa December 9, 2010 Page 3

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Very truly yours,

Jane Hann, Manager Environmental Programs Branch

Enclosures Site Forms, 5LP9256.1, 5LP9256.2 Figures showing alternatives and resources

cc: Kerrie Neet, CDOT Region 5 Stephanie Gibson, FHWA defer to SKPO on historic properties Lowerer note enclosed Aug 16 2010 letter regending prehistoric properties

acque

Kotuanwishuma 12-15-10

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



December 9, 2010

Mr. Joel Craig 14898 Highway 550 Durango, CO 81303-6628

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Mr. Craig:

This letter and the attached materials are provided so that you have an opportunity to comment on additional eligibility and effects determinations for the project referenced above. As a Section 106 consulting party for this undertaking, you will be involved in reviewing historic properties issues associated with this undertaking from this point forward. During the present review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein.

Eligibility Determinations

Webb Ranch (5LP8461): In our initial identification of the Webb Ranch in 2008, CDOT determined the ranch is significant under National Register of Historic Places (NRHP) Criterion C for its examples of ranching architecture. Additional research indicates that the Webb Ranch is also significant under NRHP Criterion A for its association with ranching on Florida Mesa.

Webb/Hotter Lateral: In our previous consultation, CDOT identified the Webb/Hotter Lateral as a feature of the historic Webb Ranch (5LP8461). Since that time we have determined that the lateral should be documented as a stand-alone resource with a separate site number. A site and segment number— 5LP9256/5LP9256.1—were initially assigned to this resource during previous survey efforts and will be used to identify the feature. Since the lateral extends onto two separate historic ranch properties, we have documented the section of the lateral on the historic Schaeferhoff-Cowan Ranch as 5LP9256.1, and the segment that extends into the Webb Ranch as 5LP9256.2. A Management Data Form and separate Linear Component Forms were completed to document these segments of the lateral. Although this feature is an irrigation lateral, and most laterals are not individually significant, CDOT has determined that the Webb/Hotter Lateral is significant for its association with two historic ranches—the Webb Ranch (5LP8461) and the Schaeferhoff-Cowan Ranch (5LP9306). Please see the attached site forms for more information.

Effects Determinations

Schaeferhoff-Cowan Ranch (5LP9306): In our August 2010 consultation for the Revised F Modified Alternative, we did not include an effects determination for this historic ranch, so that information is outlined here. The Revised F Modified Alternative shares a common alignment with the Eastern Realignment Alternative that extends through the northern portion of the Schaeferhoff-Cowan ranch boundary (see attached figure). The presence of this alignment through the open land within the historic Mr. Craig December 9, 2010 Page 2

ranch boundary compromises the setting, feeling, and association of the property and results in an *adverse* effect.

Webb/Hotter Lateral (5LP9256.1/5LP9256.2): As noted above, the Webb/Hotter Lateral was previously evaluated as a feature of the historic Webb Ranch and not as an individual property. Following are effects determinations for the ditch based on the three alternatives under consideration: <u>Eastern Realignment</u>: Approximately 870 feet of segment 5LP9256.1 on the Schaeferhoff-Cowan Ranch (5LP9306) will be directly impacted by the new highway alignment and water in this section would have to be relocated to a siphon. Segment 5LP9256.2 on the Webb Ranch (5LP8461) will not be directly impacted by this alternative. CDOT has determined that the Eastern Realignment Alternative will result in an *adverse effect* to the overall Webb/Hotter Lateral because over a quarter of the entire lateral length that is currently an open irrigation feature will be relocated into a siphon.

<u>Revised F Modified</u>: This alternative directly impacts both segments of the lateral. The conceptual centerline curves through the northwest quadrant of the Schaeferhoff-Cowan Ranch and will impact 1,423 feet of segment 5LP9256.1. The alternative centerline also curves through the eastern portion of the Webb Ranch and impacts 1,096 feet of segment 5LP9256.2. Portions of these segments will likely be placed in siphon structures. CDOT has determined that this alternative will result in an *adverse effect* to the Webb/Hotter lateral since a significant percentage of the overall lateral length will be impacted by these alignments.

<u>Revised G Alternative</u>: The Revised G Alternative will not directly affect segments 5LP9256.1 or 5LP9256.2 of the Webb/Hotter Lateral, which therefore results in *no historic properties affected*.

Co-op Ditch (5LP9257)

Eastern Realignment: In our November 2009 consultation, we indicated that this alternative would affect 190 feet of segment 5LP9257.1, including an existing 30-foot structure under County Road 220; the State Historic Preservation Officer (SHPO) concurred that there would be *no adverse effect* to the ditch. During that consultation, however, we did not discuss an additional feature of the ditch that was identified in the field survey—a narrow, shallow linear depression that parallels the length of the recorded ditch segment on the west side. The Eastern Realignment will likely have a similar impact on this shallow depression since it parallels the ditch segment, but the shallow depression will not be restored to its current appearance. The shallow depression appears to be an abandoned ditch (as noted in the site form) that may have served as a secondary channel to the Co-op Ditch. It was documented on the site form but is not considered part of the eligible ditch resource. CDOT has determined that the initial *no adverse effect* determination to the overall Co-op Ditch is still appropriate.

<u>Revised F Modified, Revised G Alternative</u>: Both of these alternatives will have a direct impact on 488 linear feet of segment 5LP9257.2 of the Co-op ditch as a result of widening the highway from two to four lanes. The ditch will likely be placed in a siphon at this location. Given the overall length of the segment (7,984 feet) and the fact that the segment to be affected currently extends through two culverts where it crosses the highway, CDOT has determined that there will be *no adverse effect* to the Co-op Ditch based on these alternatives.

Craig Limousin Ranch (5LP9307)

Mr. Craig December 9, 2010 Page 3

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This information has been sent concurrently to the Colorado SHPO and other consulting parties identified for the project.

If you elect to submit comments regarding the eligibility and effects determinations outlined herein, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

Jane Hann, Manager Environmental Programs Branch

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cc:

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



December 9, 2010

Mr. Philip S. Craig 9361 Highway 550 Durango, CO 81303-7862

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Mr. Craig:

This letter and the attached materials are provided so that you have an opportunity to comment on additional eligibility and effects determinations for the project referenced above. As a Section 106 consulting party for this undertaking, you will be involved in reviewing historic properties issues associated with this undertaking from this point forward. During the present review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein.

Eligibility Determinations

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Craig Limousin Ranch (5LP9307)

Mr. Craig December 9, 2010 Page 3

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Very truly yours,

Jane Hann, Manager Environmental Programs Branch

Enclosures

cc:

Site Forms, 5LP9256.1, 5LP9256.2 Figures showing alternatives and resources

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



December 9, 2010

Mr. John Antonio, Sr., Governor Pueblo of Laguna c/o Laguna Pueblo Tribal Council Attn: Bob Mooney, NAGPRA Coordinator P.O. Box 194 Laguna, NM 87026

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Mr. Antonio:

This letter and the attached materials are provided so that you have an opportunity to comment on additional eligibility and effects determinations for the project referenced above. As a Section 106 consulting party for this undertaking, you were previously involved in the review of eligibility and effects determinations for the Eastern Realignment, Revised F Modified, and Revised G Modified Alternatives. During the present review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein. Please note that this submittal does not involve any Native American sites or features.

Eligibility Determinations

Webb Ranch (5LP8461): In our initial identification of the Webb Ranch in 2008, CDOT determined the ranch is significant under National Register of Historic Places (NRHP) Criterion C for its examples of ranching architecture. Additional research indicates that the Webb Ranch is also significant under NRHP Criterion A for its association with ranching on Florida Mesa.

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Mr. Antonio December 9, 2010 Page 2

Realignment Alternative that extends through the northern portion of the Schaeferhoff-Cowan ranch boundary (see attached figure). The presence of this alignment through the open land within the historic ranch boundary compromises the setting, feeling, and association of the property and results in an *adverse effect*.

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Craig Limousin Ranch (5LP9307)

<u>Revised F Modified</u>: We previously consulted with the SHPO about this property in August 2010 and determined that the alternative would result in an *adverse effect* to this historic ranch. Since then we have determined that additional land will be required along the western boundary of the property on the curve of the existing US 550 alignment. In this area, the highway will be widened from two to four lanes. A

Mr. Antonio December 9, 2010 Page 3

total of 35.6 acres of the Craig Limousin Ranch property will be acquired as part of this alternative. The original determination of *adverse effect* is still appropriate.

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DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



December 9, 2010

Mr. Matthew Box, Chairman Southern Ute Indian Tribe Attn: Mr. Neil Cloud, Culture Preservation Office P.O. Box 737 Ignacio, CO 81137

SUBJECT: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County

Dear Mr. Box:

This letter and the attached materials are provided so that you have an opportunity to comment on additional eligibility and effects determinations for the project referenced above. As a Section 106 consulting party for this undertaking, you were previously involved in the review of eligibility and effects determinations for the Eastern Realignment, Revised F Modified, and Revised G Modified Alternatives. During the present review please consult the attached figures, which provide an overview of the resources and alternatives discussed herein. Please note that this submittal does not involve any Native American sites or features.

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Craig Limousin Ranch (5LP9307)

Mr. Box December 9, 2010 Page 3

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Very truly yours,

Jane Hann, Manager Environmental Programs Branch

Enclosures

Site Forms, 5LP9256.1, 5LP9256.2 Figures showing alternatives and resources

cc:

Kerrie Neet, CDOT Region 5 Stephanie Gibson, FHWA



HISTORY 0

December 16, 2010

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

Re: Additional Section 106 Consultation, US Highway 160/US Highway 550 Connection, La Plata County. (CHS #33425)

Dear Ms. Hann,

Thank you for your additional information correspondence dated December 8, 2010 and received by our office on December 9, 2010 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we concur that segments 5LP.9256.1 and 5LP.9256.2 retain integrity and support the overall eligibility of the entire linear resource 5LP.9256. That you for including the additional area of significance research for the Webb Ranch. We have updated our records. After review of the assessment of adverse effect, we concur with the recommended findings of effects for resources 5LP.9306, 5LP.9256, 5LP.9257, and 5LP.9307.

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

THE COLORADO HISTORICAL SOCIETY



of Transportation

Federal Highway Administration Colorado Division

December 16, 2010

12300 W. Dakota Avenue, Suite 180 Lakewood, CO 80228 720-963-3000 FAX: 720-963-3001

RECEIVED BY.

PROGRAM ENG.

Mr. Edward H. Pappas Dickinson Wright, PLLC 38525 Woodward Avenue, Suite 2000 Bloomfield Hills, MI 48304

SUBJECT: US Highway 550 and 160 Connection, La Plata County, Colorado

Dear Mr. Pappas:

I write in response to your letter of October 26, 2010 to the Colorado Department of Transportation (CDOT), in which you addressed a comment to the Federal Highway Administration (FHWA) regarding whether the comments in the letter would be disregarded under 36 CFR 800.5(c)(1). Your comments have been noted and will be considered as the project progresses.

While your letter did not contain any objections to the determination of eligibility and the finding that certain alternatives would adversely affect eligible sites, it did offer extensive comments regarding the treatment of eligible sites. Should we move forward on an alternative causing adverse effects to eligible sites, a mitigation plan will be prepared and you will be provided a copy for review and comment. The information you provided in your letter of October 26, 2010 will also be considered.

Sincerely,

John M. Cater Division Administrator

CC: Maryann Blouin, FHWA Dan Jepson, CDOT EPB Kerrie Neet, CDOT Region 5





PUEBLO OF LAGUNA

P.O. BOX 194 LAGUNA, NEW MEXICO 87026



(505) 552-6598 (505) 552-6654 (505) 552-6655

Office of: The Governor The Secretary The Treasurer

January 4, 2011

Ms. Jane Hann Manager Environmental Programs Branch State of Colorado Department of Transportation 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222

Dear Ms. Hann:

RE: US Highway 160/US Highway 550 Connection, La Plata County

The Pueblo of Laguna appreciates your consideration to comment on the possible interests your projects may have on any traditional or cultural properties.

The Pueblo of Laguna has determined that the undertaking WILL NOT have a significant impact at this time. However, in the event that any new archaeological sites are discovered and any new artifacts are removed, we request to be notified to review items. We also request photographs of items. According to our unpublished migration history, our ancestors journeyed from the north through that area and settled for periods of time before traveling to our present location. Therefore, the possibilities of some findings may exist.

We thank you and your staff for the information provided.

Sincerely,

Governor Pueblo of Laguna



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

January 29, 2011

12300 W. Dakota Ave., Suite 180 Lakewood, Colorado 80228 720-963-3000 Fax 720-963-3001

Mr. Reid Nelson, Director Office of Federal Agency Programs Advisory Council on Historic Preservation 1100 Pennsylvania Avenue, NW, Ste. 803 Washington, DC 20004 Attn: Carol Legard

SUBJECT: Documentation for Finding of Adverse Effect, Colorado Department of Transportation Project FC-NH (CX) 160-2(48), US Highway 550 Connection to US 160 Farmington Hill, La Plata County, Colorado

Dear Mr. Nelson:

Transmitted herewith is the Documentation for Finding of Adverse Effect (DAE) for the Colorado Department of Transportation (CDOT) project referenced above. Three alignment alternatives are currently under consideration for this project; as such, the enclosed documentation describes the historic and archaeological resources that will be adversely affected by each of the alternatives. We will notify your office once a preferred alternative has been selected.

FHWA is submitting this Documentation for Finding of Adverse Effect pursuant to the Advisory Council regulations, 36 CFR 800.6(a)(1). In accordance with the process set forth in the regulations, mitigation measures have been identified and are outlined under Item 5 of the Documentation.

The Council previously agreed to participate in the Section 106 consultation process for this undertaking. Therefore, we are submitting these materials to fulfill the documentation requirements outlined in 36 CFR 800.11(e).

If you have questions regarding the enclosed DAE or the project in general, please contact CDOT Senior Staff Archaeologist Dan Jepson at 303-757-9631, or FHWA Environmental Program Manager Stephanie Gibson at 720-963-3013.



File: Webb Ranch H: Admin/Correspondence/FY2011/Gibson_Reid_Documentation for Finding of Adverse Effect US Hwy 550 to US160 Jan29 mf

Sincerely yours,

SAN for John M. Cater

Division Administrator

Enclosures: Copy of DAE

cc: Letter Only

•

Dan Jepson, CDOT Environmental Programs Branch Stephanie Gibson, FHWA Colorado Division Bill Hanson, Operations Engineer, FHWA Colorado Division



Preserving America's Heritage

February 8, 2011

Mr. John Cater Division Administrator Federal Highway Administration Colorado Division 12300 W. Dakota Ave., Suite 180 Lakewood, CO 80228

RE: Documentation for Finding of Adverse Effect Colorado Department of Transportation Project FC-NH(CX) 160-2(48) US Highway 550 Connection to US 160 Farmington Hill, La Plata County, Colorado

Dear Mr. Cater:

On January 31, 2011, we received from FHWA documentation supporting a Finding of Adverse Effect for the proposed US Highway 550 Connection to US 160 Farmington Hill project in La Plata County, Colorado. We appreciate your providing us with report, which was submitted to in accordance with Section 800.11(e) of the regulations (36 CFR Part 800) implementing Section 106 of the National Historic Preservation Act (16 USC 470f). As a participant in consultation, we have reviewed the documentation and we concur with your finding that the three alternatives discussed in the report would have an adverse effect on historic properties.

In April 2009, we received a letter from FHWA stating that FHWA and CDOT were preparing a Section 4(f) analysis to determine whether a feasible and prudent avoidance alternative exists for the US550/160 connection. To date, we have not yet seen this analysis, and believe it may shed light on why only the three alternatives were reviewed in the submitted documentation. As we previously noted, the Section 4(f) analysis may be used to document FHWA's consideration of alternatives in the Section 106 review process as well, although it is important that the SHPO, ACHP, and other consulting parties have an opportunity to offer comments and suggestions on the alternatives intended to avoid historic properties or minimize harm. The submitted report offers no explanation regarding how FHWA and CDOT arrived at the three alternatives: Eastern Alignment; Revised F Modified Alternative; and Revised G Modified Alternative.

In 2008, Mr. Thomas McNeill, representing the owners of the Web Ranch, recommended a number of possible alternatives in the existing right-of-way of US550 west of the Ranch that would avoid most, if not all, of the adverse effects detailed in your Finding of Effects report. Were any alternatives in the existing right-of-way considered by FHWA? Are they included in the Section 4(f) analysis? If not, why? If so, please provide the consulting parties with the relevant documentation supporting FHWA's decision to move forward with only three alternatives, all of which will adversely affect archaeological and historic ranching properties, including the Web Ranch.

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004 Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov In keeping with the ACHP's regulations at 36 CFR 800.6(a)(3), FHWA should provide documentation of its finding of effects to all consulting parties, including any Indian tribe that attaches religious and cultural significance to identified properties, subject to the confidentiality provisions of 36 CFR 800.800.11(c). FHWA should ensure that all Section 106 consulting parties receive this documentation in a timely manner and be afforded an opportunity to share their views prior to CDOT's selection of a preferred alternative for the undertaking. In light of concerns expressed by the property owners and the potential for litigation, we encourage you to continue the Section 106 consultation and discuss the alternatives and the resolution of adverse effects as early as possible. If FHWA, in coordination with CDOT, intend to use its alternatives analysis under Section 4(f) to document the consideration of alternatives required for the completion of Section 106, it should be completed in consideration of the views of all Section 106 consulting parties.

Thank you for providing us the Finding of Adverse Effects report. We look forward to continuing working with you in the Section 106 review process for this undertaking, and to receiving the additional documentation requested above. If you have any questions regarding our recommendations, please feel free to contact Carol Legard, our FHWA Liaison, at 202-606-8522 or via email at <u>clegard@achp.gov</u>.

Sincerely,

Carlene Duin Unque

Charlene Dwin Vaughn, AICP Assistant Director Federal Permitting, Licensing, and Assistance Section Office of Federal Agency Programs

From:	Schoch, Lisa [Lisa.Schoch@dot.state.co.us]
Sent:	Thursday, February 24, 2011 2:52 PM
То:	Jankowski, Paul; Neet, Kerrie; Gibson, Stephanie P
Cc:	Jepson, Daniel
Subject:	Western Realignment Alternative
Attachments:	West Alt (Email) File Search Results.pdf

Hi everyone:

A file search for the proposed Western Realignment Alternative was completed in 2009 (see attached pdf file), and at that time Dan Jepson indicated that were we to complete an intensive-level inventory for that alignment, it's likely that additional historic properties would be identified.

With regard to the railroad along the Animas River-- two segments of which were identified in the 2009 file search (5LP2581.3/5LP2581.4-- preliminary research indicates that the railroad is the Farmington Branch of the Denver & Rio Grande Western that extended from Durango to Farmington, NM. It was initially constructed in 1905, was abandoned in the late 1960s, and materials were removed in the early 1970s. That said, there are seven segments of the railroad identified in the OAHP Compass database, suggesting that there are still some materials left along the railroad alignment to document. Resource 5LP2581.4, for example, is identified as a railroad trestle. (Although evidence indicates it has been largely destroyed).

Because this is a linear resource that extends well outside of our project area, we would assume that the entire railroad is significant for its historical associations, and would need to conduct field survey on the segment within the APE for the Western Realignment Alternative to determine if it has the integrity to support the significance of the overall railroad. Even if there is no integrity to the railroad segment in the APE, we'd still treat the entire railroad as an eligible resource, an approach that is consistent with how we evaluate all linear resources in consultation with SHPO. So, pending an intensive-level survey, the RR would qualify for Section 4(f) protection.

If you need additional information, let me know.

Thanks Lisa

Lisa Schoch, Senior Historian Environmental Programs Branch Colorado Department of Transportation 4201 East Arkansas Avenue Denver, CO 80222 303-512-4258

From:	Jepson, Daniel
То:	Cross, Steven;
cc:	Neet, Kerrie; Archuleta, Edward;
Subject: Date: Attachments:	Western Realignment Alternative File Search Results Wednesday, December 02, 2009 9:54:00 AM Western Alternative File Search Results.pdf
	Western Alternative File Search Data.pdf

Steven -

Attached are two files containing historic properties file search results for the Western Realignment Alternative, per your request. The first file contains a May 22, 2009 Email I sent to Kerrie and Ed that generally outlines the data, as well as a portion of the Loma Linda 7.5' USGS quadrangle showing the locations of each site (site numbers highlighted in yellow). All other site locations appear to be well outside the corridor and any associated Area of Potential Effects we might establish for the alternative. The second file is a tabular version of the site info that contains general legal locations and National Register eligibility determinations; I don't have these coordinates in shape files.

Please note that in the May Email I indicated the presence of 11 sites either within or near the proposed Western Realignment corridor, whereas the data table attached here references 12 sites. I didn't previously include historic site 5LP5652 in that total (located adjacent to existing US 160 west of the US 550 intersection), but it's listed here since possible improvements to US 160 associated with this alternative could impact it.

Please let me know if you have questions-thanks -

Dan

Jepson, Daniel

From: Sent: To: Cc: Subject: Jepson, Daniel Friday, May 22, 2009 10:05 AM Neet, Kerrie Archuleta, Edward; Wolff, Greg US 550 Western Alternative File Search Results

Kerrie –

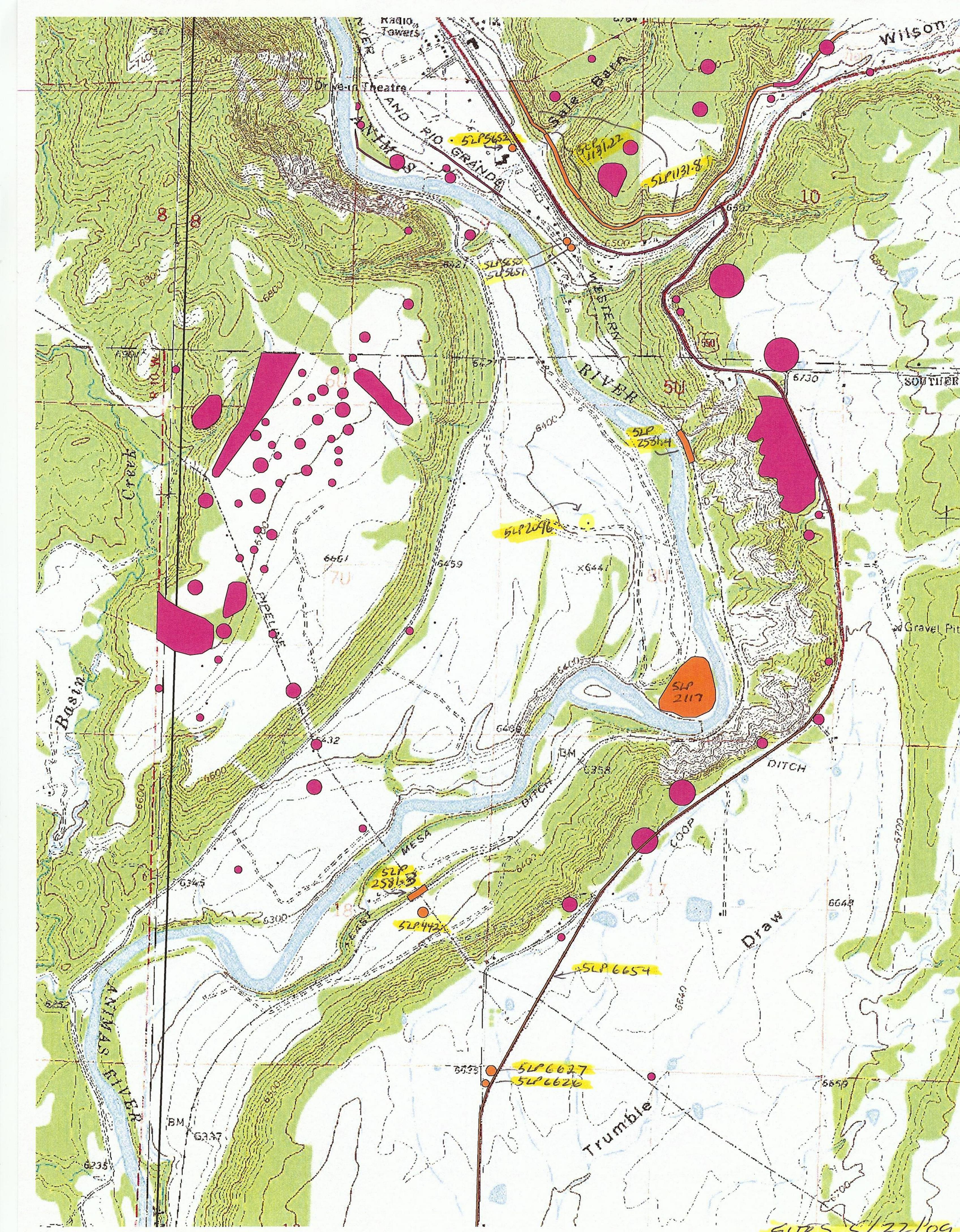
Per your request a historic properties literature/file search for the Western Alternative corridor has been conducted through the Office of Archaeology and Historic Preservation. Dozens of archaeological and historic sites have been previously documented in the legal sections bisected by the alignment, but only a relative handful of resources—a total of 11—are located within or very near the alternative proper. Of those 11, *four* are historic residences (all determined not eligible for the National Register of Historic Places); *one* is US Highway 550 itself (evaluated as "field" not eligible [therefore not "official" determination]); *five* are segments or individual features of the Denver & Rio Grande Railroad grade (of which one has been determined NRHP eligible and one is "field eligible," two are not eligible, and one [a wooden bridge trestle] has no eligibility recommendation at all, though it's referenced as having been "destroyed"). The *remaining resource*, a prehistoric isolated find discovered during the survey for a materials pit related to an early incarnation of the Animas/La Plata project in the 1980s, is also not eligible.

Based on the records search results I would hypothesize that additional historic properties as defined under the Section 106 regulations, in particular prehistoric archaeological sites, would be located within the APE we would establish for the Western Alternative were we to conduct a field inventory. At this point, however, very little of note is known to exist within or immediately adjacent to the alignment.

Please contact me with questions about the file search or our results –

Dan

Tracking:



Site No.	Site Type	NRHP Eligibility	Legal Loc.
5LP442	Prehistoric camp	Officially Not Eligible	T34N, R9W, S. 18
5LP1131.8	D&RGW Railroad segment	Officially Eligible	T34N, R9W, S. 10
5LP1131.22	D&RGW Railroad segment	Officially Not Eligible	T34N, R9W, S. 9
5LP2096	Isolated Find	Field Not Eligible (by	T34N, R9W, S. 8U
		definition, isolates are not eligible)	
5LP2581.3	D&RGW- Farmington	Officially Not Eligible	T34N, R9W, S. 18
	Branch segment		
5LP2581.4	D&RGW trestle	None	T34N, R9W, S. 8U
5LP5650	Historic residence	Officially Not Eligible	T34N, R9W, S. 9
5LP5651	Historic residence	Officially Not Eligible	T34N, R9W, S. 9
5LP5652	Historic granary	Officially Not Eligible	T34N, R9W, S. 9
5LP6626	Historic residence	Officially Not Eligible	T34N, R9W, S. 20
5LP6627	Historic residence	Officially Not Eligible	T34N, R9W, S. 20
5LP6654	US Highway 550	Field Not Eligible	T34N, R9S, S.
			(various)

US 550/160 Western Realignment Alternative Known Historic Properties Data



U.S. Department of Transportation

Federal Highway Administration Colorado Division March 24, 2011 12300 W. Dakota Avenue, Suite 180 Lakewood, CO 80228 720-963-3000 FAX: 720-963-3001

Willie R. Taylor, Director Office of Environmental Policy and Compliance US Department of the Interior 1849 C Street, NW MS 2462 Washington, DC 20240

SUBJECT: US 550 Connection to US 160, Draft Section 4(f) Evaluation

Dear Mr. Taylor:

Enclosed are 18 copies (one hard copy, 17 CDs) of the Draft Section 4(f) Evaluation for a project to realign a portion of US 550 and create a new connection to US 160 near Durango, Colorado for your review and comment.

This project was originally analyzed as part of a larger project, US 160 from Durango to Bayfield, for which an Environmental Impact Statement (EIS) and Section 4(f) evaluation was completed previously. A Draft EIS/Draft Section 4(f) Evaluation was completed in October, 2005; a Final EIS/Final Section 4(f) Evaluation in May, 2006; and a Record of Decision in November 2006. A copy of your comments on the previous Section 4(f) Evaluation is enclosed.

This Section 4(f) evaluation has been prepared because a reassessment of environmental conditions during the design process for the US 160, Durango to Bayfield project discovered a previously unidentified eligible historic property that would be impacted.

This Section 4(f) Evaluation has been prepared to evaluate avoidance alternatives to the use of the Section 4(f) properties in the vicinity of the US 550/US 160 connection; determine whether there are feasible and prudent develop measures to minimize and mitigate impacts to Section 4(f) properties; and identify the alternative that causes the least overall harm to Section 4(f) properties. There are six Section 4(f) properties in the vicinity. There are no prudent and feasible avoidance alternatives; three alternatives (two analyzed in the EIS, and one additional) are considered in the least harm analysis. These alternatives use portions of between three and six of the Section 4(f) properties depending on alternative.

Per 23 CFR 774.5(a) Prior to making a final approval for the use of the 4(f) land, FHWA is soliciting comments from the Department of the Interior on the Section 4(f) evaluation.

Due to some public controversy regarding the project, we would appreciate receiving an acknowledgement of DOI's review with any comments within 45 days from the receipt of these documents.



If you have any questions or are unable to provide comments on the enclosed document by the end of the 45 day comment period, please contact Ms. Stephanie Gibson of this office at Stephanie.gibson@dot.gov or (720) 963-3013.

Sincerely yours,

John M. Cater Division Administrator

Enclosures: One hard copy Section 4(f) Evaluation, 17 CDs, previous DOI comments

cc: w/one hard copy Mr. Lance Hanf, FHWA

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cc: w/o enclosures Mr. Richard Reynolds, CDOT Ms. Kerrie Neet, CDOT



500 WOODWARD AVENUE. SUITE 4000 DETROIT, M1 48226-3425 TELEPHONE: (313) 223-3500 FACSIMILE: (313) 223-3598 http://www.dickinsonwright.com

THOMAS G. MCNEILL TMcNeill@dickinsonwright.com (313) 223-3632

March 25, 2011

RECEIVED BY: MAR 2 9 2011 PROGRAM ENG.

Sabrina Hicks CDOT Émployee Relations/Legal State of Colorado - Dept. of Transportation 4201 E. Arkansas Avenue Denver, CO 80222

Re: Proposed Realignment of U.S. 550 South of U.S. 160 (and Interchange) LaPlata County, Colorado

Dear Ms. Hicks:

We have received your letter dated March 10, 2011 concerning our Colorado Open Records Act Request dated January 10, 2011.

As you most likely know, on behalf of the owners of Webb Ranch, for quite some time we have been seeking CDOT and FHWA documentation concerning consideration and evaluation of *any* other alternative besides those denoted as Revised F Modified, Revised G Modified and the Eastern alignments. Most recently, by letter to Ms. Jane Hann, dated January 6, 2011, we requested that CDOT voluntarily provide such documentation to us. CDOT did not respond to that request, and so we submitted our formal CORA requests by letter dated January 10, 2011.

By letter dated February 8, 2011, the Advisory Council on Historic Preservation (ACHP) requested that FHWA "provide the consulting parties with the relevant documentation supporting FHWA's decision to move forward with only three alternatives, all of which will adversely affect archaeological and historic ranching properties, including the Web [sic] Ranch." For your convenience and review, I have appended a copy of the ACHP's letter. At page 2 of that letter, ACHP described FHWA's legal obligations under Section 106 and Section 4(f), and the regulations promulgated thereunder, to provide documentation to all consulting parties in a "timely manner."

We understand that FHWA has not responded to ACHP's February 8, 2011 letter. Nor has FHWA provided to the owners of Webb Ranch any of the documentation that ACHP requested that FHWA provide to all consulting parties.

Before confirming and committing to a payment to CDOT in excess of \$7,000 for documents responsive to our January 10, 2011 CORA request (or any subset thereof), we wish to review FHWA's response to ACHP's February 8, 2011 letter (which we trust will soon be forthcoming) and the documents which ACHP has requested for itself and all consulting parties.

COUNSELORS AT LAW

Sabrina Hicks March 24, 2011 Page 2

I have provided a copy of this letter to John Cater at FHWA (the addressee of ACHP's February 8 letter), Kerrie Neet and Jane Hann at CDOT and Carol Legard and Charlene Dwin Vaughn at ACHP, and to each a copy of your letter of March 10, 2011.

Very truly yours,

Hun & MELOO

Thomas G. McNeill

TGM:lm

cc (w/encl): John Cater Kerrie Neet Carol Legard Charlene Dwin Vaughn

DETROIT 47919-3 1197787v1

COUNSELORS AT LAW



of Transportation Federal Highway Administration Colorado Division March 30, 2011 12300 W. Dakota Avenue, Suite 180 Lakewood, CO 80228 720-963-3000 FAX: 720-963-3001

Mr. Reid Nelson, Director Office of Federal Agency Programs Advisory Council on Historic Preservation 1100 Pennsylvania Avenue, NW, Ste. 803 Washington, DC 20004 Attn: Carol Legard

SUBJECT: US 550 Connection to US 160 at Farmington Hill, Draft Memorandum of Agreement and Draft Section 4(f) Evaluation

Dear Mr. Nelson:

Enclosed is the draft Memorandum of Agreement (MOA) regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. Given that the Council has elected to participate in the project, we are submitting the draft agreement to your office for review and comment. The document has been reviewed and approved by staff at the Federal Highway Administration and the Colorado State Historic Preservation Office (SHPO). Note that the MOA is specific to the three alignment alternatives under consideration as outlined in the Documentation for Finding of Adverse Effect forwarded to your office on January 29, 2011.

We received your February 8, 2011 letter regarding the Finding of Adverse Effect for the above project. Regarding the questions posed in your letter, we believe that the enclosed Draft Section 4(f) Evaluation will answer them. Although 36 CFR 800.6(a) does indicate that the agency shall consult with the State Historic Preservation Officer and consulting parties to develop and evaluate alternatives that could avoid, minimize or mitigate adverse effects on historic properties, the results of this screening process are not required as part of the documentation for a finding of adverse effect pursuant to 36 CFR 800.11(e). Nevertheless, this information is discussed as part of the enclosed Draft Section 4(f) Evaluation for the project.

The draft MOA and Draft Section 4(f) Evaluation are being sent to the other consulting parties as well. In addition, information regarding eligibility and effects to the resources was sent previously to the consulting parties in accordance with 36 CFR 800.6(a)(3).

Within 30 days of the receipt of this documentation, please forward your comments regarding the document to FHWA Environmental Program Manager Stephanie Gibson at <u>stephanie.gibson@dot.gov</u>, and also to CDOT Senior Staff Archaeologist Dan Jepson at



<u>daniel.jepson@dot.state.co.us</u>. If you require additional information or have questions regarding any aspect of the MOA, please contact Ms. Gibson at (720) 963-3013, or Mr. Jepson at (303) 757-9631. Please direct any questions regarding the Draft Section 4(f) Evaluation to Ms. Gibson.

Sincerely yours,

for

Enclosure

έ.,

cc: w/o enclosure

Mr. Lance Hanf, Chief Counsel's Office, FHWA Mr. Richard Reynolds, CDOT Ms. Kerrie Neet, CDOT



Colorado Division

April 5, 2011

12300 W. Dakota Ave., Suite 180 Lakewood, Colorado 80228 720-963-3000 Fax 720-963-3001

Mr. Don Hunt Executive Director Colorado Department of Transportation 4201 E. Arkansas Ave. Denver, Colorado 80222

APR 1 5 2011 PROGRAM ENG.

SUBJECT: Determination of Need for Supplemental Environmental Impact Statement (SEIS), US Highway 160 from Durango to Bayfield, La Plata County, Colorado

Dear Mr. Hunt:

On March 22, 2011 the FHWA approved the Draft Section 4(f) Evaluation for the US 550 Connection to US 160 at Farmington Hill. This evaluation was prepared because a reassessment of environmental conditions during the design process for the US 160, Durango to Bayfield project discovered a previously unidentified eligible historic property that would be impacted.

Based on this evaluation the FHWA has determined that the proposed action would result in significant environmental impacts to historic and Section 4(f) resources which were not evaluated in the Final Environmental Impact Statement (FEIS) and Record of Decision (ROD). According to 23 CFR 771.130(a)(2) this determination requires the preparation of a Supplemental Environmental Impact Statement (SEIS).

The significant environmental impacts which were not evaluated in the FEIS/ROD have been determined to be confined to a limited portion of the overall project consisting of the US 550 Connection to US 160 at Farmington Hill. As such, the SEIS may be limited to only this portion of the project in order to supplement the existing FEIS/ROD. Per 23 CFR 771.130(f) the preparation of this supplement shall not: (1) Prevent the granting of new approvals; (2) Require the withdrawal of previous approvals; or (3) Require the suspension of project activities; for any activity not directly affected by the supplement.

If there are any questions regarding this project, please contact Ms. Stephanie Gibson, Environmental Program Manager, at 720-963-3013.

Sincerely yours,

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John M. Cater Division Administrator



cc: Richard Reynolds, CDOT Region 5 Kerrie Neet, CDOT Region 5 William Hanson, FHWA Colorado Division Stephanie Gibson, FHWA Colorado Division

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and the states

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Federal Highway Administration

Antonia Clark PO Box 3446 Durango, CO 81302 **Colorado Division**

April 7, 2011

12300 W. Dakota Avenue, Suite 180 Lakewood, CO 80228 720-963-3000 FAX: 720-963-3001

SUBJECT: US 550 Connection to US 160 at Farmington Hill, Draft Memorandum of Agreement and Draft Section 4(f) Evaluation

Dear Ms. Clark:

Enclosed is the draft Memorandum of Agreement (MOA) regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. The document has been reviewed by staff at the Federal Highway Administration and the Colorado State Historic Preservation Office (SHPO), and has been sent to the Advisory Council for Historic Preservation.

Also enclosed is the Draft Section 4(f) Evaluation. This Draft Section 4(f) Evaluation addresses the potential uses of Section 4(f) properties that occur as a result of improvements to the US 550 connection to US 160. This document includes the purpose and need for the proposed project, a discussion of alternatives including avoidance alternatives, a description of the Section 4(f) use that occurs with each alternative considered, and a least overall harm analysis if all the alternatives use Section 4(f) properties.

The Draft Section 4(f) Evaluation is being sent to the Department of the Interior, the Advisory Council for Historic Preservation, the State Historic Preservation Officer, and the other consulting parties.

If you have any questions please contact Ms. Stephanie Gibson of this office.

Sincerely yours,

Stephan P gebson

So John M. Cater Division Administrator

Enclosure



cc: w/o enclosure

Mr. Richard Reynolds, CDOT Ms. Kerrie Neet, CDOT

U.S. Department of Agriculture FARMLAND CONVERSION IMPACT RATING

PART I (To be completed by Federal Agency)			Date Of Land Evaluation Request 4/7/11			
Name Of Project US 160/550 Connection, Sup	plemental EIS	Federal Agency Involved Federal Highway Administration				
Proposed Land Use Linear Transportation	County And State La Plata County Colorado					
PART II (To be completed by NRCS)		Date Request Received By NRCS #/ 7/11				
Does the site contain prime, unique, statewide (If no, the FPPA does not apply do not corr	mland? of this form)	nland? Yes No Acres Krigated Average Farm Size of this form).				
Attalfattay, Grass Hay, Pasti	ovt. Jurisdiction フスス	77 % 0.07 Acres: 100 %			%	
Name Of Land Evaluation System Used '	Assessment S	ystem	Date Land Evaluation Returned By NRCS			
PART III (To be completed by Federal Agency)			Site A	1	Site Rating	Dite D
A. Total Acres To Be Converted Directly			Site A 11.5	Site B	Site C	Site D
B. Total Acres To Be Converted Indirectly			0.0			
C. Total Acres In Site			11.5	0.0	0.0	0.0
PART IV (To be completed by NRCS) Land Eva	aluation Information		11.5	0.0		0.0
A. Total Acres Prime And Unique Farmland			11.5			
B. Total Acres Statewide And Local Importar	t Farmland		/1.5	· · · · · · · · · · · · · · · · · · ·	1	
C. Percentage Of Farmland In County Or Log		Converted	0.015			
D. Percentage Of Farmland In Govt. Jurisdiction W			90		<u> </u>	
PART V (To be completed by NRCS) Land Eva Relative Value Of Farmland To Be Conv		° NA	0	0	0	
PART VI (To be completed by Federal Agency) Site Assessment Criteria (These criteria are explained in		Maximum Points				
1. Area In Nonurban Use					1	
2. Perimeter In Nonurban Use					1	
3. Percent Of Site Being Farmed					1	
4. Protection Provided By State And Local G	overnment					
5. Distance From Urban Builtup Area						
6. Distance To Urban Support Services						
7. Size Of Present Farm Unit Compared To	Average					
8. Creation Of Nonfarmable Farmland						
9. Availability Of Farm Support Services					1	
10. On-Farm Investments						
11. Effects Of Conversion On Farm Support S	Services					
12. Compatibility With Existing Agricultural Us						
TOTAL SITE ASSESSMENT POINTS	160	0	0	0	0	
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 D		

Reason For Selection:

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 5 3803 N. Main Ave., Suite 300 Durango, Colorado 81301 (970) 385-1400 FAX (970) 385-1410

April 14, 2011

Mr. Chris Kloster Wildlife Biologist Colorado Division of Wildife 151 E. 16th Street Durango, CO 81301



RE: State of Colorado Species List Request for the US 550 South Connection to US 160 Supplement to the US Highway 160 Durango to Bayfield Environmental Impact Statement

Dear Mr. Kloster:

The Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA) are planning to prepare a Supplemental Environmental Impact Statement (SEIS) to analyze potential impacts from newly proposed or modified alternative alignments for the US 550 south connection to US 160. The original environmental document for this corridor, the US Highway 160 Durango to Bayfield Final Environmental Impact Statement (FEIS)/Final Section 4(f) Evaluation was signed in May 2006, and the Record of Decision (ROD) for that document was signed by FHWA on November 7, 2006. This included a Biological Assessment that analyzed potential impacts to both federally and state listed species.

Project developments since that time have resulted in newly proposed or modified alternative alignments for the US 550 south connection to US 160. CDOT/FHWA is preparing to amend the Biological Assessment originally prepared for the corridor project to address these new impacts. In an effort to ensure that we adequately address project related impacts, we are requesting an updated project specific species list and any other pertinent information regarding Colorado special status species or wildlife in general for the project area.

The study area is roughly centered around the southwest ¼ of Section 10 in T34N, R09WA. Maps showing the proposed study area have been included for your review. If you have any questions or comments regarding this request, please contact me at (970) 385-8371. Thank you for your time and assistance.

Sincerely,

Tony Cady CDOT Region 5 Biologist



RECEIVED APR 1 8 2011 REG. 5 - RTD OFFICE 500 WOODWARD AVENUE, SUITE 4000 DETROIT, MI 48226-3425 TELEPHONE: (313) 223-3500 FACSIMILE: (313) 223-3598 http://www.dickinsonwright.com

THOMAS G. MCNEILL TMcNeill@dickinsonwright.com (313) 223-3632

April 15, 2011

John M. Cater Division Administrator Colorado Division - FHWA 12300 West Dakota Avenue, Ste. 180 Lakewood, CO 80228

Re: FHWA Response to ACHP February 8, 2011 Letter

Dear Mr. Cater:

We have received the draft Section 4(f) Evaluation and proposed Memorandum of Understanding, dated March 21, 2011 and sent to us by cover letter dated March 31, 2011.

We note that after the initial ROD was issued in November, 2007 and that since then in January, 2008 CDOT and FHWA commenced reconsideration of cultural resources that potentially could be adversely effected by a project and that in October, 2008 FHWA formally reopened the administrative proceedings to consider at least 11 alternatives that were not considered in the prior proceedings and to reevaluate alternatives that were previously considered. Thus, FHWA and CDOT's new work has spanned more than 30 months and in some instances more than 3 years.

The materials that you have sent us are voluminous. The Owners of Webb Ranch would like to submit comment and would like a fair and reasonable opportunity to do so.

FHWA has asked that the consulting parties and ACHP submit comments within 30 days. Under the circumstances, we would propose that a period of 60 days would be reasonable. Accordingly, we request written confirmation that CDOT and FHWA will receive into the record, and consider, comments from any and all consulting parties as may be submitted on or before May 31, 2011.

: 35.7

COUNSELORS AT LAW

Douglas Bennett April 15, 2011 Page 2

χ.

By written communication delivered to us electronically by Thursday, April 21, 2011, would you please confirm the extension which we have requested for the Owners of Webb Ranch and all consulting parties. Thanks very much.

Very truly yours,

how XMS 0 Thomas G. McNeill

TGM:lm

cc (w/encl): Douglas Bennett Carol Legard Richard Reynolds Kerrie Neet

DETROIT 47919-3 1200764v1

COUNSELORS AT LAW



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/Species List TAILS: 65412-2011-SL-0428

APR 1 5 2011

Kerrie Neet Colorado Department of Transportation 3803 North Main Avenue, Suite 300 Durango, Colorado 81301

Dear Mr. Cady:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Fish and Wildlife Act of 1956 (916 U.S.C. 742(a)-754); Fish and Wildlife Coordination Act (FWCA - 16 U.S.C. 661-667(e)); National Environmental Policy Act of 1969 (NEPA - 42 U.S.C. 4321-4347); Department of Transportation Act (49 U.S.C. 1653(f)), and; Endangered Species Act of 1973, as amended (ESA - 50 CFR §402.14), as well as multiple Executive Orders, policies and guidelines, and interrelated statutes to ensure the conservation and enhancement of fish and wildlife resources (e.g., Migratory Bird Treaty Act (MBTA - 16 U.S.C. 703), and Bald and Golden Eagle Protection Act (BGEPA - 16 U.S.C. 668)), the Service reviewed your April 11, 2011, request for information on the Service's trust resources in the vicinity of the US550 South Connection to US160 Supplement to the US Highway 160 Durango to Bayfield Environmental Impact Statement, Durango, La Plata County, Colorado.

On November 7, 2006, we issued a biological opinion to you for reconstruction of US160 and US550 from their junction near Durango eastward to Bayfield (BO number ES/LK-6-CO-06-F-011). Project developments since that time have resulted in newly proposed or modified alternative alignments for the US550 connection to US160, and CDOT/FHWA are preparing to amend the biological assessment originally prepared for the corridor project to address these new impacts.

Threatened and Endangered Species

Following is a list of Federal endangered, threatened, proposed and candidate species for La Plata County, 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:

Mammals:	Black-footed ferret, (<i>Mustela nigripes</i>), Endangered Canada lynx, (<i>Lynx canadensis</i>), Threatened
Birds:	Mexican Spotted Owl, (Strix occidentalis lucida), Threatened Southwestern Willow Flycatcher, (Empidonax trallii extimus), Endangered
Fishes:	*Colorado pikeminnow (<i>Ptychocheilus lucius</i>), Endangered *Razorback sucker (<i>Xyrauchen texanus</i>), Threatened
Invertebrates:	Uncompangre fritillary butterfly (Boloria acrocnema), Endangered
Plants:	Knowlton cactus (Pediocactus knowltonii), Endangered

Page 2

Mr. Tony Cady, US550 at US160 Supplement to the EIS, species list

* Water depletions in the Upper Colorado River and San Juan River Basins, may affect the species and/or critical habitat in downstream reaches in other states.

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.

Mammals: New Mexico meadow jumping mouse, Zapus hudsonius luteus

Birds: Western Yellow-billed Cuckoo, Coccyzus americanus

Migratory Birds

Under the MBTA construction activities in grassland, wetland, stream, and woodland habitats, and those that occur on bridges (e.g., which may affect swallow nests on bridge girders) that would otherwise result in the take of migratory birds, eggs, young, and/or active nests should be avoided. Although the provisions of MBTA are applicable year-round, most migratory bird nesting activity in eastern Colorado occurs during the period of April 1 to August 31. However, some migratory birds are known to nest outside of the aforementioned primary nesting season period. For example, raptors can be expected to nest in woodland habitats during February 1 through July 15. If the proposed construction project is planned to occur during the primary nesting season or at any other time which may result in the take of nesting migratory birds, the Service recommends that the project proponent (or construction contractor) arrange to have a qualified biologist conduct a field survey of the affected

Mr. Tony Cady, US550 at US160 Supplement to the EIS, species list

habitats and structures to determine the absence or presence of nesting migratory birds. Surveys should be conducted during the nesting season. In some cases, such as on bridges or other similar structures, nesting can be prevented until construction is complete. It is further recommended that the results of field surveys for nesting birds, along with information regarding the qualifications of the biologist(s) performing the surveys, be thoroughly documented and that such documentation be maintained on file by the project proponent (and/or construction contractor) for potential review by the Service (if requested) until such time as construction on the proposed project has been completed. The Service's Colorado Field Office should be contacted immediately for further guidance if a field survey identifies the existence of one or more active bird nests that cannot be avoided by the planned construction activities. Adherence to these guidelines will help avoid the unnecessary take of migratory birds and the possible need for law enforcement action.

Wetlands

FWCA provides the basic authority for the Service's involvement in evaluating impacts to fish and wildlife "whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified **for any purpose whatever**...by any department or agency of the United States, or by any public or private agency under Federal permit or license," including water crossings and wetland impacts, whether or not those wetlands are under the jurisdiction of the U.S. Army Corps of Engineers [16 U.S.C. 661(1), emphasis added]. It requires that fish and wildlife resources "receive equal consideration...to other project features...through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation," and requires Federal agencies to consult with the Service during the planning process to help "prevent the loss of or damage to such resources as well as providing for the development and improvement thereof" (16 U.S.C. 661 *et seq*). Full consideration is to be given to Service recommendations.

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

Sincerely,

march .

Susan C. Linner Colorado Field Supervisor

ec: CDOT, HQ (Jeff Peterson) CDOT, Region 3 (Tony Cady) Michael

Ref: Alison\ H:\My Documents\CDOT 2007+\Region 5\US550 connection to US160 supplement\US550 at US160 supplement to EIS spplist.docx



Colorado Division

Federal Highway Administration

April 21, 2011

12300 W. Dakota Ave., Suite 180 Lakewood, Colorado 80228 720-963-3000 Fax 720-963-3001

Mr. Reid Nelson, Director Office of Federal Agency Programs Advisory Council on Historic Preservation 1100 Pennsylvania Avenue, NW, Ste. 803 Washington, DC 20004 Attn: Carol Legard

SUBJECT: US 550 Connection to US 160 at Farmington Hill, Supplemental Environmental Impact Statement

Dear Mr. Nelson:

Previously, you were sent a draft Memorandum of Agreement (MOA) regarding mitigation of adverse effects to historic properties for the Colorado Department of Transportation (CDOT) undertaking referenced above. That transmittal also included the Draft Section 4(f) Evaluation. The Federal Highway Administration (FHWA) has subsequently received a request to extend the review period for both documents to 60 days, ending on May 31, 2011.

We would like to clarify that the MOA and the Section 4(f) Evaluation are part of two separate, although related, processes. The MOA is part of the of Section 106 process of the National Historic Preservation Act. It includes information for three alignment alternatives, and outlines the proposed mitigation for adverse effects to historic properties that may be affected by the project. This MOA has been developed in accordance with 36 CFR 800.6(c). We are happy to extend the review period for the MOA to May 31, 2011.

The Draft Section 4(f) Evaluation is part of the Department of Transportation Act of 1966. It includes a discussion of alternatives including avoidance alternatives, a description of the Section 4(f) use that occurs with each alternative considered, and a least overall harm analysis if all the alternatives use Section 4(f) properties. This evaluation provides information and supporting documentation for a Final Section 4(f) Evaluation within which the Federal Highway Administration (FHWA) will make a determination of whether there are feasible and prudent avoidance alternatives, and if not, approve the alternative that causes the least overall harm in light of the statute's preservation purpose. This document was provided to the ACHP and consulting parties for informational purposes and in response to questions posed by the ACHP's letter of February 8, 2011. This document will be made available to the public through the process described below.



Based on the Draft Section 4(f) Evaluation the FHWA has determined that the proposed action would result in significant environmental impacts to historic and Section 4(f) resources which were not evaluated in the Final Environmental Impact Statement (FEIS)/Final Section 4(f) Evaluation for US Highway 160 from Durango to Bayfield. According to 23 CFR 771.130(a)(2) this determination requires the preparation of a Supplemental Environmental Impact Statement (SEIS). This was communicated to the Colorado Department of Transportation via letter dated April 5, 2011. The SEIS will only cover a limited portion of the overall project consisting of the US 550 Connection to US 160 at Farmington Hill where these new significant environmental impacts are located. Per 23 CFR 771.130(f) the preparation of this supplement shall not: (1) Prevent the granting of new approvals; (2) Require the withdrawal of previous approvals; or (3) Require the suspension of project activities; for any activity not directly affected by the supplement.

The Draft Section 4(f) Evaluation will be included in the Draft SEIS. It is anticipated that the Draft SEIS will be completed and made available for public review and comment this summer. A public hearing will also be scheduled following the availability of the Draft SEIS. We welcome comments on the Section 4(f) Evaluation at this time, at the public hearing, and through the formal comment period to be provided for the Draft SEIS.

If you have any questions, please contact Ms. Stephanie Gibson, Environmental Program Manager at <u>stephanie.gibson@dot.gov</u> or 720-963-3013.

Sincerely yours,

John M. Cater Division Administrator

cc: Mr. Lance Hanf, Chief Counsel's Office, FHWA Mr. Richard Reynolds, CDOT Ms. Kerrie Neet, CDOT Mr. Dan Jepson, CDOT

Additional addresses:

Mr. Edward Nichols State Historic Preservation Officer History Colorado Attn: Amy Pallante 1560 Broadway, #400 Denver, CO 80202 Chairman LeRoy Shingoitewa The Hopi Tribe Attn: Leigh Kuwanwisiwma, Cultural Preservation Office P.O. Box 123 Kykotsmovi, AZ 86039

Governor Richard B. Luarkie Pueblo of Laguna Attn: Robert Mooney, Sr. P.O. Box 194 Laguna, NM 87026

Acting Chairman Jimmy R. Newton Southern Ute Indian Tribe Attn: Neil Cloud, Culture Preservation Office P.O. Box 737 Ignacio, CO 81137

Mr. Edward H. Pappas Dickinson Wright PLLC 38525 Woodward Ave., Suite 2000 Bloomfield Hills, MI 48304-5092

Mr. Philip S. Craig 9361 Highway 550 Durango, CO 81303-7862

Mr. Joel Craig 14898 Highway 550 Durango, CO 81303-6628

Mr. Shannon Bennett 455 Pinnacle View Drive Durango, CO 81301

Ms. Antonia Clark PO Box 3446 Durango, CO 81302

Ms. Peggy Cooley 1525 Cliff Drive Santa Barbara, CA 93109-1733



PUEBLO OF LAGUNA

P.O. BOX 194 LAGUNA, NEW MEXICO 87026



(505) 552-6598 (505) 552-6654 (505) 552-6655

The Governor The Secretary The Treasurer

Office of:

April 26, 2011

Mr. John M. Cater Division Administrator Federal Highway Adminstration Colorado Division 12300 W. Dakota Avenue Suite 180 Lakewood, Colorado 80228

Dear Mr. Cater:

RE: US 550 Connection to US 160 at Farmington Hill, Supplemental Environmental Impact Statement

The Pueblo of Laguna appreciates your consideration to comment on the possible interests your projects may have on any traditional or cultural properties.

The Pueblo of Laguna has determined that the undertaking WILL NOT have a significant impact at this time. However, in the event that any new archaeological sites are discovered and any new artifacts are removed, we request to be notified to review items. We also request photographs of items. According to our unpublished migration history, our ancestors journeyed from the north through that area and settled for periods of time before traveling to our present location. Therefore, the possibilities of some findings may exist.

We thank you and your staff for the information provided.

Sincerely, Richard B. Luar Governor Pueblo of Laguna



United States Department of the Interior

OFFICE OF THE SECRETARY Office of Environmental Policy and Compliance Denver Federal Center, Building 67, Room 118 Post Office Box 25007 (D-108) Denver, Colorado 80225-0007



April 29, 2011

9043.1 ER 11/279

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

Dear Mr. Cater:

Thank you for the opportunity to comment on the Draft Section 4(f) Evaluation for the US 550 Connection to US 160 at Farmington Hill in Durango, Colorado. The Department of the Interior (Department) has reviewed the document and hereby submits these comments as an indication of our thoughts regarding this project.

GENERAL COMMENTS

The Department is pleased that the preferred alternative avoids impacts to threatened and endangered species and has the least impact on wetlands. We are also pleased that the Federal Highway Administration will reinitiate consultation to determine whether there will be any effects to listed species or critical habitat that were not previously considered.

SECTION 4(f) COMMENTS

While there appears to be no feasible and prudent alternative to the use of at least some 4(f) lands by the Preferred Alternative (Revised G Modified), it is unclear whether the alternatives referred to in the February 8, 2011, letter from the Advisory Council on Historic Preservation have been addressed. Moreover, in the absence of (1) a final design (which may contain additional mitigation measures), and (2) completion of the Section 106 consultation process and execution of the Memorandum of Agreement, at this time we are unable to concur that the project includes all possible measures to minimize harm. At such time as the Section 106 consultation process has been completed, we would be pleased to reconsider our position.

SPECIFIC COMMENT

Attachment A (p. 160) contains a file search which includes a map of the historic properties situated in the area of potential effect. Should this Section 4(f) document become public in any fashion, then the locations of historic properties should be protected by removing this map and any other information that indicates the locations of sensitive resources.

We appreciate the opportunity to review this document. Should you have questions regarding the general comments, please contact Alison Michael (US Fish and Wildlife Service) at 303-236-4758. Should you have questions about the Section 4(f) comments and Specific Comment, please contact Cheryl Eckhardt (National Park Service) at 303-969-2851.

Sincerely,

Robert F. Al

Robert F. Stewart Regional Environmental Officer

cc: FHWA CO – Stephanic Gibson SHPO CO – Edward Nichols CDOT – Richard Reynolds, Kerrie Neet



U.S. Department of Transportation

Federal Highway Administration **Colorado Division**

May 27, 2011

12300 W. Dakota Ave., Suite 180 Lakewood, Colorado 80228 720-963-3000 Fax 720-963-3001

Robert F. Stewart Regional Environmental Officer Office of Environmental Policy and Compliance US Department of the Interior PO Box 25007 Denver, CO 80225-0007

JUN 1 0 2011

SUBJECT: US 550 Connection to US 160, Draft Section 4(f) Evaluation

Dear Mr. Stewart:

Thank you for your comments on the Draft Section 4(f) Evaluation for the US 550 Connection to US 160 at Farmington Hill in Durango, Colorado. We would like to clarify and respond to some of the comments in your letter.

A Memorandum of Agreement (MOA) resolving the adverse effects to historic properties is being reviewed at this time, and that document identifies the mitigation measures that will be included in the project. The mitigation measures are also identified in the Section 4(f) Evaluation. A draft of the MOA should have been included with the Draft Section 4(f) Evaluation but was inadvertently omitted. A final, signed MOA is required before FHWA will sign the Final Section 4(f) Evaluation. All of the mitigation items identified in the MOA and Section 4(f) Evaluation will be incorporated into the final design of the project.

We have sent a letter to the consulting parties reminding them of the sensitivity of some of the information contained in the Section 4(f) Evaluation, specifically the location of archeological sites. We will ensure that any public copies of the Section 4(f) Evaluation do not include this sensitive information.

Based on the Draft Section 4(f) Evaluation the FHWA has determined that the proposed action would result in significant environmental impacts to historic and Section 4(f) resources which were not evaluated in the Final Environmental Impact Statement (FEIS)/Final Section 4(f) Evaluation for US Highway 160 from Durango to Bayfield. As a result, a Supplemental Environmental Impact Statement (SEIS) will be prepared.



The Draft Section 4(f) Evaluation, with revisions to address comments from the Department of Interior, will be included in the Draft SEIS. It is anticipated that the Draft SEIS and Draft Section 4(f) Evaluation will be completed and made available for public and DOI review and comment this summer.

If you have any questions, please contact Ms. Stephanie Gibson of my office at stephanie.gibson@dot.gov or 720-963-3013.

Sincerely yours,

John M. Cater Division Administrator

 cc: Mr. Willie R. Taylor, Office of Environmental Policy and Compliance, DOI Mr. Edward Nichols, SHPO Ms. Kerrie Neet, Region 5, CDOT



May 31, 2011

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

RE: Draft Memorandum of Agreement and Section 4(f) Evaluation Colorado Department of Transportation Project FC-NH(CX) 160-2(48) US Highway 550 Connection to US 160 Farmington Hill, La Plata County, Colorado

Dear Mr. Cater:

On March 31, 2011, we received from FHWA a draft Memorandum of Agreement (MOA) and draft Section 4(f) analysis supporting FHWA's finding of adverse effect for the proposed US Highway 550 Connection to US 160 Farmington Hill project in La Plata County, Colorado. We appreciate your providing the ACHP and other consulting parties with these documents, and extending the deadline for review to May 31, 2011. The draft Section 4(f) Evaluation was prepared to analyze whether there are feasible and prudent avoidance alternatives to use of the Webb Ranch and other Section 4(f) properties in the vicinity of the US 550/US160 connection, develop measures to minimize and mitigate impacts to the Section 4(f) properties, and identify an alternative that causes the least overall harm to Section 4(f) properties. The Colorado Department of Transportation (CDOT) has compiled a great deal of technical information for the report, and we appreciate your sharing with consulting parties the supporting documentation for the conclusions reached in this analysis. All six of the Section 4(f) properties in this analysis are historic properties eligible for inclusion in the National Register of Historic Places, and thus, subject to consideration under Section 106 of the National Historic Preservation Act (16 USC 470f).

FHWA concludes the analysis with a determination that three alternatives meet the purpose and need for the project and warrant additional consideration. These include the Eastern Realignment, Revised F Modified, and Revised G Modified. We are disappointed that the all of the revised Preliminary Alternatives A (US 550 at US 160 At-Grade Intersection or Partial Interchange at the Existing US 550/US 160 Intersection) were eliminated from further consideration due to safety problems, disruption to established communities, impacts to other protected resources, and the geotechnical issues with springs and unstable slopes. In FHWA's view, these challenges cumulatively cause unique problems and impacts of extraordinary magnitude. Although Alternative A does not completely avoid all Section 4(f) properties, it appears to have far less of an impact on them than would the three that were selected for further consideration. The impediments to selecting Alternative A appear daunting, but we still

ADVISORY COUNCIL ON HISTORIC PRESERVATION

1100 Pennsylvania Avenue NW, Suite 803 • Washington, DC 20004 Phone: 202-606-8503 • Fax: 202-606-8647 • achp@achp.gov • www.achp.gov question your determination that building Alternative A would not be prudent, especially given that it is the current, existing alignment and the impacts to Section 4(f) properties would appear to be significantly reduced. We would appreciate an opportunity to discuss with FHWA and CDOT the reasons for eliminating the Alternative A options in the context of their impacts on historic properties.

The proposed MOA is not based on a preferred alternative, but rather is drafted to allow that any of three alternatives may be selected by FHWA, providing similar mitigation measures for affected properties under all three alternatives. We are concerned about this approach, as it assumes that from a historic preservation perspective, the effects to historic properties are comparable. We would appreciate your providing the ACHP and other consulting parties an opportunity to work with FHWA and CDOT in identifying a least harm alternative. While we understand that there may not be consensus among the Section 106 parties, further Section 106 consultation should help inform this decision and assist all parties in better understanding its basis. We do not, at this time, support the execution of an open-ended MOA for the project; but rather, request that through additional consultation FHWA identifies a preferred alternative and specific mitigation measures for that alternative.

Despite the length of the draft Section 4(f) analysis and other supporting documentation, we are unable to fully understand the relative impacts of different alternatives on historic properties. In order for the ACHP and other consulting parties to better understand the nature and severity of potential effects, we recommend FHWA host a meeting among consulting parties that includes a site visit and an opportunity for affected property owners to discuss the alternatives and how they view the impacts of the alternatives on their properties. To identify a least harm alternative, it is important for FHWA to look beyond the number of acres at the 4(f) properties that will be used, to the consideration of direct, indirect, and cumulative effects on contributing features to these properties and the overall ability of the affected historic ranches, irrigation ditches, and Clark property to continue to operate. This discussion would provide FHWA and CDOT additional insight for the selection of a least harm alternative, and for the basis for identifying appropriate and meaningful mitigation for the effects to historic properties.

The mitigation included in the proposed draft MOA should be considered a minimal level of mitigation for affected historic properties. The included stipulations are a good start, but should be further considered in light of the views of all consulting parties. For example, Indian tribes that ascribe cultural and religious value to archaeological properties should be included in consultation to develop the data recovery plan and measures to minimize the project's impact on archaeological properties. The design of US 550 on the selected corridor may also need to be developed in consultation with SHPO, the ACHP, and other consulting parties.

Thank you for providing the ACHP with this opportunity to comment on the draft MOA. We look forward to continuing working with you in the Section 106 review process, and to resolving the adverse effects of this undertaking on historic properties. If you have any questions regarding our recommendations, please feel free to contact Carol Legard, our FHWA Liaison, at 202-606-8522 or via email at clegard@achp.gov.

Sincerely,

John T. Eldin

Charlene Dwin Vaughn, AICP Assistant Director Federal Permitting, Licensing, and Assistance Section Office of Federal Agency Programs



Colorado Division

12300 W. Dakota Ave., Ste. 180 Lakewood, Colorado 80228 720-963-3000 720-963-3001

August 15, 2011

Ms. Lynn Woodell Lands Specialist Bureau of Land Management (BLM) P.O. Box 439 Bayfield, CO 81122

Subject: US 550 South Connection to US 160, Supplemental Environmental Impact Statement (SEIS)

Dear Ms. Woodell:

In 2006 the Federal Highway Administration (FHWA) signed the US Highway 160 from Durango to Bayfield Final Environmental Impact Statement (2006 US 160 EIS) and the US Highway 160 from Durango to Bayfield Record of Decision (2006 US 160 ROD). Due to its size, the project was broken into phases for final design and construction. During final design for one phase of the project it was discovered that certain ranches were eligible for protection under Section 106 of the National Historic Preservation Act.

As a result of this new information, a SEIS being prepared. For the SEIS the focus is on the connection of US 550 to US 160 and the portion of US 550 needed to connect from US 160 to the US 550 corridor described in the US 550 Environmental Assessment and Finding of Significant Impact (see enclosed figure). The remainder of the US 160 corridor is expected to be completed as defined in the 2006 US 160 ROD.

Your agency was a cooperating agency for the 2006 US 160 EIS due to a small amount of BLM land that may be impacted by that project. At this time, it does not appear that the portion of the project being analyzed as part of the SEIS involves any BLM land. If you would like to remain a cooperating agency for the SEIS please indicate that in a response to this letter; otherwise your agency will be provided a copy of the Draft SEIS when it is published and made available to the public.

Thank you for your participation in this project and we look forward to your response. If you have any questions regarding this project, please contact Ms. Stephanie Gibson, Environmental Program Manager, at stephanie.gibson@dot.gov or at 720-963-3013.

Sincerely,

gibson tephanie

Ge^J John M. Cater Division Administrator

Enclosure: Alternatives to be considered in the SEIS

cc w/enclosure: Mr. Lance Hanf, FHWA Ms. Kerrie Neet, CDOT Region 5

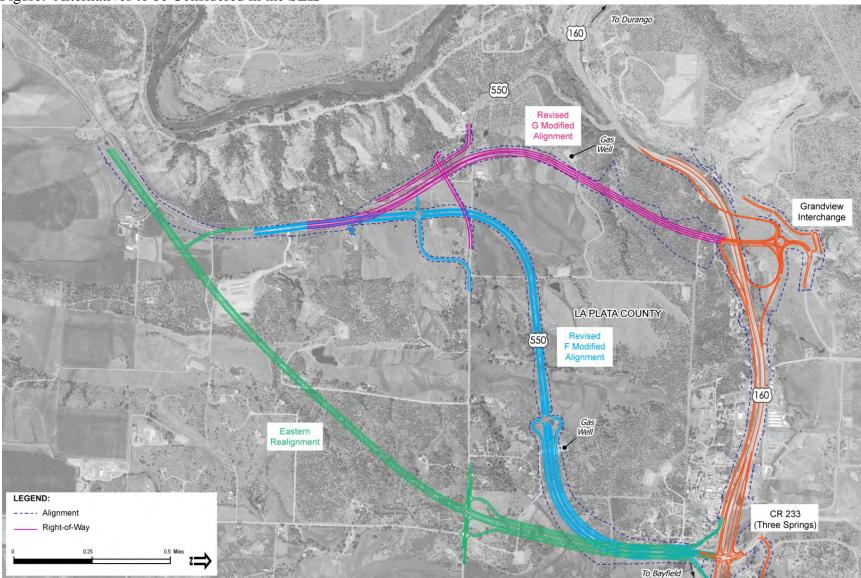


Figure: Alternatives to be Considered in the SEIS



of Transportation Federal Highway Administration Colorado Division

August 15, 2011

12300 W. Dakota Ave., Ste. 180 Lakewood, Colorado 80228 720-963-3000 720-963-3001

Ms. Kara Hellige US Army Corps of Engineers Sacramento District 799 E 3rd Street, Unit 2 Durango, CO 81301

Subject: US 550 South Connection to US 160, Supplemental Environmental Impact Statement (SEIS), Request for Concurrence

Dear Ms. Hellige:

Pursuant to the National Environmental Policy Act (NEPA)/Section 404 of the Clean Water Act (404) Merger process for transportation projects in Colorado, the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) are requesting formal concurrence from the Corps of Engineers on several concurrence points, including that the Preferred Alternative for the US 550 South Connection to US 160 SEIS project appears to be the Least Environmentally Damaging Practicable Alternative (LEDPA).

Background

In 2006 the FHWA signed the US Highway 160 from Durango to Bayfield Final Environmental Impact Statement (2006 US 160 EIS) and the US Highway 160 from Durango to Bayfield Record of Decision (2006 US 160 ROD). Your agency was a cooperating agency for the 2006 US 160 EIS, and a National Environmental Policy Act/Clean Water Act Section 404 (NEPA/404) Merger process was applied to the project. This merged process was successfully concluded, resulting in the 2006 US 160 ROD and a Section 404 permit, number 200275568.

Due to its size, the project was broken into phases for final design and construction. During final design for one phase of the project it was discovered that certain ranches were eligible for protection under Section 106 of the National Historic Preservation Act.

As a result of this new information, a SEIS is being prepared. For the SEIS the focus is on the connection of US 550 to US 160 and the portion of US 550 needed to connect from US 160 to the US 550 corridor described in the US 550 Environmental Assessment and Finding of Significant Impact. The remainder of the US 160 corridor is expected to be completed as defined in the 2006 US 160 ROD.

Because there is an active Section 404 permit for the 2006 US 160 EIS which could be affected by the SEIS, and because the alternatives being considered SEIS impact some wetlands areas, we assume that your agency's role as a cooperating agency for this project will continue. The internal draft of the "US 550 South Connection to US 160, Supplemental Draft Environmental Impact Statement to the US Highway 160 from Durango to Bayfield EIS" (SDEIS) dated August 4, 2011 was provided to you by CDOT at a meeting on August 11, 2011. If you need an additional copy of the document, please let us know. The internal draft SDEIS is considered a preliminary draft for internal review only and shall not be shared with any person outside of your agency. Since this document is considered a working draft and it may contain preliminary conclusions not necessarily reflected in the final decision, all requests for any portion of this material should be denied under Exemption 5 of the Freedom of Information Act (FOIA) and the Department of Transportation implementing regulation (49 CFR). Any requests for materials from outside your agency should be forwarded to FHWA.

NEPA/404 Merger Concurrence Points

As part of the SEIS process, there have been some changes in the project, including revisions to the screening criteria and inclusion of a new alternative. As such new concurrence is required for the NEPA/404 Merger concurrence points. We are using the updated NEPA/404 Merger agreement signed in 2008 to guide this process.

Due to the fact that this is a SEIS process, much of the project development has already occurred or is happening in a compressed timeframe. As such, this letter addresses all three concurrence points. Information for each concurrence point is included in the SDEIS and is referenced below.

Concurrence Point #1 - Purpose and Need and Alternative Screening Criteria

• Purpose statement and a list of needs for the project (the needs should include supporting arguments)

The Purpose and Need for the project have not changed. The purpose statement is on page 1-11, and the description of the needs begins on page 1-12. Information in the needs, such as traffic and accident data, has been updated with recent data.

- Draft Purpose and Need chapter (if available)
 Chapter 1 is the Purpose and Need chapter. This chapter is different than the Chapter 1 provided in 2006 US 160 EIS because it focuses on the portion of the project being reanalyzed in the SDEIS.
- *The limits of the study area on a project location map* The overall location map is on Figure 1-1, the location map for the SDEIS is on Figure 2-10 and the limits of the study area are identified on Figure 3-1.
- *The project's consistency with local transportation plans* Information about consistency with local transportation plans is on page 4-2.
- Past studies supporting the project that support the Purpose and Need or the 404 permitting process

Traffic studies and accident data have been updated with recent data. These are available in the text of Chapter 1 and Appendix C.

- *Public and agency comments from scoping that are pertinent to 404 permitting* No additional scoping was done for the SDEIS. The new information that prompted the development of the SDEIS is related to historic properties and is not related to Section 404 permitting.
- Screening criteria based on the purpose and need The screening criteria have changed slightly from the criteria used in the 2006 US 160 EIS. Descriptions of the screening process and criteria start on page 2-16. Changes in the screening criteria include:
 - In Feasibility Screening (2006 US 160 EIS, Table 2.3.1)/Screening Level 1 (SDEIS, Table 2-1):
 - Changing the target year for the capacity goal from 2025 to 2030
 - Replacing the "Unacceptable environmental or social impacts as compared to other alternatives" criterion with criteria related to whether an alternative is reasonable under NEPA and practicable under Section 404. These criteria are labeled "Logistics" and "Cost" in Table 2-1 of the SDEIS.
 - In Preliminary Alternatives Screening (2006 US 160 EIS, Table 2.4.1)/Screening Level 2 (SDEIS, Table 2-4 and 2-5):
 - Providing more detailed descriptions for categories L1 (Construction mobility) and C1 (Estimated Construction Cost) in the criteria for Section 404 (Table 2-4)
 - Adding of screening criteria for Section 4(f) (Table 2-5).

Concurrence Point #2 - Alternatives to be Evaluated in Detail

- The limits of the study area on an Environmental Features Map. The map should include as much information as possible for natural resources in the study area Figure 3-1 shows the general outline of the study area for the SDEIS. Information about natural resources in the study area is provided throughout Chapters 3 and 4.
- Alignment descriptions and general design elements In addition to the two alternatives fully analyzed in the 2006 US 160 EIS (Revised F Modified and Revised G Modified), a third alternative (Eastern Realignment) has been included in the SDEIS. Chapter 2 provides the descriptions of the alternatives.
- Discussion of operational or geometric safety attributes (positive and negative) of each alternative See descriptions in Chapter 2.
- Alternatives screening table comparing how well each alternative meets the Purpose and Need, practicability and natural resource impacts See Table 2-3 (Purpose and Need, practicability) and Table 2-6 (natural resource impacts)
- Attach screening report or draft Alternatives Considered Chapter from EA or DEIS, if appropriate Chapter 2 is the Alternatives chapter.

Concurrence Point #3 - Preferred Alternative and LEDPA

- Description of the Preferred Alternative The Revised G Modified Alternative is identified in the SDEIS as the Preferred Alternative. The alternative is described beginning on page 2-8, and the selection as the Preferred Alternative is described beginning on page 2-29.
- Updated Environmental Features Map Information about natural resources in the study area is provided throughout Chapters 3 and 4.
- Updated Alternatives screening table comparing how well each alternative meets the Purpose and Need, practicability and natural resource impacts See Table 2-3 (Purpose and Need, practicability) and Table 2-6 (natural resource impacts)
- *Direct, indirect and cumulative effects of the Preferred Alternative* This is provided throughout Chapters 3 and 4.
- Conclusion that the Preferred Alternative is the LEDPA with a summary of the supporting data

See Section 2.5.6, Comparison of the Alternatives and Identification of the Preferred Alternative, beginning on page 2-29.

• CWA Permit application

Section 404 permit number 200275568 was granted in 2006 as part of the original NEPA/404 Merger process. At this time, the Preferred Alternative for the SEIS is the same alternative as was included in that permit, with minor revisions. As such, we do not believe a new or revised permit is required at this time. If the Preferred Alternative were to change, or another alternative be selected in the new ROD, we would contact you to determine what changes would be needed for the Section 404 permit.

CDOT and FHWA request concurrence in the Screening Criteria, Alternatives to be Analyzed in Detail, Preferred Alternative, and that the Preferred Alternative appears to be the Least Environmentally Damaging Practicable Alternative in accordance with the Section 404(b)(1) guidelines and approved merger process. Because the Purpose and Need for the project has not changed, new concurrence is not needed for that aspect of the NEPA/404 Merger process.

4

Thank you for your participation in this project and we look forward to your response. If you have any questions or concerns about this request, please contact Ms. Stephanie Gibson, Environmental Program Manager, at stephanie.gibson@dot.gov or at 720-963-3013.

Sincerely,

Stephan P gebson

 $\mathcal{R}_{\mathcal{P}}$ John M. Cater Division Administrator

cc: Mr. Lance Hanf, FHWA Ms. Kerrie Neet, CDOT Region 5

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



August 18, 2011

Mr. Edward C. Nichols State Historic Preservation Officer History Colorado/Colorado Historical Society 1560 Broadway, Ste. 400 Denver, CO 80202

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County (CHS #33425)

Dear Mr. Nichols:

This letter and the attached materials constitute the request for concurrence on additional eligibility and effects determinations for the project referenced above. In correspondence dated November 9, 2009, we consulted with you regarding eligibility and effects associated with the Eastern Realignment Alternative, and on August 6, 2010, we consulted regarding the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project APE. You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and your office will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

"Segments of a highway may have substantially different origins, historical associations, and physical features, so that different segments of the same highway may be historically significant for different reasons (and Criteria). Short mountainous segments may demonstrate 1930s engineering for mountain construction, while an entire highway of many segments may be significant for its importance in the economic development of a region. The length of a segment is not a determinant of historical significance or National Register eligibility, as long as the segment can convey its significance and retains integrity...¹

This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5-93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

Effects Determination: The Draft Supplemental EIS analyzes a No Action and three Action Alternatives, including the Revised G Modified, Revised F Modified, and Eastern Realignment. The Revised G Modified Alternative has been identified as the preferred alignment in the Draft Supplemental. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected*.

We request your concurrence with the eligibility and effects determinations outlined above. If you have questions or require additional information in order to complete your review, please contact Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Very truly yours,

Jane Hann, Manager Environmental Programs Branch

Enclosures Cultural Resource Re-Visitation Form, 5LP6654.1 Alternatives graphic

cc: Kerrie Neet, CDOT Region 5 Stephanie Gibson, FHWA

¹Associated Cultural Resource Experts and the Office of Archaeology and Historic Preservation. Colorado State Roads and Highways Multiple Property Listing, January 10, 2003, p. 82.

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



August 19, 2011

Mr. Shannon Bennett 455 Pinnacle View Drive Durango, CO 81301

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Mr. Bennett:

This letter and the attached materials constitute the request for comments on additional eligibility and effects determinations for the project referenced above. You have been involved in the Section 106 consultation for this project since August 2010, and were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and you will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

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Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

Effects Determination: The Draft Supplemental EIS analyzes a No Action and three Action Alternatives, including the Revised G Modified, Revised F Modified, and Eastern Realignment. The Revised G Modified Alternative has been identified as the preferred alignment in the Draft Supplemental. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected*.

As a Section 106 consulting party, we welcome your comments on these determinations. If you elect to respond, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; daniel.jepson@dot.state.co.us) or Senior Staff Historian Lisa Schoch (303-512-4258; lisa.schoch@dot.state.co.us). Thank you in advance for your time and consideration.

Very truly yours,

Jane Hann, Mahager Environmental Programs Branch

Enclosures Cultural Resource Re-Visitation Form, 5LP6654.1 Alternatives graphic

cc: Kerrie Neet, CDOT Region 5 Stephanie Gibson, FHWA

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



August 19, 2011

Mr. Philip S. Craig 9361 Highway 550 Durango, CO 81303-7862

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Mr. Craig:

This letter and the attached materials constitute the request for comments on additional eligibility and effects determinations for the project referenced above. In November 2009, we consulted with you regarding eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we consulted regarding the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project APE. You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and you will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort.

Methodology

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CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

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This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5-93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

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Very truly yours

Jane Hann, Manager Environmental Programs Branch

Enclosures Cultural Resource Re-Visitation Form, 5LP6654.1 Alternatives graphic

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DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



August 19, 2011

Mr. Joel Craig 14898 Highway 550 Durango, CO 81303-6628

Dear Mr. Craig:

This letter and the attached materials constitute the request for comments on additional eligibility and effects determinations for the project referenced above. In November 2009, we consulted with you regarding eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we consulted regarding the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project APE. You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and you will receive this document once it is released for public review.

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SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

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Very truly yours.

Jane Hann, Manager Environmental Programs Branch

Enclosures Cultural Resource Re-Visitation Form, 5LP6654.1 Alternatives graphic

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DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



August 19, 2011

Ms. Peggy Cooley 1525 Cliff Drive Santa Barbara, CA 93109-1733

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Ms. Cooley:

This letter and the attached materials constitute the request for comments on additional eligibility and effects determinations for the project referenced above. In November 2009, we consulted with you regarding eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we consulted regarding the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project APE. You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and you will receive this document once it is released for public review.

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Very truly yours.

Jane Hann, Manager Environmental Programs Branch

1

Enclosures Cultural Resource Re-Visitation Form, 5LP6654.1 Alternatives graphic

cc: Kerrie Neet, CDOT Region 5 Stephanie Gibson, FHWA

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DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



August 19, 2011

Mr. Edward H. Pappas Dickinson Wright PLLC 38525 Woodward Ave., Suite 2000 Bloomfield Hills, MI 48304-5092

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Mr. Pappas:

This letter and the attached materials constitute the request for comments on additional eligibility and effects determinations for the project referenced above. In November 2009, we consulted with you regarding eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we consulted regarding the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project APE. You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and your office will receive this document once it is released for public review.

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US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

"Segments of a highway may have substantially different origins, historical associations, and physical features, so that different segments of the same highway may be historically significant for different reasons (and Criteria). Short mountainous segments may demonstrate 1930s engineering for mountain construction, while an entire highway of many segments may be significant for its importance in the economic development of a region. The length of a segment is not a determinant of historical significance or National Register eligibility, as long as the segment can convey its significance and retains integrity..."¹

This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5-93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

Effects Determination: The Draft Supplemental EIS analyzes a No Action and three Action Alternatives, including the Revised G Modified, Revised F Modified, and Eastern Realignment. The Revised G Modified Alternative has been identified as the preferred alignment in the Draft Supplemental. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected*.

If you elect to submit comments regarding the eligibility and effects determinations outlined herein, we request you do so within 30 days of receipt of these materials, as stipulated in the Section 106 regulations. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). Thank you in advance for your time and consideration.

Verv truly yours.

Jane Hann, Manager Environmental Programs Branch

Enclosures Cultural Resource Re-Visitation Form, 5LP6654.1 Alternatives graphic

cc: Kerrie Neet, CDOT Region 5 Stephanie Gibson, FHWA

¹Associated Cultural Resource Experts and the Office of Archaeology and Historic Preservation. Colorado State Roads and Highways Multiple Property Listing, January 10, 2003, p. 82.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



August 19, 2011

Mr. Leroy Shingoitewa, Chairman The Hopi Tribe Attn: Mr. Leigh Kuwanwisiwma, Cultural Preservation Office P.O. Box 123 Kykotsmovi, AZ 86039

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Mr. Shingoitewa:

This letter and the attached materials are related to an additional National Register of Historic Places eligibility and effects determination for the Colorado Department of Transportation (CDOT) project referenced above. In November 2009, we provided you with eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we forwarded materials specific to the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project Area of Potential Effects (APE). You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and your office will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort. Please note that no Native American sites of features are included.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

"Segments of a highway may have substantially different origins, historical associations, and physical features, so that different segments of the same highway may be historically significant for different reasons (and Criteria). Short mountainous segments may demonstrate 1930s engineering for mountain construction, while an entire highway of many segments may be significant for its importance in the economic development of a region. The length of a segment is not a determinant of historical significance or National Register eligibility, as long as the segment can convey its significance and retains integrity...¹

This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5-93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

Effects Determination: The Draft Supplemental EIS analyzes a No Action and three Action Alternatives, including the Revised G Modified, Revised F Modified, and Eastern Realignment. The Revised G Modified Alternative has been identified as the preferred alignment in the Draft Supplemental. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected*.

As a Section 106 consulting party for this project, we welcome your comments on these determinations. Should you choose to respond, please do so in writing within 30 days of receipt of these materials. 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 or <u>daniel.jepson@dot.state.co.us</u>. Thank you in advance for your time and consideration.

Very truly yours.

Jane Hann, Manager Environmental Programs Branch

Enclosures Cultural Resource Re-Visitation Form, 5LP6654.1 Alternatives graphic

cc: Kerrie Neet, CDOT Region 5 Stephanie Gibson, FHWA

¹Associated Cultural Resource Experts and the Office of Archaeology and Historic Preservation. Colorado State Roads and Highways Multiple Property Listing, January 10, 2003, p. 82.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281





August 19, 2011

Mr. Richard B. Luarkie, Governor Pueblo of Laguna c/o Laguna Pueblo Tribal Council Attn: Bob Mooney, NAGPRA Coordinator P.O. Box 194 Laguna, NM 87026

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Mr. Luarkie:

This letter and the attached materials are related to an additional National Register of Historic Places eligibility and effects determination for the Colorado Department of Transportation (CDOT) project referenced above. In November 2009, we provided you with eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we forwarded materials specific to the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project Area of Potential Effects (APE). You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and your office will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort. Please note that no Native American sites of features are included.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

"Segments of a highway may have substantially different origins, historical associations, and physical features, so that different segments of the same highway may be historically significant for different reasons (and Criteria). Short mountainous segments may demonstrate 1930s

engineering for mountain construction, while an entire highway of many segments may be significant for its importance in the economic development of a region. The length of a segment is not a determinant of historical significance or National Register eligibility, as long as the segment can convey its significance and retains integrity...¹

This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5-93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

Effects Determination: The Draft Supplemental EIS analyzes a No Action and three Action Alternatives, including the Revised G Modified, Revised F Modified, and Eastern Realignment. The Revised G Modified Alternative has been identified as the preferred alignment in the Draft Supplemental. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected*.

As a Section 106 consulting party for this project, we welcome your comments on these determinations. Should you choose to respond, please do so in writing within 30 days of receipt of these materials. 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 or <u>daniel.jepson@dot.state.co.us</u>. Thank you in advance for your time and consideration.

ery truly your Jane Hann, Manager **Environmental Programs Branch**

Enclosures Cultural Resource Re-Visitation Form, 5LP6654.1 Alternatives graphic

cc: Kerrie Neet, CDOT Region 5 Stephanie Gibson, FHWA

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STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION Environmental Programs Branch 4201 East Arkansas Avenue Shumate Building Denver, Colorado 80222 (303) 757-9281



August 19, 2011

Ms. Pearl Casias, Chairwoman Southern Ute Indian Tribe Attn: Mr. Neil Cloud, Culture Preservation Office P.O. Box 737 Ignacio, CO 81137

SUBJECT: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Ms. Casias

This letter and the attached materials are related to an additional National Register of Historic Places eligibility and effects determination for the Colorado Department of Transportation (CDOT) project referenced above. In November 2009, we provided you with eligibility and effects associated with the Eastern Realignment Alternative, and in August 2010, we forwarded materials specific to the Revised F Modified and Revised G Modified Alternatives. In December 2010 we provided additional information about some of the resources identified in the project Area of Potential Effects (APE). You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and your office will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort. Please note that no Native American sites of features are included.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 16 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 16-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

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Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways Multiple Property Listing* and is therefore *not eligible*. Please see the attached Cultural Resources Re-Visitation form for more specific information.

Effects Determination: The Draft Supplemental EIS analyzes a No Action and three Action Alternatives, including the Revised G Modified, Revised F Modified, and Eastern Realignment. The Revised G Modified Alternative has been identified as the preferred alignment in the Draft Supplemental. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment and then curve due west and south again before tying back into the existing US 550 alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected*.

As a Section 106 consulting party for this project, we welcome your comments on these determinations. Should you choose to respond, please do so in writing within 30 days of receipt of these materials. 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 or <u>daniel.jepson@dot.state.co.us</u>. Thank you in advance for your time and consideration.

Verv trulv vours.

Jane Hann, Manager Environmental Programs Branch

Enclosures Cultural Resource Re-Visitation Form, 5LP6654.1 Alternatives graphic

cc: Kerrie Neet, CDOT Region 5 Stephanie Gibson, FHWA

¹Associated Cultural Resource Experts and the Office of Archaeology and Historic Preservation. Colorado State Roads and Highways Multiple Property Listing, January 10, 2003, p. 82.

COLORADO CULTURAL RESOURCE SURVEY Cultural Resource Re-Visitation Form

OAHP1405 Rev. 11/10

A Re-Visitation Form can only be used when a Management Data Form and component forms have been previously filed with the	Official determination (OAHP use only)
 land managing agency and/or the Colorado Office of Archaeology and Historic Preservation and no substantive changes to the character of the site are required as a result of the current revisitation. Please use the Management Data Form and supporting forms (archaeological component, linear, vandalism, etc.) when changes are required to: Site type Linear resources Additional artifact assemblages and/or features Boundary size Vandalism NRHP recommendations 	 Determined Eligible NR\SR Determined Not Eligible NR\SR Nominated Need Data NR\SR Contributing to NR Dist.\SR Dist. Not Contributing to NR Dist.\SR Dist. Supports overall linear eligibility NR\SR Does not support overall linear eligibility NR\SR
1. Resource Number: 5LP6654.1 2. Temporal	ry Resource Number:
3. Resource Name: US Highway 550	
4. Project Name/Number: CDOT Project US Highway 550 Souther US Highway 160 from Durango	uth Connection to US Highway 160, Supplement to to Bayfield EIS, La Plata County
5. Government Involvement: 🛛 🗌 Local 🔲 State 🖂 Fe	
Agency: Federal Highway Administration 6. Site Categories: (Check as many as apply) Prehistoric: Archaeological site Paleontological site In existing National Register District? Yes No No	
Local Landmark? 🗌 Yes 🖾 No Name:	
Historic: ☐Archaeological site ☐Building (s) ☐ Structure(s) In existing National Register District? ☐ Yes 🛛 No Name:	Object(s)
Local Landmark? 🔲 Yes 🖾 No Name:	

7. Owner(s) Name and Address: State of Colorado

8. Was the site relocated? [] Yes [X] No If no, why? (100% collected in previous recording, ground disturbance, etc.)

9. **Previous recordings**: Segment 5LP6654.1 of US Highway 550 from County Road 220 to Bondad Hill was previously recorded by the consultant URS Corporation as part of the Historic Resources Inventory for the US Highway 550 South Bondad Hill to Farmington Hill project in 2002. During that consultation effort, CDOT made the determination that the highway's significance was not known, but that the segment lacked integrity. As part of that consultation effort, SHPO agreed with CDOT and stated that this segment was not eligible in correspondence dated May 16, 2003

The entire highway was evaluated as part of CDOT's "Highways to the Sky Historic A Historic Context and History of Colorado's Highway System," completed in 2002 by the consultant Associated Cultural Resource Experts (ACRE). That study concluded that the Million Dollar Highway portion of the highway represents an aesthetic route and qualifies for NRHP eligibility under Criterion A.

The Million Dollar Highway section of the overall highway from milepost 20.5 to 93 was documented in a draft National Register nomination form in 2009 that has not yet been finalized.

Additional segments of the highway have also been evalauted in Montrose, Ouray, and San Juan counties as indicated on the OAHP Compass database.

10. Most recent National Register Eligibility Assessment:	🗌 Eligible	🛛 Not Eligible	Need Data
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Cultural Resource Re-Visitation Form

Resource Number: 5LP6654.1 Temporary Resource Number:

Explain: Segment 5LP6654.1 from County Road 220 to Bondad Hill was previously recorded by the consultant URS Corporation as part of the Historic Resources Inventory for the US Highway 550 South Bondad Hill to Farmington Hill project in 2002. In that analysis, CDOT made the determination that the highway's significance was not known, but that the segment lacked integrity. SHPO stated that the highway segment was not eligible in correspondence dated May 16, 2003. This Re-Visitation form documents the extension of 5LP6654.1 to include the highway's intersection with US Highway 160 on the north end, to Colorado's border with New Mexico to the south, from milepost 0 to approximately 17.

11. Listed on Register:	National	🗌 State	None 🛛			
Date Listed: 12. Condition (describe):	The resource is a r	maintained v	ehicular highway	/.		
13. Threats to Resource:				🗍 Grazing	Neglect	Vandalism
Recreation 14. Existing Protection:	Construction] Other (spe] Marked	cify): n/a	Patrolled	Access co	ntrolled

- 14. Existing Protection:
 INone
 Marked
 Fenced
 Patrolled
 Comments:
- 15. Recorder's Management Recommendations:

16. Known Collections, Reports, or Interviews:

URS Corporation, US Highway 550 South Bondad Hill to Farmington Hill Historic Resources Inventory, La Plata County, Colorado, May 2002. Management Data Form and Linear Component Form were completed.

Associated Cultural Resources Experts (ACRE), "Highways to the Sky: A Context and History of Colorado's Highway System," May 31, 2002.

Stasko, Adam. National Register of Historic Places Registration Form (draft), Million Dollar Highway, December 7, 2009.

Resource Number: 5LP6654.1

Temporary Resource Number:

17. Site Description/Update: Extended segment:

The segment recorded in 2002 extended from the intersection of US Highway 550 and County Road 220 to the base of Bondad Hill, for a total distance of 11 miles. This site form documents the extension of the highway segment to include the stretch of US Highway 550 from its intersection with US Highway 160 to its intersection with County Road 220 as well as the segment of highway from Bondad Hill to the New Mexico state line. This segment was selected because it has a common history of development since the 1920s. This extends the segment to a total of approximately 17 miles.

Additional research:

The roadway between Durango and the New Mexico state boundary initially appears on a state highways map in 1916 and was labeled as "13". It wasn't until the 1926 state highway map that the road is labeled as "19". The roadway north of Durango was labeled "550" on highway maps starting in 1926 but also continued to be labeled as "19" well into the 1930s. Research indicates that State Highway 19 between Durango and the New Mexico State line was improved as part of a series of Federal Aid projects (266A through E) between 1924 and 1934. Issues of "Colorado Highways" magazine state that these projects were for "gravel surfacing"--indicating improvement to an existing route and not construction. Overall, State Highway No. 19 extended from Montrose through Ouray and Durango to the New Mexico state line. The segment between Durango and the state line intermittently ran on or adjacent to what has been described as the Gallup Road, the Durango to Farmington Road, and the Aztec to Durango Road. In April 1924, the Secretary of Agriculture approved projects tha to improve 18 miles of the "Durango to Farmington Road" between Durango and the New Mexico state line. In 1924, the first of these projects (FAP 266 A) extended from the half section line of Section 19/20, T 34N, R9W to the half section line of Section 5/6, T33N, R9W. The plans for this project show a straight alignment and called for a standard gravel surfaced road. A plan sheet shows the specifications for a box culvert on a skew. Federal Aid Project 266 B was built in 1925, and picked up at the south end of FAP 266 A with improvements extending south to halfway through Section 19, T33N, R9W. Plans for Federal Aid Project 266C indicate it covered the stretch of roadway south of FAP 266B, ending at the north end of Section 1, T32N, R10W. The segment of roadway that extends from where US 160 and US 550 currently intersect to Section 19/20 T34N, R9W was improved under FAP 266E and may have been funded or built as a relief program, although this was not confirmed in the research. The northernmost segment of the roadway to Durango was built under Federal Aid Project 266D in the early 1930s. The plans for this project show the presence of an existing roadway that extends south from a county road (presumably today's County Road 220) and winds next to, or under the State Highway 19 alignment. Additional projects were undertaken on State Highway No. 19 in the early 1950s under State Project No. C 20-0019-08 and C 20-0019-11 that involved what appears to be reconstruction--widening shoulders, extending culverts, widening curves, etc. The roadway has been subject to recent projects, including the addition of climbing lanes at Bondad Hill (mp 5.2) and the expansion of the highway to four lanes from the New Mexcio state line north for about 2.5 miles

NRHP Significance:

The entire length of US Highway 550 from the Colorado-New Mexico state line to Ouray was identified as an example of an aesthetic route in the Colorado State Roads and Highways Multiple Property Listing (OAHP Document 645, 2003). The Multiple Property Listing states that discrete segments of the same highway might have different associations and therefore could be significant under different NRHP Criteria. In the case of US Highway 550, it is clear from previous documentation that the segment of highway from Ouray to Durango known as the Million Dollar Highway (and also historically known as the Durango-Silverton-Ouray or DSO Highway) is significant. However, the segment of the highway from Durango to the New Mexico state line does not share that significance and CDOT has determined that the documented segment is not significant based on the guidance and registration requirements in the Multiple Propety Listing. The following analysis demonstrates why this highway segment is not significant:

Criterion A: State Highway 19 is among Colorado's early state highways, but there is no evidence to suggest that State Highway 19 was built as or evolved into a scenic or tourist route--it appears to have been an improvement to an existing local or county route from Durango to New Mexico. Sources do not indicate that this highway segment is associated with any important events related to automobile tourism or recreation, such as the opening of a state or national park or any related types of events in this part of the state. The stretch of highway extends through a rural section of Colorado that runs through the Southern Ute Reservation before extending into New Mexico. In terms of its association with a federal work relief program, it's possible some relief program money was used in Federal Aid Project 266-E, which was the final improvement to this segment of highway in the 1930s. The project code includes the acronym NRH (possibly National Recovery Highway) and was referenced in correspondence as a "US Public Works project." Nevertheless, based on the registration requirements in the Multiple Property Listing, this project is not significant for this association since there is no evidence that this phase of the project was built as part of a specific aesthetic or recreational initiative. Resource Number: 5LP6654.1 Temporary Resource Number:

Criteron B: The Multiple Property Listing suggests that significance of a highway based on Criterion B is rare. Per the registration requirements, the highway does not represent the efforts of a specific individual to secure construction of the highway for the economic development of a community or area of the state.

Criterion C: This highway segment does not meet any of the registration requirements outlined in the Multiple Property Listing under Criterion C. It does not exhibit design elements that "raise the aesthetic qualities of the road." The roadway does follow the natural features of the landscape including Florida Mesa but construction plans for the roadway features (culverts, bridges) do not indicate that these features were built to enhance the road aesthetically. Rather, the culverts and bridges appear to be functional in design--at the very most they sometimes conform to topography. This segment of the highway is also not an important engineering achievement. The most challenging topographic features are the steep ridge at the north end of the segment overlooking US Highway 160, Bondad Hill about midway through the segment, and a curve near the Animas River near Twin Crossing toward the south end of the segment. Otherwise, the majority of this segment follows a straight alignment over Florida Mesa. Sources do not indicate that the work to improve the roadway in the 1920s and 1930s was challenging from a topographic or engineering perspective.

Significance and Eligibility. CDOT has determined that although this segment is physically part of the larger US 550 resource, it should be evaluated as a separate resource. As the Multiple Property Listing indicates, discrete highway segments can have different origins, historical associations, and physical features, so different segments of the highway may be historically significant for different reasons. Following this guidance, a highway segment could also not be significant within the larger context of the overall highway. With regard to the segment of US 550 between Durango and the Colorado boundary with New Mexico, CDOT has determined that this segment of highway is not historically significant and is therefore not eligible. Integrity was not evaluted because the segment lacks significance.

Sources:

Associated Cultural Resource Experts, "Highways to the Sky: A Context and History of Colorado's Highway System," 2002.

Colorado State Highway Department. Plan and Profile of Proposed Federal Aid Project No. 266-A, State Highway No. 19, La Plata County, 1924.

Colorado State Highway Department. Plan and Profile of Proposed Federal Aid Project No. 266B, State Highway No. 19, La Plata County, January 1926.

Colorado State Highway Department. Plan and Profile of Proposed Federal Aid Project No. 266C, State Highway No. 19, La Plat County, no date.

Colorado State Highway Department. Plan and Profile of Proposed Federal Aid Project 266-D, State Highway No. 19, La Plata County, 1928.

Colorado State Highway Department. Plan and Profile of Proposed Federal Aid Project No. NRH 266-E, State Highway No. 19, La Plata County, May 1934.

Colorado Department of Highways. Plan and Profile of Proposed State Project No. C 20-0019-08, State Highway No. 19, La Plata County, 1953.

Colorado Department of Highways. Plan and Profile of Proposed State Project No. C20-0019-11, State Highway 19, La Plata County, 1954.

Colorado Highways. April 1924, Volume 3, Number 4, p. 24.

Colorado Highways. March 1924, Volume 3, Number 3, p. 24.

Colorado Highways. May 1924, Volume 3, Number 5, p. 28.

Cultural Resource Re-Visitation Form

Resource Number: 5LP6654.1

Temporary Resource Number:

Colorado Highways. June 1924, Volume 3, Number 6.

Colorado Highways. April 1925, Volume 4, Number 4.

Colorado Highways. June and July 1925, Volume 4, Nos 6 & 7, p. 5.

Colorado Highways. December 1927, Volume 6, Number 11, p. 20.

Colorado Highways. March 1928, Volume 7, Number 3.

Correspondence. Johnson, JW (District Engineer) to Major L.D. Blauvelt, April 21, 1924.

Salik, Matt. The Highways of Colorado. Online at: http://www.mesalek.com/colo/

State Highway Commission of Colorado. Map of the State Highways of Colorado. 1916, July 1919.

State Highway Department. Map of the State Highways of Colorado. June 1921, April 1922, July 1924, July 1926, July 1927, 1931, 1932.

Tucker, GC et al. Colorado Cultural Resource Survey, Linear Component Form, US Highway 550, 5LP6654.1, March 10, 2002.

18. Photograph Numbers:

Digital photos taken from CDOT OTIS database Digital files at: Colorado Department of Transportation 19. Artifact and Field Documentation Storage Location: n/a

20. **Report Title**: Section 106 consultation for CDOT Project US Highway 550 South Connection to US Highway 160 Draft Supplemental Environmental Impact Statement.

21. Recorder(s): Lisa Schoch

Date: 8/3/2011

22. Recorder Affiliation: Colorado Department of Transportation, Envrionmental Programs Branch Phone Number/Email: 303-512-4258

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

Colorado Historical Society – Office of Archaeology & Historic Preservation 1560 Broadway, Suite 400, Denver, CO 80202 303-866-3395

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Milepost 0.8, Four lane configuration of the highway, near the beginning of 5LP6654.1



Milepost 1.2, Four lane roadway configuration



Milepost 2.9, Roadway returns to two-lane configuration



Milepost 4, Approaching Bondad Hill



Milepost 4.4, Right turn lane and passing lane approaching Bondad Hill



Milepost 4.8, Passing lane on Bondad Hill

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Milepost 5.5, Roadway returns to two-lane configuration



Milepost 7.2, Two-lane configuration

5LP6654.1, US Highway 550 All views to the north



Milepost 8.8, Near Sunnyside School



Milepost 12, Two lane roadway with shoulders



Milepost 14, Two lane roadway with shoulders



Milepost 14.6, Entrance to Craig-Limousin Ranch to the right



Milepost 16.4, Near intersection with US Highway 160 and end of segment 5LP6654.1

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Cultural Resources Re-Visitation Form, 5LP6654.1, Continuation Page

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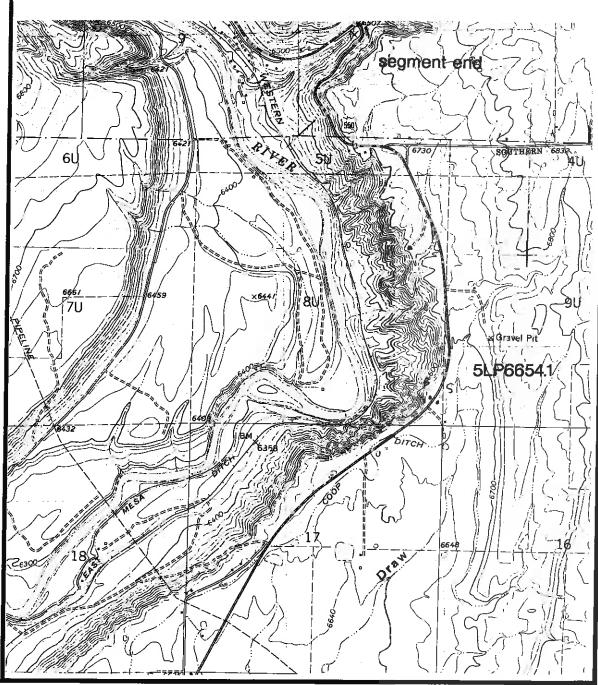
UTM Coordinates

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B	13 247940 mE, 412050 mN
с	13 246310 mE, 4118680 mN
D	13 246220 mE, 4115700 mN
E	13 246120 mE, 4113190 mN
F	13 245050 mE, 4108810 mN
G	13 245040 mE, 4106930 mN
н	13 244250 mE, 4100880 mN
1	13 244020 mE, 4100800 mN
	13 244490 mE 4098520mN
K	13244420mE 4098520mN
L	13 244060 mE, 4100900 mN
м	13 244320 mE, 4103820 mN
N	13 243120 mE, 4106950 mN
۵	13 245300 mF, 4108790 mN
P	13 26180 mE, 4113160 mN
Q	13 246270 mE, 4115700 mN
R	13 246380 mE, 4118680 mN
S	13 247980 mE, 4120610 mN
T	13 247520 mE, 4123060 mN
Loma Li	nda 7.5' USGS Quad— <mark>yellow highlight</mark>
Bondad	Hill 7.5 USGS Quad—green highlight

Long Mountain 7.5' USGS Quad-blue highlight

CDOT Project US 550 South Connection to US 160 Draft Supplemental Environmental Impact Statement Loma Linda (1968) 7.5'USGS topo map NM P.M., T34N, R9W, Sections 10, 5U, 8U, 9U, 17 La Plata County, Colorado

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Figure 1a. Portion of Loma Linda 7.5' USGS maps showing 5LP6654.1

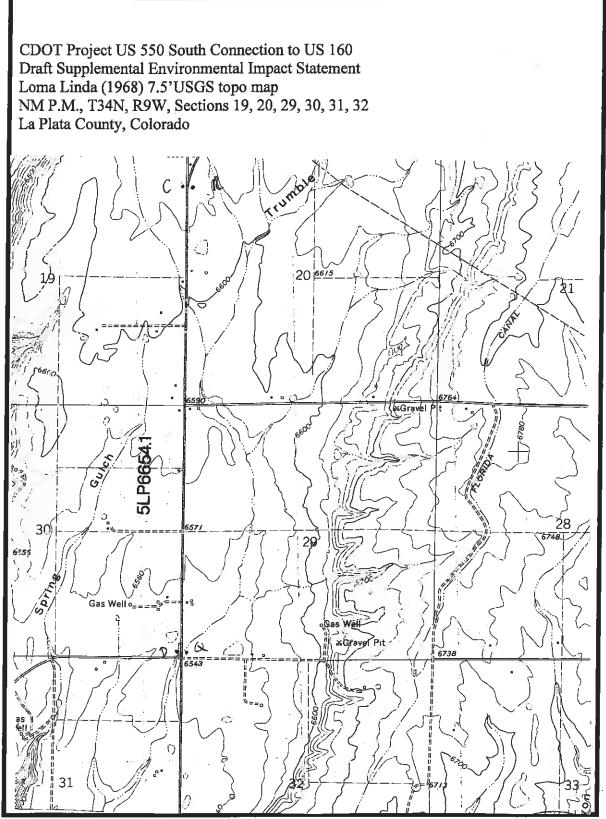


Figure 1b. Portion of Loma Linda 7.5' USGS topographic map showing 5LP6654.1

CDOT Project US 550 South Connection to US 160 Draft Supplemental Environmental Impact Statement Loma Linda (1968) 7.5'USGS topo map NM P.M, T34N, R9W, Section 31 and 32 NM P.M., T33N, R9W, Sections 5 and 6 La Plata County, Colorado

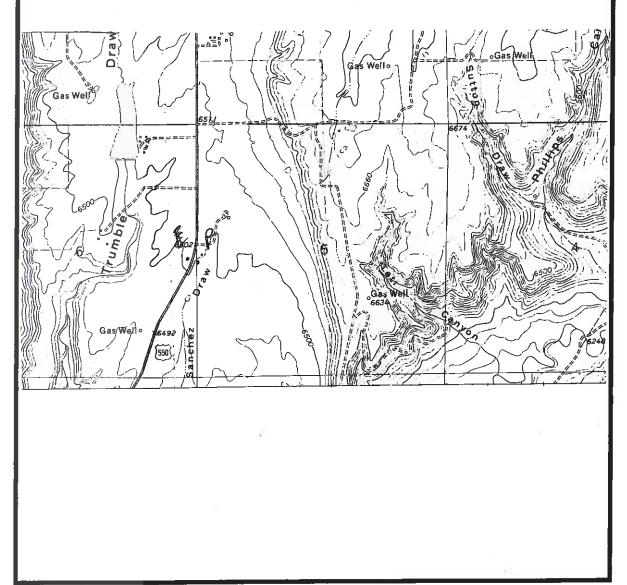


Figure 1c. Portion of Loma Linda 7.5' USGS topographic map showing 5LP6654.1

CDOT Project US 550 South Connection to US 160 Draft Supplemental Environmental Impact Statement Bondad Hill (1968) 7.5'USGS topo map NM P.M., T33N, R9W, Sections 7, 8, 17, 18, 19, and 20 La Plata County, Colorado

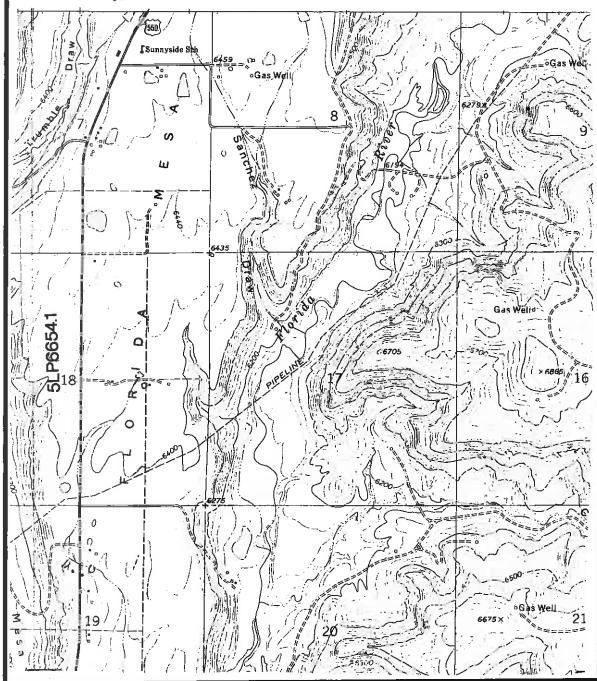


Figure 1d. Portion of Bondad Hill 7.5' USGS topographic map showing 5LP6654.1

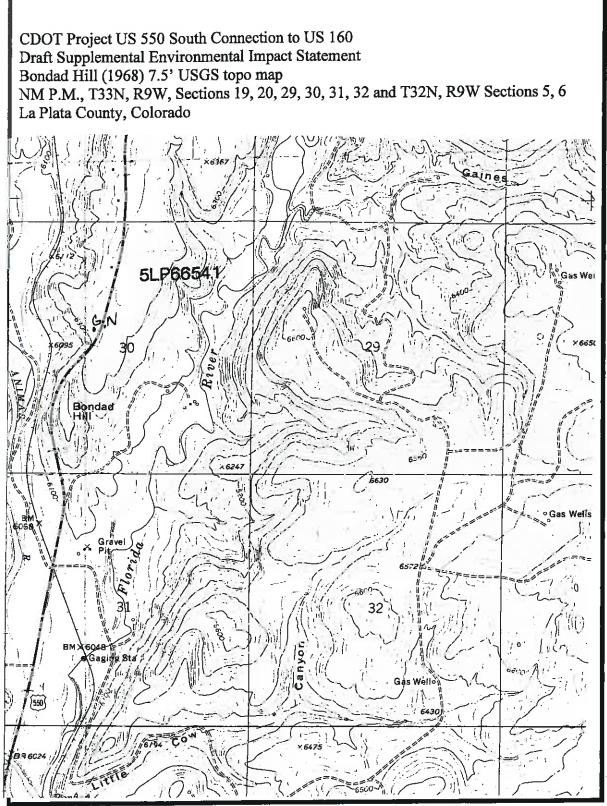


Figure 1e. Portion of Bondad Hill 7.5' USGS topo maps showing 5LP56654.1

CDOT Project US 550 South Connection to US 160 Draft Supplemental Environmental Impact Statement Long Mountain (1968) 7.5'USGS topo map NM P.M., T32N, R10W, Sections 1, 12, and 13 La Plata County, Colorado

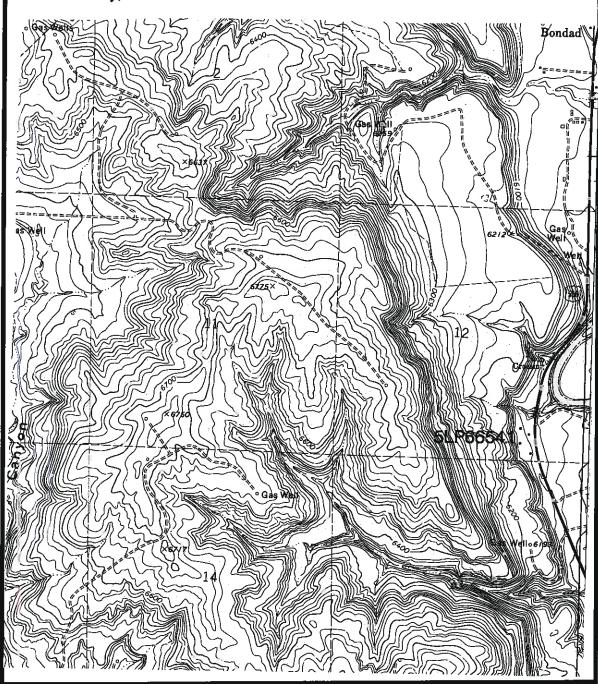


Figure 1f. Portion of Long Mountain 7.5' USGS topographic map showing 5LP6654.1

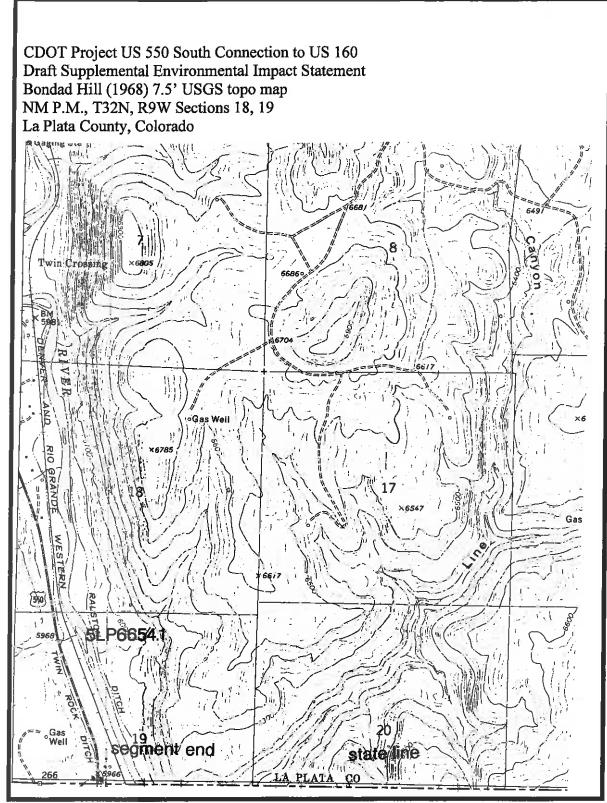
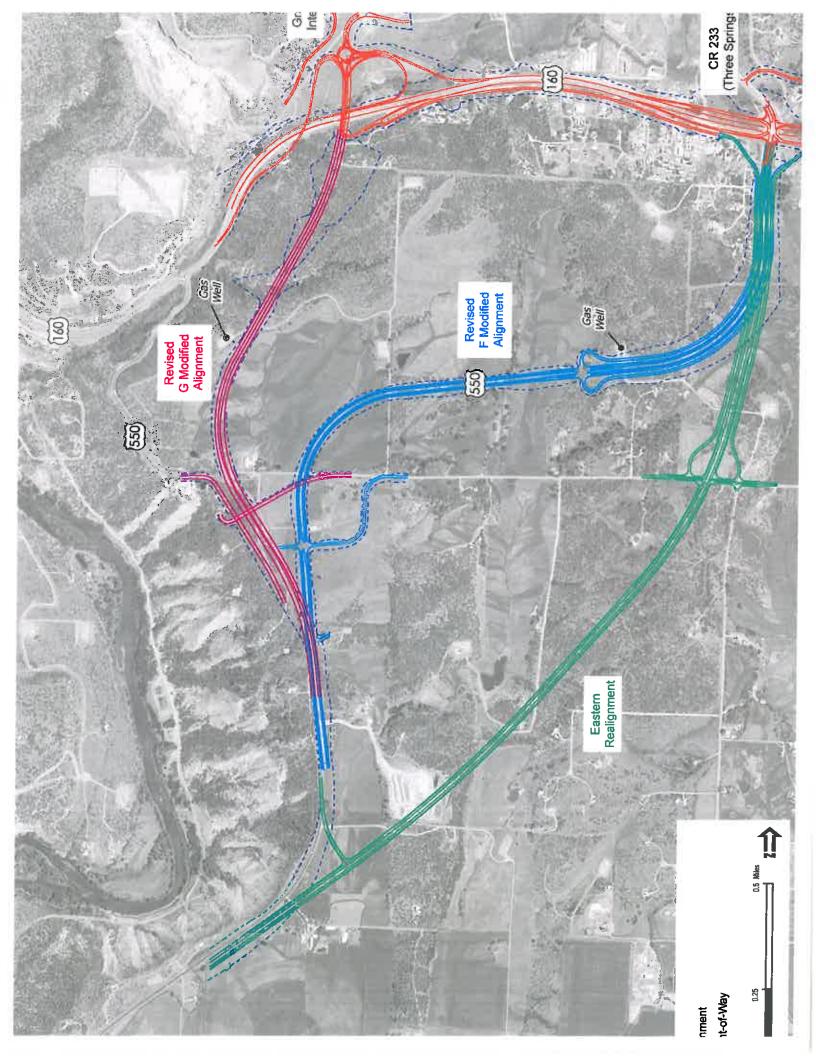


Figure 1g. Portion of Bondad Hill 7.5' USGS topographic map showing 5LP6654.1





HISTORY August 24, 2011

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

Re: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US 160 from Durango to Bayfield EIS, La Plata County (CHS #33425)

Dear Ms. Hann,

Thank you for your correspondence dated August 18, 2011 and received by our office on August 22, 2011 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

According to the provided submission, a portion of US 550 from Durango to the New Mexico state line was researched for this project. Our office has provided past guidance that if a portion of a highway was to be evaluated for the National Register of Historic Places, a logical portion of the highway needs to be considered, such as the historic beginning and end of the portion. The research clearly indicates that the portion of US 550 between Durango and the New Mexico state line was constructed separate from the adjacent section of US 550. After review of the provided information and additional information from our office, we believe that the portion of US 550 from Durango to the New Mexico state line does not support the overall significance of the entire US 550. Therefore, we concur that the portion of US 550 from Durango to the New Mexico state line is not eligible for the National Register of Historic Places.

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.

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

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Manager, at (303) 866-4678.

Sincerely,

Edward C. Nichols State Historic Preservation Officer

THE COLORADO IIISTORICAL SOCIETY



DEPARTMENT OF THE ARMY

U.S. ARMY ENGINEER DISTRICT, SACRAMENTO CORPS OF ENGINEERS 1325 J STREET SACRAMENTO CA 95814-2922

REPLY TO ATTENTION OF

September 8, 2011

Regulatory Division SPK-2002-75568-DC

Mr. John Cater Federal Highway Administration 12300 W. Dakota Ave. Suite 180 Lakewood, Colorado 80228

Dear Mr. Cater:

We are responding to your request for concurrence on the following as it relates to your August 4, 2011 Supplemental Draft Environmental Impact Statement to the US Highway 160 from Durango to Bayfield EIS:

- 1. Concurrence that the purpose and need can be utilized by the Corps for their definition of overall project purpose and to insure that the alternative screening criteria will meet the Corps' National Environmental Policy Act (NEPA) and Clean Water Act (CWA) requirements.
- 2. Concurrence that the identification of alternatives selected for analysis is a reasonable range of alternatives under NEPA and practicable under CWA.
- 3. Concurrence that the preferred alternative appears to be the Least Environmentally Damaging Practical Alternative (LEDPA).

After a review of the information you provided, we concur with the purpose and need statement, the alternative screening criteria, and the identification of alternatives. In addition, we concur that the preferred alternative still appears to be the LEDPA. This determination is contingent on the following:

- 1. CDOT will attempt to further avoid and minimize impacts to waters of the U.S., including wetlands, during the design phase of specific construction projects.
- 2. Compensatory mitigation would replace the wetland function that is permanently impacted. To insure that the functions are successfully replaced, CDOT will attempt to mitigate high quality wetlands prior to impact.
- 3. CDOT will implement appropriate best management practices to avoid indirect impacts to waters of the U.S., including wetlands.

Please refer to identification number SPK-2002-75568-DC in any correspondence concerning this project. If you have any questions, please contact Kara Hellige at the Durango Regulatory Office, 799 E. 3rd Street, #2, Durango, Colorado 81301, email *Kara.A.Hellige@usace.army.mil*, or telephone 970-375-9452. For more information regarding our program, please visit our website at *www.spk.usace.army.mil/regulatory.html*.

Sincerely,

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Susan Bachini Nall Chief, Colorado West Regulatory Branch Sacramento District

Copy furnished:

Ms. Sarah Fowler, US Environmental Protection Agency, 1595 Wynkoop Street, Denver, Colorado 80202

Ms. Kerrie Neet, Colorado Department of Transportation, 3803 North Main Avenue, Durango, Colorado 81301



U.S. Department of Transportation

Federal Highway Administration **Colorado Division**

September 14, 2011

12300 W. Dakota Ave., Ste. 180 Lakewood, Colorado 80228 720-963-3000 720-963-3001

Mr. Reid Nelson, Director Office of Federal Agency Programs Attn: Carol Legard Advisory Council on Historic Preservation 1100 Pennsylvania Avenue, NW, Ste. 803 Washington, DC 20004

Subject: Additional Section 106 Consultation, US Highway 550 South Connection to US Highway 160, Supplement to the US Highway 160 from Durango to Bayfield EIS, La Plata County

Dear Mr. Nelson:

Enclosed for your review are additional eligibility and effects determinations for the project referenced above. To date you have been provided an opportunity to review eligibility and effects associated with the Eastern Realignment, Revised F Modified, and Revised G Modified Alternatives. In addition, we have transmitted to you the Documentation for Finding of Adverse Effect and a draft Memorandum of Agreement (MOA) for this project. You were also provided a copy of the project's draft Section 4(f) Evaluation for informational purposes. CDOT is currently in the process of developing a Draft Supplemental Environmental Impact Statement and Section 4(f) Evaluation (including a revised draft MOA) and your office will receive this document once it is released for public review.

This submittal contains information about a segment of US Highway 550 that was not previously discussed as part of the consultation effort.

Methodology

US Highway 550 (5LP6654.1): CDOT has extended the existing segment 5LP6654.1 to include the entire stretch of US 550 from its intersection with US 160 on the north, to the New Mexico state line on the south, for a total length of 17 miles. Because the entire length of US 550 was documented on site forms as part of CDOT's *Highways to the Sky* historic context under site number 5LP6654, this segment was documented on a Cultural Resources Re-Visitation Form (enclosed) to address the change in segment length, provide additional historical background information, and an analysis of significance. Updated photographs and UTM coordinates are also included with the Re-Visitation form. Although the entire 17-mile highway segment is not within the project area, it was documented as a single resource because of its common history and evolution since the 1920s.

CDOT is also using a methodology to evaluate this highway segment that differs from the guidance for linear resource documentation and evaluation identified in the May 2010 Section 106 Programmatic Agreement in effect between our agencies. The methodology for this segment of US 550 is based on guidance in the Office of Archaeology and Historic

Preservation's *Colorado State Roads and Highways Multiple Property Listing*, which states the following:

"Segments of a highway may have substantially different origins, historical associations, and physical features, so that different segments of the same highway may be historically significant for different reasons (and Criteria). Short mountainous segments may demonstrate 1930s engineering for mountain construction, while an entire highway of many segments may be significant for its importance in the economic development of a region. The length of a segment is not a determinant of historical significance or National Register eligibility, as long as the segment can convey its significance and retains integrity..."

This guidance has already been applied to another segment of US Highway 550 known as the Million Dollar Highway between Ouray and Durango. The Million Dollar Highway—extending from milepost 20.5 to 93—was recently documented on a draft National Register nomination form, supporting the concept that certain segments of a highway can be extracted from the larger resource and evaluated for significance as a single resource. CDOT is applying this same approach to US 550 segment 5LP6654.1. Because the segment has a history that is separate from other sections of the highway, it is being evaluated for significance as a separate resource.

Eligibility Determination: CDOT has determined that segment 5LP6654.1 does not meet the registration requirements outlined for the Aesthetic State Roads and Highways Property Type in the *Colorado State Roads and Highways National Register Of historic Places Multiple Property Submission* and is therefore *not eligible*. A copy of this document can be viewed online at the following web address:

<u>http://www.historycolorado.org/sites/default/files/files/OAHP/crforms_edumat/pdfs/645.pdf</u>. Please see the attached Cultural Resources Re-Visitation form for more specific information about the eligibility determination for this resource.

Effects Determination: The Draft Supplemental EIS will analyze a No Action and three Action Alternatives, consisting of the Revised G Modified, Revised F Modified, and Eastern Realignment Alternatives. The Revised G Modified Alternative has been identified as the preferred alternative. With the No Action alternative, the highway alignment remains in its current location. Under all of the Action Alternatives, part of segment 5LP6654.1 will be realigned. For Revised G Modified, the highway segment would be shifted off its current location on the ridge to the top of Florida Mesa where it ties into the existing US 550 alignment at County Road 220. With the Revised F Modified Alternative, the new highway alignment would connect to US 160 at the County Road 233 (Three Springs) Interchange to the east of the current highway alignment. Under the Eastern Realignment, the new highway alignment would be similar to Revised F Alternative in that it connects to US 160 at County Road 233, but it then would extend in a gradual curve toward the southwest to meet with the existing US 550 alignment. Please see the attached graphic, which shows the locations of the three action alternatives and where the highway would be realigned for each. Because CDOT has determined

¹Associated Cultural Resource Experts and the Office of Archaeology and Historic Preservation. Colorado State Roads and Highways Multiple Property Listing, January 10, 2003, p. 82.

that segment 5LP6654.1 is *not eligible*, the project will result in *no historic properties affected* for this resource.

Because the Council elected to participate in the Section 106 consultation process for this project, we welcome your comments on these determinations of eligibility and effect. If you have questions or require additional information in order to complete your review, please contact Senior Staff Archaeologist Dan Jepson (303-757-9631; <u>daniel.jepson@dot.state.co.us</u>) or Senior Staff Historian Lisa Schoch (303-512-4258; <u>lisa.schoch@dot.state.co.us</u>). For general information related to this project, please contact FHWA Environmental Program Manager Stephanie Gibson (720-963-3013; <u>Stephanie.gibson@dot.gov</u>).

Sincerely,

Stephint Gibson

Gor John M. Cater Division Administrator

Enclosures

Cultural Resource Re-Visitation Form, 5LP6654.1 Alternatives graphic

Cc (w/o enclosures):

Ms. Kerrie Neet, CDOT Region 5 Mr. Dan Jepson, CDOT EPB