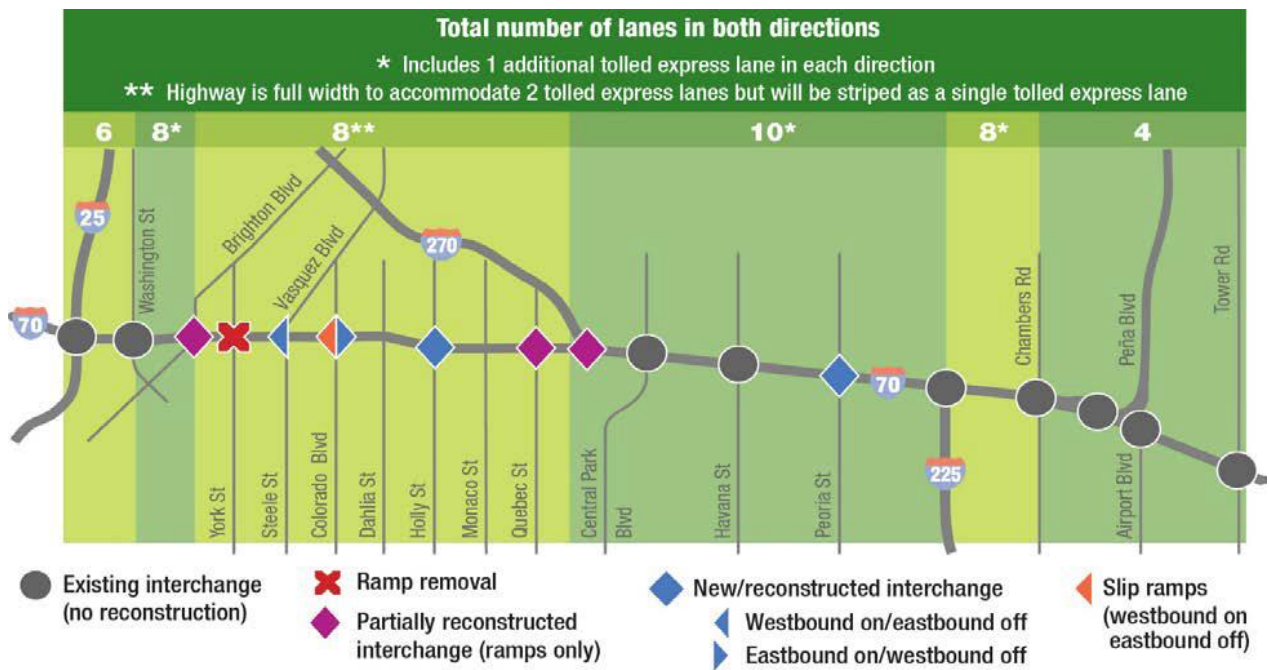


| | | | |
|---|--|-------------------------------|--|
| COLORADO DEPARTMENT OF TRANSPORTATION REEVALUATION FORM | Original NEPA Approval Date: 1/19/2017 | Reevaluation Date: 9/01/21 | Project Code: AQC R600-165 Subaccount: 13599 |
| Project Name and Location: Central 70 Project: Reevaluation #12, Interstate 70 (I-70) from Interstate 25 (I-25) to Quebec Boulevard | | | |
| NEPA Document Title: I-70 East ROD 1: Phase 1 (Central 70 Project), January 19, 2017 | | | |
| Region/Program/Residency: Headquarters – Central 70 Project Office | | | |
| Project Description: | | | |
| <p>The Preferred Alternative, Phase 1 (Partial Cover Lowered Alternative with Managed Lanes) selected in the January 19, 2017 Record of Decision (ROD) is the first phase of implementing the Preferred Alternative identified in the I-70 East Project Final Environmental Impact Statement (FEIS). Also known as the Central 70 Project, Phase I adds additional capacity to the highway, removes the existing I-70 viaduct between Brighton Boulevard and Colorado Boulevard, and lowers the highway below grade in this area, placing a four-acre cover over a portion of the lowered highway (between the Clayton Street and Columbine Street bridges, adjacent to Swansea Elementary School). Details regarding the design of the project, including changes that have been made since the 2017 ROD approval, are described in prior reevaluations (reevaluations #1-11).</p> | | | |
| Project Phasing Plan and Portions Completed (if warranted): | | | |
| <u>Portions Completed:</u> None. Phase 1 is under construction. | | | |
| <u>Project Phasing Plan:</u> Phase 1, the Central 70 Project, is the only defined phase for the I-70 East Project. Future phases have not been determined and will rely on future funding. | | | |
| Portion of Project Currently Being Advanced: | | | |
| <p>The Central 70 Project incorporates portions of the Preferred Alternative for the I-70 East Project, which were selected in the ROD. It includes improvements to an approximately 10-mile stretch of I-70 from I-25 to Chambers Road, adding one new tolled express lane (selected as the type of managed lane) in each direction, removing the aging 50 plus-year-old viaduct, lowering the highway between Brighton Boulevard and Colorado Boulevard, and placing a four-acre cover over a portion of the lowered highway (between the Clayton Street and Columbine Street bridges, adjacent to Swansea Elementary School). Figure 1 provides an overview of the Central 70 Project, and Figure 2 shows the number of lanes and planned interchange modifications.</p> <p>Although striped for only one tolled express lane, the lowered section of the highway will be constructed to the full width of the Preferred Alternative as identified in the FEIS because it is more cost effective to construct the whole width now and it is less disruptive to the community than performing additional future expansion. For lane continuity, only a single additional lane will be striped from Brighton Boulevard to Quebec Street, even though the highway in this area will be wide enough to accommodate two additional lanes.</p> | | | |

Figure 1: Central 70 Project Overview



Figure 2: Central 70 Project Lane Configuration and Interchange Reconstruction



Date(s) of Prior Reevaluations:

- Reevaluation #1, 9/18/2017
- Reevaluation #2, 1/11/2018
- Reevaluation #3, 5/21/2018
- Reevaluation #4, 9/5/2018
- Reevaluation #5, 11/15/2018
- Reevaluation #6, 4/1/2019
- Reevaluation #7, 4/2/2019
- Reevaluation #8, 8/26/2019

- Reevaluation #9, 10/4/2019
- Reevaluation #10, 6/15/2020
- Reevaluation #11, 1/20/2021

I. Document Type

- Non-programmatic Categorical Exclusion (CE)
- Environmental Assessment (EA)
- Finding of No Significant Impacts (FONSI)
- Draft Environmental Impact Statement (DEIS)
- Final Environmental Impact Statement (FEIS)
- Supplemental Environmental Impact Statement (SEIS)
- Record of Decision (ROD)
- Other (such as: local funding, etc.) _____

II. Reason for Reevaluation

- Project is proceeding to the next major approval or action [23 CFR 771.129(c)]
- Project changes such as laws, policies, guidelines; design; environmental setting, impacts, or mitigation
- Greater than three years have elapsed since FHWA's approval of the DEIS [23 CFR 771.129(a)] or FHWA's last major approval action for the FEIS [23 CFR 771.129(b)]
- Other: _____

III. Evaluation

- Level 1: Less than three years since last major step to advance the action (e.g. approval of NEPA document, authority to undertake final design, authority to acquire significant portion of ROW, approval of PS&E) and there are no changes in project scope, environmental conditions, environmental impacts or regulations and guidelines. All decisions in the prior NEPA document remain valid. No FHWA concurrence is required. Note to file and to distribution below.
- Level 2: There are only minor changes in the project scope and/or updates or explanation needed for one or more resource areas. FHWA concurrence is required.
- Level 3: Major changes in project scope or environmental commitments, or for EIS's when greater than three years have elapsed since the last major project action. Updates or new studies maybe required. A Level 4 Reevaluation may require a separate document. FHWA concurrence is required.

ENVIRONMENTAL SETTING AND ENVIRONMENTAL IMPACT ASSESSMENT:

Document changes to human, socio economic, or natural environment for environmental setting or circumstances.

Document changes in impact status. Place check-mark or description where relevant. Use Scoping to determine which resource attachments are warranted (see **attachment 1**). **Note:** this list may be expanded or adjusted to match the headings in the original environmental document reviewed.

| Setting/Resource/Circumstance | Change in Affected Environment or Setting | | Change in Environmental Impact | | Date Reviewed | Highlight Additional Studies Required or Attachments |
|---|---|----|--------------------------------|----|---------------|--|
| | Yes | No | Yes | No | | |
| Air Quality | | ✓ | | ✓ | July 2021 | |
| Geologic Resources and Soils | | ✓ | | ✓ | July 2021 | |
| Water Quality | | ✓ | | ✓ | July 2021 | |
| Floodplains | | ✓ | | ✓ | July 2021 | |
| Wetlands/Waters of U.S. | | ✓ | | ✓ | July 2021 | |
| Vegetation and Noxious Weeds | | ✓ | | ✓ | July 2021 | |
| Fish and Wildlife | | ✓ | | ✓ | July 2021 | |
| Threatened/Endangered Species | | ✓ | | ✓ | July 2021 | |
| Historic Resources | ✓ | | ✓ | | July 2021 | Attachment B |
| Archaeological Resources | | ✓ | | ✓ | July 2021 | |
| Paleontological Resources | | ✓ | | ✓ | July 2021 | |
| Land Use | | ✓ | | ✓ | July 2021 | |
| Social Resources | | ✓ | | ✓ | July 2021 | |
| Economic Resources | | ✓ | | ✓ | July 2021 | |
| Environmental Justice | | ✓ | | ✓ | July 2021 | |
| Right-of-Way Impacts | | ✓ | ✓ | | July 2021 | Attachment B |
| Transportation Resources (roadway, rail, bus, bike, pedestrian, etc.) | | ✓ | | ✓ | July 2021 | |
| Utilities and Railroads | | ✓ | | ✓ | July 2021 | |
| Section 4(f) | ✓ | | ✓ | | July 2021 | Attachments A and B |
| Section 6(f) | | ✓ | | ✓ | July 2021 | |
| Farmlands | | ✓ | | ✓ | July 2021 | |
| Noise | | ✓ | | ✓ | July 2021 | |
| Visual Resources/Aesthetics | | ✓ | | ✓ | July 2021 | |
| Hazardous Materials | | ✓ | | ✓ | July 2021 | |
| Other(s) (I.e Parks & Recreation) | ✓ | | ✓ | | July 2021 | Attachment A |

DESIGN ALTERATIONS:

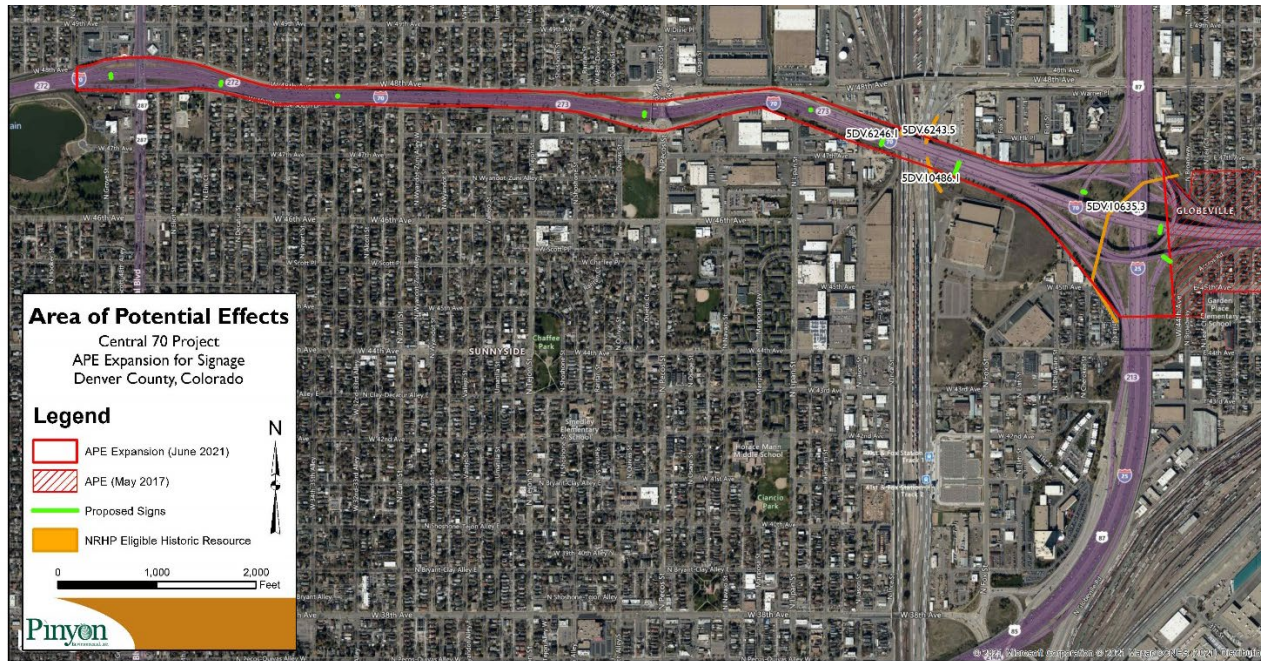
Document changes to project scope and or design criteria:

This reevaluation assesses the addition of 10 sign structures west of I-25 and the associated expanded Area of Potential Effects (APE) and construction limits, design changes resulting in the expansion of a temporary construction easement (TCE) along the northern boundary of the historic Safeway Distribution Center (5DV.9232), and the submission of the Section 4(f) Joint Development Memorandum of Agreement (MOU) between FHWA and CDOT for the cover (4-acre recreation area over a lowered and covered portion of I-70) and impacts to the recreation area identified in the Section 4(f) Joint Development MOU.

Design Alteration 1 for New Sign Structures: The project design team identified a need for approximately 10 signs on eastbound I-70 and from I-25 to eastbound I-70, requiring the extension of the Project's APE and construction

limits west of I-25 by approximately 2.1 miles to accommodate the sign locations within CDOT right-of-way, but outside the current APE and construction limits.

Figure 3 provides an overview of where construction limits have been modified and the associated APE.



Design Alteration 2 for expansion of TCE: The team has determined that the Safeway Distribution Center TCE needs to be expanded by 0.078 acre; for a total TCE of 0.863 acre in size to accommodate the construction of the concrete block retaining wall.

Design Alteration 3 for Recreation Area: The Project includes construction of a 4-acre recreation area over a lowered and covered portion of I-70 right-of-way (ROW) owned by CDOT between Columbine Street and Clayton Street. The recreation features will be operated and maintained by the City and County of Denver. This reevaluation includes impacts during the Operations and Maintenance Period of this construction contract that may occur due to maintenance, emergency or other circumstances. CDOT and FHWA have developed an MOU (Attachment A) to document Section 4(f) Joint Planning requirements reserving the ROW for transportation use.

REGULATORY CHANGES:

There have been no applicable changes to laws, regulations, and/or guidelines since the completion of the ROD in 2017.

IMPACTS ASSESSMENT:

Historic Resources

Design Alteration 1: Adjustments to the construction limits addressed by this reevaluation for the new sign structures occur west of I-25 and do not result in any new right-of-way. The Area of Potential Effect (APE), as presented to the Colorado State Historic Preservation Office (SHPO) on July 19, 2021 is included in Attachment B. No newly identified historic or potentially historic resources are located within the APE extension. Four previously identified historic resources intersect the APE:

Denver Sewer Pipe & Clay Company Spur Segment (5DV.10486.1): This resource segment consists of railroad tracks, berm, ballast, etc. located beneath the elevated interstate. The resource is a surface structure at ground level and passes beneath the elevated section of I-70. No physical effects to the resource are anticipated to accommodate installation of proposed signage, which will occur along the interstate highway prism above the subject resource. Proposed signs may have limited visibility from the resource as it passes under the interstate; however, the resource is considered significant under National Register of Historic Places (NRHP) Criterion A for its representation of a transportation facility and association with the Denver Water Pipe and Clay Company and the Boston and Colorado Smelting Company. Installation of highway signage in the vicinity of the resource will not diminish integrity of the physical features of the resource or alter integrity of setting. The resource will continue to convey its significance and the project results in *No Adverse Effect* with regard to this resource.

West and South Side Interceptor Sewer (5DV.10635.3): This resource is a subsurface (below ground) linear resource. The segment was evaluated in 2012 as part of the *Denver's Historic Brick Sewers* context and determined Eligible – Field. The sewer segment was determined eligible under NRHP Criterion D for its association with the early development of Denver and demonstrate the techniques the City used between 1880 and 1937 for dealing with wastewater removal and conveyance of sewage and storm water. No physical effects to the resource are anticipated to accommodate installation of proposed signage, which will occur along the interstate highway prism above the subject resource. Installation of highway signage in the vicinity of the subsurface linear resource will not diminish the physical integrity of the resource or diminish integrity of setting. The resource will continue to convey its significance under NRHP Criterion D. The project results in *No Adverse Effect* with regard to this resource.

Colorado and Southern Siding to Clark's Junction (5DV.6243.5): This resource segment consists of railroad tracks, berm, ballast, etc. located beneath the elevated section of I-70, approximately 2,100 feet west of the intersection with I-25. This segment is eligible under NRHP Criterion A for its association with the expansion of railroad commerce in Colorado. Existing documentation indicates the resource segment has diminished integrity of materials and workmanship. However, the resource retains sufficient integrity of setting, design, feeling, location and association to be able to support the eligibility of the resource as a whole. The newly proposed information signs would not be visually perceptible from the resource and are in keeping with existing highway signage in the corridor. No physical effects to the resource are anticipated to accommodate installation of proposed signage. The installation of new highway signage in the vicinity of the linear resource would not diminish the physical integrity of design, feeling, location and association and the resource will continue to convey its historic significance under NRHP Criterion A for its association with railroad commerce in Colorado. The project results in *No Adverse Effect* with regard to this resource.

Colorado Central Railroad Segment (5DV.6426.1): This resource segment consists of railroad tracks, berm, ballast, etc. located beneath the elevated section of I-70, adjacent to Jason Street. The subject segment is eligible under NRHP Criterion A for its association with the growth and development of railroad networks and railroad commerce in Denver. No physical effects to the resource are anticipated to accommodate installation of proposed signage, limited to the interstate highway prism located above the subject resource segment. Newly proposed signs would not be visually perceptible from the resource segment and are in keeping with existing signage in the corridor. The installation of highway signage in the vicinity of the subsurface linear resource will not diminish the ability of the resource to convey its historic significance under NRHP Criterion A. The project results in *No Adverse Effect* with regard to this resource.

The SHPO concurred with the effects determinations in correspondence dated August 4, 2021, included in Attachment B.

Design Alteration 2: Safeway Distribution Center (5DV.9232): This resource is significant under Criterion A for its association with the development of Colorado's economic history, as well as a substantial contributor to the recognition of Denver as a critical marketing and distribution center for the Rocky Mountain Region following WWII. This resource is also significant under Criterion C for its architectural qualities, including an innovative for-the-time design incorporating several different warehouse spaces under a single roof, the utilization of a single-story horizontal plan, and the large-scale building footprint.

In Reevaluation #1 (September 18, 2017) it was determined that a permanent easement of 2.4 acres would be required to accommodate the shifting of Stapleton Drive South alignment into the Safeway Distribution Center. It was also determined that a temporary construction easement (TCE) of 0.785 acre would be required for construction activities, including the construction of a of a block retaining wall along the northern boundary of the resource in a parking lot. As the design has progressed, the team has determined that the existing TCE requires an expansion of 0.078 acre. The total TCE would be 0.863 acre in size. The proposed design alterations resulting in the minor expansion of the existing TCE impacting the Safeway Distribution Center does not diminish the ability of the resource to convey its significance under Criterion A and C. The building itself would remain undisturbed and its important architectural features would remain intact. The building will continue its historic function as a distribution center and will maintain its significant association with marketing and grocery distribution in Denver, and the Rocky Mountain Region more broadly. The project continues to result in a determination of *No Adverse Effect* with regard to this project.

The SHPO concurred with the effects determinations in correspondence dated August 4, 2021, included in Attachment B.

Right-of-Way Impacts

Design Alteration 2: The ROD (2017) included construction of a concrete block retaining wall along the employee parking area associated with the Safeway Distribution Center. It was determined in the ROD that a TCE of 0.785 acre in size from the Safeway Distribution Center would be required to accommodate construction activities. As the design has been refined, the team has determined that the TCE needs to be expanded by 0.078 acre; for a total TCE of 0.863 acre in size to accommodate the construction of the concrete block retaining wall. No changes in design of the retaining wall are proposed and the expanded TCE is needed to accommodate construction activities only.

Section 4(f)

Design Alteration 2: The Section 4(f) determination for the Safeway Distribution Center (5DV.9232) remains unchanged from previous reevaluations as a result of the TCE increasing by 0.078 acre from the 2017 *de minimis finding*. On August 4, 2021, SHPO concurred that the project continues to result in a Section 106 determination of *No Adverse Effect* with regard to the Safeway Distribution Center. Those effects will not “alter, directly or indirectly, any of the characteristics of [the] historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.” Section 4(f) regulations (23 CFR 774) provide FHWA an opportunity to make a *de minimis* impact finding under Section 4(f) for properties resulting in a No Adverse Effect finding. The FHWA notified the SHPO of its intent to make a *de minimis* impact finding for this resource in correspondence dated July 19, 2021 (Attachment B). FHWA is making the *de minimis* determination with the approval of this reevaluation.

Design Alteration 3: Section 4(f) does not apply to the cover recreational area per 23 CFR 774.11(i). Attachment A documents the joint planning reserving the recreational area on the cover for the I-70 transportation facility.

Recreation Area Impacts

Design Alteration 3: This re-evaluation covers any future access, disturbances, closures, or other impacts to the future recreation area on the cover above the I-70 facility related to the maintenance and improvement of the I-70 transportation facility during the Operations and Maintenance period of the I-70 Project Agreement. The recreation area meets the Joint Planning requirements under 23 CFR §774.11(i). Although future access, disturbances, closures, or other impacts to the recreational area may have impacts under NEPA, these impacts will not be considered a use as defined in 23 CFR §774.17. The Joint Planning is documented in Attachment A.

The cover structure and recreation area will be cooperatively managed by CDOT and the City and County of Denver pursuant to a separate intergovernmental agreement that defines the activities and responsibilities of the City and County of Denver including but not limited to landscaping, open space development, and recreational and

educational activities. The maintenance and repair of the structural elements below the waterproofing layer of the cover will be CDOT's responsibility.

CDOT will work with the City and County of Denver to coordinate any future maintenance and improvement activities to minimize disturbance to users of the recreation area. CDOT will work with Denver Public Schools to schedule any work to avoid and minimize conflicts with school operations. CDOT will make a reasonable effort to notify users of the cover of any work in advance of the work beginning.

MITIGATION:

- All mitigation commitment(s) from NEPA document remain the same.
- Mitigation commitment(s) have changed from NEPA document.

Mitigation measures remain the same as documented in the ROD and prior Reevaluations for all resources. However, based on the MOU documented in Attachment A, CDOT has added an additional mitigation measure around impacts to the recreation area. This additional mitigation measure includes:

- CDOT will work with the City and County of Denver to coordinate any future maintenance and improvement activities to minimize disturbance to users of the recreation area.
- CDOT will work with Denver Public Schools to schedule any work to avoid and minimize conflicts with school operations.
- CDOT will make a reasonable effort to notify users of the cover of any work in advance of the work beginning.

IV. Public/Agency Involvement

There were no public meetings during the completion of this Reevaluation. Section 106 consultation with the State Historic Preservation Office (SHPO) and the consulting parties occurred and SHPO concurred with the findings. Copies of the consultation materials are available in Attachment B.

V. Additional Studies Required for Proposed Action

None

VI. Additional Requirements for Proposed Action

- An SEIS is required, because the changes to the proposed action will result in significant impacts not evaluated in the EIS.
- An SEIS is required, because new information or circumstances will result in significant environmental impacts not evaluated in the EIS.
- A revised ROD is required, because an alternative is recommended that was fully evaluated in an approved FEIS but was not identified as the preferred alternative.
- Appropriate environmental study or an EA is required, because the significance of new impacts is uncertain.
- A revised FONSI is required, because an alternative is recommended that was fully evaluated in an approved EA but was not identified as the preferred alternative.
- Other _____
- None

VII. Permits Updated

This section is only required when the next stage of a project is going to construction.
List permits:
No updates


VIII. Attachments Listed

List permits, studies, background data, etc.

Attachment A –Memorandum of Understanding Between CDOT and FHWA Concerning Joint Development of a Recreation Area Over I-70
Attachment B – Section 106 Consultation Letter and SHPO Concurrence Letter

IX. Conclusion and Recommendation

- The above environmental document has been reevaluated as required by 23 CFR 771.129 and it was determined that no substantial changes have occurred in the social, economic, or environmental impacts of the proposed action that would substantially impact the quality of the human, socio-economic, or natural environment. Therefore, the original environmental document or Catex designation remains valid for the proposed action. It is recommended that the identified project advance to the next phase of project development.
- The above environmental document has been reevaluated as required by 23 CFR 771.129 and it was determined that the environmental document or Catex designation is no longer valid or more information is required.



August 31, 2021

Regional Planning Environmental Manager or Designee

Date

For: John Cater
Federal Highway Administration Division Administrator

September 1, 2021
Date

Attachment A

Memorandum of Understanding Between CDOT and FHWA
Concerning Joint Development of a Recreation Area Over I-70

**MEMORANDUM OF UNDERSTANDING (MOU) BETWEEN THE COLORADO
DEPARTMENT OF TRANSPORTATION AND THE FEDERAL HIGHWAY
ADMINISTRATION CONCERNING JOINT DEVELOPMENT OF A RECREATION AREA
OVER I-70**

The purpose of this agreement is to commemorate a practical approach for use of the cover which is being built as a part of the Central 70 project and its designation under Section 4(f).

Whereas, the Colorado Department of Transportation (CDOT) is constructing improvements to the section of Interstate 70 between Interstate 25 and Chambers Road in north Denver and Aurora, Colorado, collectively known as the Central 70 Project ("Project").

Whereas, the Federal Highway Administration (FHWA) is providing financial aid under Title 23 to CDOT for the Project and has a fiduciary interest in and responsibility for the use of those funds.

Whereas, the Project is subject to federal jurisdiction and oversight by the FHWA and is subject to all federal legal requirements, including Section 4(f) of the Department of Transportation Act of 1966, codified at 49 U.S.C. § 303, 23 U.S.C. §138.

Whereas, Section 4(f) prohibits use of land from publicly owned parks, recreation areas, wildlife and waterfowl refuges, of national, State, or local significance, and land from historic sites of national, State, or local significance, unless there is no feasible and prudent alternative to that use and the action includes all possible planning to minimize harm to the property resulting from such a use, codified at 49 U.S.C. § 303, 23 U.S.C. §138, 23 C.F.R. §774.

Whereas, the Project includes construction of a 4-acre recreation area over a lowered and covered portion of the Interstate right-of-way (ROW) owned by CDOT between Columbine Street and Clayton Street.

Whereas, the recreation area has not yet been named or fully constructed at the time of this MOU and will be established after the Project's improvements to the Interstate are complete.

Whereas, FHWA regulations provide certain exemptions from Section 4(f) including when a Section 4(f) public park, recreation area, or wildlife and waterfowl refuge is established and an area within the property is reserved for transportation use prior to or at the same time the Section 4(f) property was established, known as Joint Development, as specified in 23 C.F.R. §774.11(i).

Whereas, CDOT wishes to clarify the status and treatment of the recreation area with respect to Section 4(f) and create a reservation for future transportation use prior to its establishment, as specified in the Joint Development provision of 23 C.F.R. §774.11(i).

Now therefore, CDOT and FHWA agree:

1. The recreation area will be considered a public recreation area of local significance for the purposes of Section 4(f), as specified in 23 C.F.R. §774.17.
2. CDOT will be the Official with Jurisdiction over the recreation area for the purposes of Section 4(f), as specified in 23 C.F.R. §774.17.
3. CDOT reserves the area shown in Exhibit A over, under, and on the recreation area for the I-70 transportation facility as specified in 23 CFR 774.11(i).
4. Any future access, disturbances, closures, or other impacts related to the maintenance and improvement of the I-70 transportation facility in the area reserved will not be considered a use as defined in 23 CFR §744.17.
5. Nothing in this MOU shall be construed as limiting or expanding the statutory or regulatory responsibilities of either agency or any involved individual acting on behalf of the agency or in performing functions granted to them by law. Each and every provision of this MOU is subject to the laws and regulations of the State of Colorado and the United States.
6. This MOU does not in any way restrict any entity from participation in similar activities with other public or private agencies, organizations, and individuals. This MOU shall become effective when signed by the designated representatives of the parties hereto. Amendments to and deviations from this agreement may be proposed by any party and shall become effective upon approval of written supplemental agreements by all parties.

CDOT agrees that:

7. The recreation area will be cooperatively managed by CDOT and the City and County of Denver pursuant to a separate intergovernmental agreement that defines the activities and responsibilities of the City and County of Denver including but not limited to landscaping, open space development, and recreational and educational activities. The maintenance and repair of the structural elements of the cover will be CDOT's responsibility.
8. CDOT will work with the City and County of Denver to coordinate any future maintenance and improvement activities to minimize disturbance to users of the recreation area.
9. CDOT will work with Denver Public Schools to schedule any work to avoid and minimize conflicts with school operations.

10. CDOT will make a reasonable effort to notify users of the cover of any work in advance of the work beginning.

TERM & TERMINATION

This MOU shall remain in force unless it is terminated by mutual agreement. Regardless, the jointly developed recreational area will remain a Section 4(f) eligible resource and uses related to maintenance, operation, or improvement of the Interstate facility thereon will be exempted from Section 4(f) per 23 CFR 774.14 and 23 CFR 774(i) for the life of the structure.

Colorado Department of Transportation

Federal Highway Administration

By *Keith Stojanek*
Stephen Harelson, P.E.
Chief Engineer

By *John Cater, PE*
John M. Cater, P.E.
Colorado Division Administrator

Date 3/30/2021

Date 4/1/2021

Exhibit A



Attachment B

Section 106 Consultation Letter and SHPO Concurrence Letter



COLORADO
Department of Transportation
Division of Transportation Development

Environmental Programs Branch
2829 W. Howard Pl.
Denver, CO 80204
(303) 757-9281

Mr. Steve Turner
State Historic Preservation Officer
History Colorado
1200 Broadway
Denver, CO 80203

SUBJECT: Updated Section 106 Consultation, Area of Potential Effects (APE) Expansion, Effects Determinations, and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Reevaluation #12, Denver County (HC #41831)

Dear Mr. Turner:

This letter and the attached materials constitute a request for concurrence on updated information regarding the project referenced above. The I-70 East Environmental Impact Statement (EIS) Preferred Alternative includes the Partial Cover Lowered Alternative and Managed Lanes. The first phase of implementing the overall Preferred Alternative, Phase I, is also referred to as the Central 70 Project. Additional project modifications have occurred since the Record of Decision (ROD) was signed in January 2017, and during that period subsequent reevaluations have been completed. This consultation addresses design changes that require modifications to the Area of Potential Effects (APE) as well as effects determinations for historic properties in the existing APE and the modified APE.

Design Changes

The ROD identified informational highway signage within the project corridor. The design team has identified a need for approximately 10 signs on eastbound I-70 and from I-25 to eastbound I-70, located west of I-25 outside of the APE. The design also requires the expansion of a temporary construction easement (TCE) along the northern boundary of the historic Safeway Distribution Center (5DV9232), an officially eligible historic district.

APE Modifications

This design alteration requires the extension of the APE west of I-25 approximately 2.1 miles to accommodate the sign locations outside previously established limits. No right-of-way (ROW) or easements are required to accommodate sign installation; some signs will be installed in existing locations and some will be installed in the median. Signage design is in keeping with existing signage throughout the corridor. While potentially historic properties over 50 years of age are present along the corridor, installation of approximately 10 signs would not affect the historic significance or integrity of these properties; therefore, the APE extension follows the I-70 ROW for approximately 2.1 miles west of I-25 to accommodate the newly proposed signage locations. See the attached APE map for more information.

Methodology

Under the Advisory Council on Historic Preservation's (ACHP) 2005 Interstate Exemption, federal agencies are exempt from the Section 106 requirement of taking into account the effects of their undertakings on the Interstate Highway System. The segment of I-70 within the APE extension is not listed among the state's exceptions to the Interstate Exemption. As such it is therefore exempt from consideration under Section 106. Intersecting and adjacent historic resources that are not a feature of the

Interstate do not fall within the scope of the Exemption and are therefore subject to Section 106 and Section 4(f) review. A search of the COMPASS database maintained by the Office of Archaeology and Historic Preservation (OAHP) was completed on May 25, 2021, to ascertain the presence of known resources in the APE extension. Four previously identified NRHP eligible resources are within the APE extension (Table 1). The Safeway Distribution Center Historic District (5DV9232) is within the existing APE limits and is also evaluated in this submittal.

Eligibility Determinations

As noted above, four previously-identified resources and the Safeway Distribution Historic District (5DV9232) are within the existing APE and was evaluated, as listed in Table 1.

Table 1: Previously Identified NRHP Eligible Historic Resources in APE Extension

| Site ID | Resource Name | Eligibility |
|----------------|--|---|
| 5DV10486.1 | Denver Sewer Pipe & Clay Company Spur | Supporting of Overall Eligibility – Official (2008) |
| 5DV10635.3 | West and South Side Interceptor Sewer | Supporting of Overall Eligibility – Official (2012) |
| 5DV6243.5 | Colorado and Southern Siding to Clark’s Junction | Supporting of Overall Eligibility – Official (2009) |
| 5DV6246.1 | Colorado Central Railroad Segment | Eligible – Official (1999) |

Denver Sewer Pipe & Clay Company Spur Segment (5DV10486.1): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated interstate. The overall resource is considered significant under Criterion A for its representation of a transportation facility and association with the Denver Water Pipe and Clay Company and the Boston and Colorado Smelting Company. The segment is considered *supporting* of the overall resource.

West and South Side Interceptor Sewer (5DV10635.3): This resource is a subsurface (below ground) linear resource. It was evaluated in 2012 as part of the *Denver’s Historic Brick Sewers* context and determined to be significant under NRHP Criterion D for its association with the early development of Denver and demonstrate the techniques the city used between 1880 and 1937 for dealing with wastewater removal and conveyance of sewage and storm water. The segment is *supporting* of the overall resource.

Colorado and Southern Siding to Clark’s Junction (5DV6243.5): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated section of I-70, approximately 2,100 feet west of the I-25 interchange. The overall railroad is eligible under NRHP Criterion A for its association with the expansion of railroad commerce in Colorado. Existing documentation indicates the resource segment has diminished integrity of materials and workmanship. However, the segment retains sufficient integrity of setting, design, feeling, location, and association to be able to *support* the eligibility of the resource as a whole.

Colorado Central Railroad Segment (5DV6426.1): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated section of I-70, adjacent to Jason Street. The railroad is significant under NRHP Criterion A for its association with the growth and development of railroad networks and railroad commerce in Denver. The segment is considered *supporting* of the overall eligibility of the entire railroad.

Safeway Distribution Center (5DV9232): This resource is significant under Criterion A for its association with the development of Colorado's economic history, as well as a substantial contributor to the recognition of Denver as a critical marketing and distribution center for the Rocky Mountain Region

following WWII. It is also significant under Criterion C for its architectural qualities, including an innovative-for-the-time design incorporating several different warehouse spaces under a single roof, the utilization of a single-story horizontal plan, and the large-scale building footprint.

Effects Determinations

Extension of the APE for approximately 2.1 miles west of I-25 would be limited to the existing I-70 ROW. No newly identified historic or potentially historic resources are located within the APE extension. Four previously identified historic resources are within the expanded APE.

Denver Sewer Pipe & Clay Company Spur Segment (5DV10486.1): The resource is a surface structure at ground level and passes beneath the elevated section of I-70. No physical effects to the resource are anticipated to accommodate installation of proposed signage, which will occur along the interstate highway prism above the resource. Proposed signs may have limited visibility from the resource as it passes under the interstate. Installation of highway signage in the vicinity of the resource will not diminish integrity of the physical features of the resource or alter integrity of setting. The resource will continue to convey its significance and the project results in *no adverse effect*.

West and South Side Interceptor Sewer (5DV10635.3): This resource is in a subsurface context. No physical effects are anticipated to accommodate installation of proposed signage, which will occur along the interstate highway prism above the resource. Installation of highway signage in the vicinity of the subsurface linear resource will not diminish its physical integrity or integrity of setting. The resource will continue to convey its significance under NRHP Criterion D. The project results in *no historic properties affected* with regard to this resource.

Colorado and Southern Siding to Clark's Junction (5DV6243.5): This resource segment consists of railroad tracks, berm, and ballast beneath the elevated section of I-70, approximately 2,100 feet west of I-25. The newly proposed information signs would not be visually perceptible from the resource and are in keeping with existing highway signage in the corridor. No physical effects to the resource are anticipated to accommodate installation of proposed signage. The installation of new highway signage would not diminish the physical integrity of design, feeling, location and association and the resource will continue to convey its historic significance under Criterion A for its association with railroad commerce in Colorado. The project results in *no historic properties affected*.

Colorado Central Railroad Segment (5DV6426.1): This resource segment is located beneath the elevated section of I-70, adjacent to Jason Street. No physical effects to the resource are anticipated to accommodate installation of proposed signage, limited to the interstate highway prism located above the segment. Newly proposed signs would not be visually perceptible from the resource segment and are in keeping with existing signage in the corridor. The installation of highway signage in the vicinity will not diminish the ability of the resource to convey its historic significance under Criterion A. The project therefore results in *no historic properties affected*.

Safeway Distribution Center (5DV9232): In Reevaluation #1 (September 18, 2017) it was determined that a permanent easement of 2.4 acres would be required to accommodate the shifting of the Stapleton Drive South alignment into the Safeway Distribution Center. It was also determined that a temporary construction easement of 0.785 acres would be required, including the construction of a of a block retaining wall along the northern boundary of the resource in a parking lot. As the design has progressed, we have determined that the existing TCE requires an expansion of 0.078 acre, resulting in an updated TCE of 0.863 acre. The proposed design alterations do not diminish the ability of the resource to convey its significance under Criteria A and C. The building itself would remain undisturbed and its important architectural features would remain intact. The building will continue its historic function as a distribution center and maintain its significant association with marketing and grocery distribution in

Mr. Turner
July 19, 2021
Page 4

Denver and the broader Rocky Mountain Region. The project continues to result in a determination of *no adverse effect*. See the attached graphic showing the TCE for more information.

Section 4(f) De Minimis Notification

The project results in no adverse effect to 5DV9232 and 5DV10486.1. Therefore, pursuant to 23 CFR 774.5(b)(ii) regarding coordination, the Federal Highway Administration will again make a *de minimis* determination for the Safeway Distribution Center (as documented in previous consultations) and may make a *de minimis* determination for the Denver Sewer Pipe & Clay Company Spur Segment.

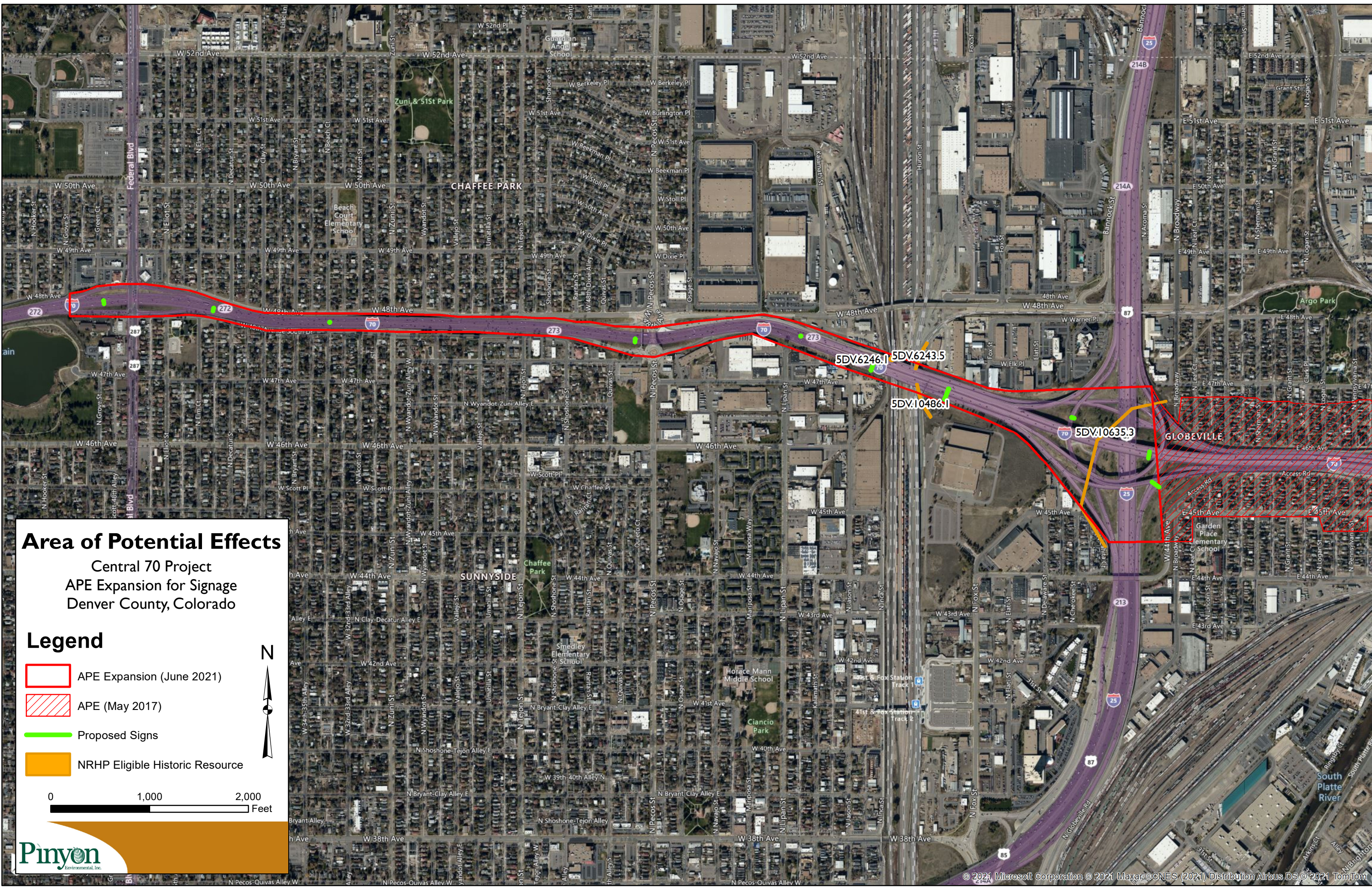
We request your agreement with the proposed APE expansion, concurrence with the findings of effects described above, and acknowledgement of the corresponding Section 4(f) *de minimis* notification. If you have questions or require additional information, please contact Senior Historian Lisa Schoch at (303) 512-4258 or via email at lisa.schoch@state.co.us.

Very truly yours,

Dan Jepson Digitally signed by Dan Jepson
Date: 2021.07.19 17:34:04
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for Jane Hann, Manager
Environmental Programs Branch

Enclosures: Expanded APE Map
Graphic of TCE expansion, Safeway Distribution Center

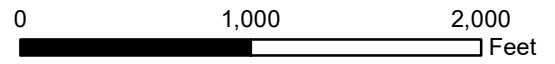


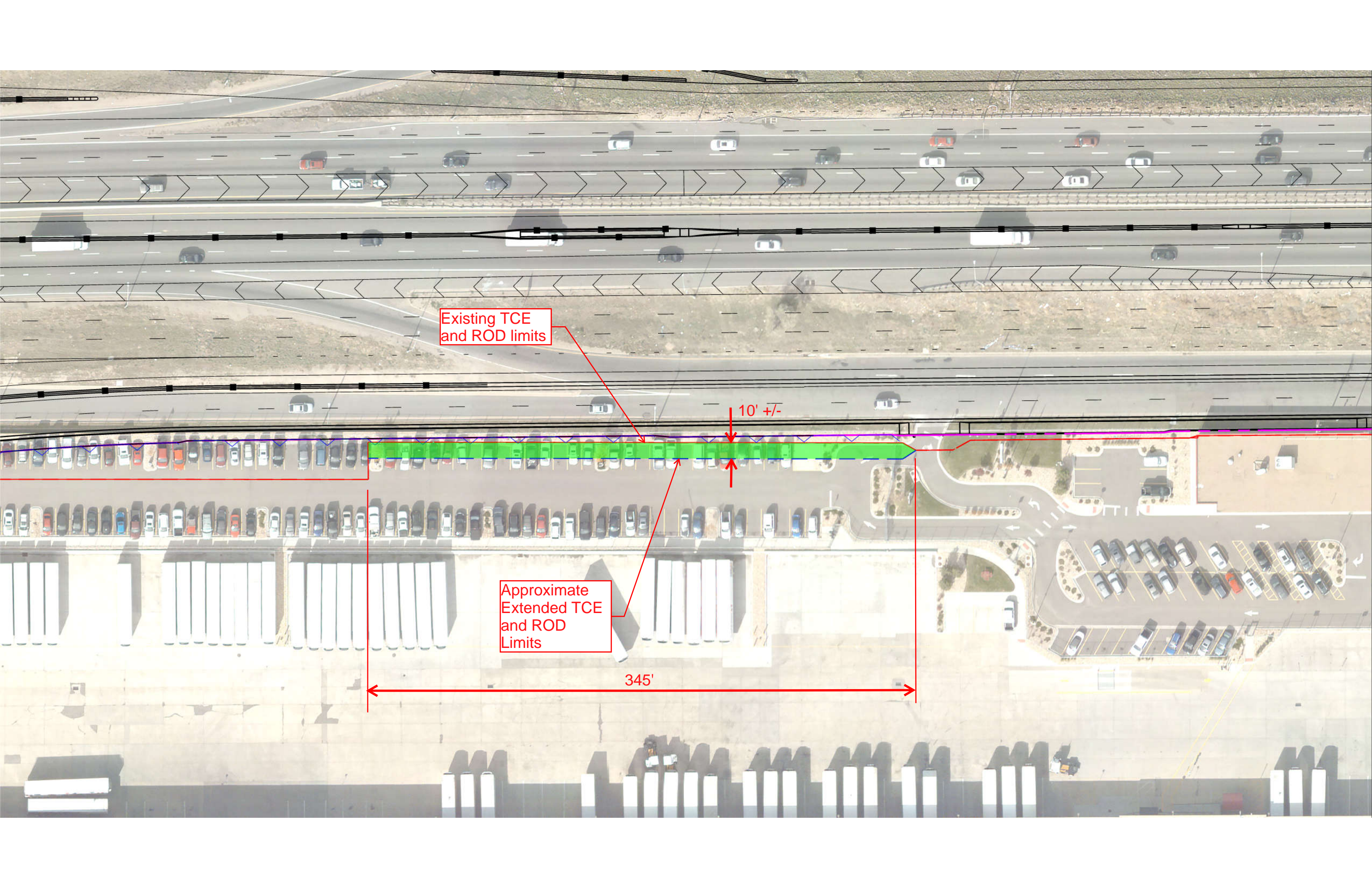
Area of Potential Effects

Central 70 Project
 APE Expansion for Signage
 Denver County, Colorado

Legend

- APE Expansion (June 2021)
- APE (May 2017)
- Proposed Signs
- NRHP Eligible Historic Resource





Existing TCE
and ROD limits

10' +/-

Approximate
Extended TCE
and ROD
Limits

345'



COLORADO
Department of Transportation
Division of Transportation Development

Environmental Programs Branch
2829 W. Howard Pl.
Denver, CO 80204
(303) 757-9281

July 20, 2021

Ms. Patricia Carmody
P.O. Box 460394
Denver, CO 80246

SUBJECT: Updated Section 106 Consultation, Area of Potential Effects (APE) Expansion, Effects Determinations, and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Reevaluation #12, Denver County (HC #41831)

Dear Ms. Carmody

This letter and the attached materials constitute a request for comments on updated information regarding the project referenced above. The I-70 East Environmental Impact Statement (EIS) Preferred Alternative includes the Partial Cover Lowered Alternative and Managed Lanes. The first phase of implementing the overall Preferred Alternative, Phase I, is also referred to as the Central 70 Project. Additional project modifications have occurred since the Record of Decision (ROD) was signed in January 2017, and during that period subsequent reevaluations have been completed. This consultation addresses design changes that require modifications to the Area of Potential Effects (APE) as well as effects determinations for historic properties in the existing APE and the modified APE.

Design Changes

The ROD identified informational highway signage within the project corridor. The design team has identified a need for approximately 10 signs on eastbound I-70 and from I-25 to eastbound I-70, located west of I-25 outside of the APE. The design also requires the expansion of a temporary construction easement (TCE) along the northern boundary of the historic Safeway Distribution Center (5DV9232), an officially eligible historic district.

APE Modifications

This design alteration requires the extension of the APE west of I-25 approximately 2.1 miles to accommodate the sign locations outside previously established limits. No right-of-way (ROW) or easements are required to accommodate sign installation; some signs will be installed in existing locations and some will be installed in the median. Signage design is in keeping with existing signage throughout the corridor. While potentially historic properties over 50 years of age are present along the corridor, installation of approximately 10 signs would not affect the historic significance or integrity of these properties; therefore, the APE extension follows the I-70 ROW for approximately 2.1 miles west of I-25 to accommodate the newly proposed signage locations. See the attached APE map for more information.

Methodology

Under the Advisory Council on Historic Preservation's (ACHP) 2005 Interstate Exemption, federal agencies are exempt from the Section 106 requirement of taking into account the effects of their undertakings on the Interstate Highway System. The segment of I-70 within the APE extension is not

listed among the state's exceptions to the Interstate Exemption. As such it is therefore exempt from consideration under Section 106. Intersecting and adjacent historic resources that are not a feature of the Interstate do not fall within the scope of the Exemption and are therefore subject to Section 106 and Section 4(f) review. A search of the COMPASS database maintained by the Office of Archaeology and Historic Preservation (OAHP) was completed on May 25, 2021, to ascertain the presence of known resources in the APE extension. Four previously identified NRHP eligible resources are within the APE extension (Table 1). The Safeway Distribution Center Historic District (5DV9232) is within the existing APE limits and is also evaluated in this submittal.

Eligibility Determinations

As noted above, four previously-identified resources (listed in Table 1) and the Safeway Distribution Historic District (5DV9232) are within the expanded and existing APE and were evaluated.

Table 1: Previously Identified NRHP Eligible Historic Resources in APE Extension

| Site ID | Resource Name | Eligibility |
|----------------|--|---|
| 5DV10486.1 | Denver Sewer Pipe & Clay Company Spur | Supporting of Overall Eligibility – Official (2008) |
| 5DV10635.3 | West and South Side Interceptor Sewer | Supporting of Overall Eligibility – Official (2012) |
| 5DV6243.5 | Colorado and Southern Siding to Clark's Junction | Supporting of Overall Eligibility – Official (2009) |
| 5DV6246.1 | Colorado Central Railroad Segment | Eligible – Official (1999) |

Denver Sewer Pipe & Clay Company Spur Segment (5DV10486.1): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated interstate. The overall resource is considered significant under Criterion A for its representation of a transportation facility and association with the Denver Water Pipe and Clay Company and the Boston and Colorado Smelting Company. The segment is considered *supporting* of the overall resource.

West and South Side Interceptor Sewer (5DV10635.3): This resource is a subsurface (below ground) linear resource. It was evaluated in 2012 as part of the *Denver's Historic Brick Sewers* context and determined to be significant under NRHP Criterion D for its association with the early development of Denver and demonstrate the techniques the city used between 1880 and 1937 for dealing with wastewater removal and conveyance of sewage and storm water. The segment is *supporting* of the overall resource.

Colorado and Southern Siding to Clark's Junction (5DV6243.5): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated section of I-70, approximately 2,100 feet west of the I-25 interchange. The overall railroad is eligible under NRHP Criterion A for its association with the expansion of railroad commerce in Colorado. Existing documentation indicates the resource segment has diminished integrity of materials and workmanship. However, the segment retains sufficient integrity of setting, design, feeling, location, and association to be able to *support* the eligibility of the resource as a whole.

Colorado Central Railroad Segment (5DV6426.1): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated section of I-70, adjacent to Jason Street. The railroad is significant under NRHP Criterion A for its association with the growth and development of railroad networks and railroad commerce in Denver. The segment is considered *supporting* of the overall eligibility of the entire railroad.

Safeway Distribution Center (5DV9232): This resource is significant under Criterion A for its association with the development of Colorado's economic history, as well as a substantial contributor to the recognition of Denver as a critical marketing and distribution center for the Rocky Mountain Region following WWII. It is also significant under Criterion C for its architectural qualities, including an innovative-for-the-time design incorporating several different warehouse spaces under a single roof, the utilization of a single-story horizontal plan, and the large-scale building footprint.

Effects Determinations

Extension of the APE for approximately 2.1 miles west of I-25 would be limited to the existing I-70 ROW. No newly identified historic or potentially historic resources are located within the APE extension. Four previously identified historic resources are within the expanded APE.

Denver Sewer Pipe & Clay Company Spur Segment (5DV10486.1): The resource is a surface structure at ground level and passes beneath the elevated section of I-70. No physical effects to the resource are anticipated to accommodate installation of proposed signage, which will occur along the interstate highway prism above the resource. Proposed signs may have limited visibility from the resource as it passes under the interstate. Installation of highway signage in the vicinity of the resource will not diminish integrity of the physical features of the resource or alter integrity of setting. The resource will continue to convey its significance and the project results in *no adverse effect*.

West and South Side Interceptor Sewer (5DV10635.3): This resource is in a subsurface context. No physical effects are anticipated to accommodate installation of proposed signage, which will occur along the interstate highway prism above the resource. Installation of highway signage in the vicinity of the subsurface linear resource will not diminish its physical integrity or integrity of setting. The resource will continue to convey its significance under NRHP Criterion D. The project results in *no historic properties affected* with regard to this resource.

Colorado and Southern Siding to Clark's Junction (5DV6243.5): This resource segment consists of railroad tracks, berm, and ballast beneath the elevated section of I-70, approximately 2,100 feet west of I-25. The newly proposed information signs would not be visually perceptible from the resource and are in keeping with existing highway signage in the corridor. No physical effects to the resource are anticipated to accommodate installation of proposed signage. The installation of new highway signage would not diminish the physical integrity of design, feeling, location and association and the resource will continue to convey its historic significance under Criterion A for its association with railroad commerce in Colorado. The project results in *no historic properties affected*.

Colorado Central Railroad Segment (5DV6426.1): This resource segment is located beneath the elevated section of I-70, adjacent to Jason Street. No physical effects to the resource are anticipated to accommodate installation of proposed signage, limited to the interstate highway prism located above the segment. Newly proposed signs would not be visually perceptible from the resource segment and are in keeping with existing signage in the corridor. The installation of highway signage in the vicinity will not diminish the ability of the resource to convey its historic significance under Criterion A. The project therefore results in *no historic properties affected*.

Safeway Distribution Center (5DV9232): In Reevaluation #1 (September 18, 2017) it was determined that a permanent easement of 2.4 acres would be required to accommodate the shifting of the Stapleton Drive South alignment into the Safeway Distribution Center. It was also determined that a temporary construction easement of 0.785 acres would be required, including the construction of a of a block

retaining wall along the northern boundary of the resource in a parking lot. As the design has progressed, we have determined that the existing TCE requires an expansion of 0.078 acre, resulting in an updated TCE of 0.863 acre. The proposed design alterations do not diminish the ability of the resource to convey its significance under Criteria A and C. The building itself would remain undisturbed and its important architectural features would remain intact. The building will continue its historic function as a distribution center and maintain its significant association with marketing and grocery distribution in Denver and the broader Rocky Mountain Region. The project continues to result in a determination of *no adverse effect*. See the attached graphic showing the TCE for more information.

Section 4(f) De Minimis Notification

The project results in no adverse effect to 5DV9232 and 5DV10486.1. Therefore, pursuant to 23 CFR 774.5(b)(ii) regarding coordination, the Federal Highway Administration will again make a *de minimis* determination for the Safeway Distribution Center (as documented in previous consultations) and may make a *de minimis* determination for the Denver Sewer Pipe & Clay Company Spur Segment.

As a consulting party, we welcome your comments on the information outlined above. Should you choose to respond, we request that you do so within 30 days of receipt of these materials. If you do not respond, we will assume you do not plan to comment. It is acceptable to respond via email to CDOT Senior Historian Lisa Schoch at lisa.schoch@state.co.us. If you have any questions or require additional information, please contact Ms. Schoch at (303) 512-4258 or via email.

Very truly yours,

Dan Jepson Digitally signed by Dan Jepson
Date: 2021.07.21 08:43:47 -06'00'

for Jane Hann, Manager
Environmental Programs Branch

Enclosures: Expanded APE Map
Graphic of TCE expansion, Safeway Distribution Center



COLORADO
Department of Transportation
Division of Transportation Development

Environmental Programs Branch
2829 W. Howard Pl.
Denver, CO 80204
(303) 757-9281

July 20, 2021

Ms. Jennifer Orrigo-Charles
Colorado Preservation Incorporated
1420 Ogden Street, Suite 104
Denver, CO 80218

SUBJECT: Updated Section 106 Consultation, Area of Potential Effects (APE) Expansion, Effects Determinations, and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Reevaluation #12, Denver County (HC #41831)

Dear Ms. Orrigo-Charles:

This letter and the attached materials constitute a request for comments on updated information regarding the project referenced above. The I-70 East Environmental Impact Statement (EIS) Preferred Alternative includes the Partial Cover Lowered Alternative and Managed Lanes. The first phase of implementing the overall Preferred Alternative, Phase I, is also referred to as the Central 70 Project. Additional project modifications have occurred since the Record of Decision (ROD) was signed in January 2017, and during that period subsequent reevaluations have been completed. This consultation addresses design changes that require modifications to the Area of Potential Effects (APE) as well as effects determinations for historic properties in the existing APE and the modified APE.

Design Changes

The ROD identified informational highway signage within the project corridor. The design team has identified a need for approximately 10 signs on eastbound I-70 and from I-25 to eastbound I-70, located west of I-25 outside of the APE. The design also requires the expansion of a temporary construction easement (TCE) along the northern boundary of the historic Safeway Distribution Center (5DV9232), an officially eligible historic district.

APE Modifications

This design alteration requires the extension of the APE west of I-25 approximately 2.1 miles to accommodate the sign locations outside previously established limits. No right-of-way (ROW) or easements are required to accommodate sign installation; some signs will be installed in existing locations and some will be installed in the median. Signage design is in keeping with existing signage throughout the corridor. While potentially historic properties over 50 years of age are present along the corridor, installation of approximately 10 signs would not affect the historic significance or integrity of these properties; therefore, the APE extension follows the I-70 ROW for approximately 2.1 miles west of I-25 to accommodate the newly proposed signage locations. See the attached APE map for more information.

Methodology

Under the Advisory Council on Historic Preservation's (ACHP) 2005 Interstate Exemption, federal agencies are exempt from the Section 106 requirement of taking into account the effects of their undertakings on the Interstate Highway System. The segment of I-70 within the APE extension is not

listed among the state’s exceptions to the Interstate Exemption. As such it is therefore exempt from consideration under Section 106. Intersecting and adjacent historic resources that are not a feature of the Interstate do not fall within the scope of the Exemption and are therefore subject to Section 106 and Section 4(f) review. A search of the COMPASS database maintained by the Office of Archaeology and Historic Preservation (OAHP) was completed on May 25, 2021, to ascertain the presence of known resources in the APE extension. Four previously identified NRHP eligible resources are within the APE extension (Table 1). The Safeway Distribution Center Historic District (5DV9232) is within the existing APE limits and is also evaluated in this submittal.

Eligibility Determinations

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Safeway Distribution Center (5DV9232): This resource is significant under Criterion A for its association with the development of Colorado's economic history, as well as a substantial contributor to the recognition of Denver as a critical marketing and distribution center for the Rocky Mountain Region following WWII. It is also significant under Criterion C for its architectural qualities, including an innovative-for-the-time design incorporating several different warehouse spaces under a single roof, the utilization of a single-story horizontal plan, and the large-scale building footprint.

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Safeway Distribution Center (5DV9232): In Reevaluation #1 (September 18, 2017) it was determined that a permanent easement of 2.4 acres would be required to accommodate the shifting of the Stapleton Drive South alignment into the Safeway Distribution Center. It was also determined that a temporary construction easement of 0.785 acres would be required, including the construction of a of a block retaining wall along the northern boundary of the resource in a parking lot. As the design has progressed, we have determined that the existing TCE requires an expansion of 0.078 acre, resulting in an updated

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Section 4(f) De Minimis Notification

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Very truly yours,

Dan Jepson  Digitally signed by Dan Jepson
Date: 2021.07.21 08:42:48 -06'00'

for Jane Hann, Manager
Environmental Programs Branch

Enclosures: Expanded APE Map
Graphic of TCE expansion, Safeway Distribution Center



COLORADO
Department of Transportation
Division of Transportation Development

Environmental Programs Branch
2829 W. Howard Pl.
Denver, CO 80204
(303) 757-9281

July 20, 2021

Ms. Jennifer Cappeto
City and County of Denver
Landmark Preservation Commission
Denver Planning Office
201 West Colfax Avenue
Denver, CO 80202

SUBJECT: Updated Section 106 Consultation, Area of Potential Effects (APE) Expansion, Effects Determinations, and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Reevaluation #12, Denver County (HC #41831)

Dear Ms. Cappeto:

This letter and the attached materials constitute a request for comments on updated information regarding the project referenced above. The I-70 East Environmental Impact Statement (EIS) Preferred Alternative includes the Partial Cover Lowered Alternative and Managed Lanes. The first phase of implementing the overall Preferred Alternative, Phase I, is also referred to as the Central 70 Project. Additional project modifications have occurred since the Record of Decision (ROD) was signed in January 2017, and during that period subsequent reevaluations have been completed. This consultation addresses design changes that require modifications to the Area of Potential Effects (APE) as well as effects determinations for historic properties in the existing APE and the modified APE.

Design Changes

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APE Modifications

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Methodology

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Eligibility Determinations

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| 5DV6243.5 | Colorado and Southern Siding to Clark's Junction | Supporting of Overall Eligibility – Official (2009) |
| 5DV6246.1 | Colorado Central Railroad Segment | Eligible – Official (1999) |

Denver Sewer Pipe & Clay Company Spur Segment (5DV10486.1): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated interstate. The overall resource is considered significant under Criterion A for its representation of a transportation facility and association with the Denver Water Pipe and Clay Company and the Boston and Colorado Smelting Company. The segment is considered *supporting* of the overall resource.

West and South Side Interceptor Sewer (5DV10635.3): This resource is a subsurface (below ground) linear resource. It was evaluated in 2012 as part of the *Denver's Historic Brick Sewers* context and determined to be significant under NRHP Criterion D for its association with the early development of Denver and demonstrate the techniques the city used between 1880 and 1937 for dealing with wastewater removal and conveyance of sewage and storm water. The segment is *supporting* of the overall resource.

Colorado and Southern Siding to Clark's Junction (5DV6243.5): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated section of I-70, approximately 2,100 feet west of the I-25 interchange. The overall railroad is eligible under NRHP Criterion A for its association with the expansion of railroad commerce in Colorado. Existing documentation indicates the resource segment has diminished integrity of materials and workmanship. However, the segment retains sufficient integrity of setting, design, feeling, location, and association to be able to *support* the eligibility of the resource as a whole.

Colorado Central Railroad Segment (5DV6426.1): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated section of I-70, adjacent to Jason Street. The railroad is

significant under NRHP Criterion A for its association with the growth and development of railroad networks and railroad commerce in Denver. The segment is considered *supporting* of the overall eligibility of the entire railroad.

Safeway Distribution Center (5DV9232): This resource is significant under Criterion A for its association with the development of Colorado's economic history, as well as a substantial contributor to the recognition of Denver as a critical marketing and distribution center for the Rocky Mountain Region following WWII. It is also significant under Criterion C for its architectural qualities, including an innovative-for-the-time design incorporating several different warehouse spaces under a single roof, the utilization of a single-story horizontal plan, and the large-scale building footprint.

Effects Determinations

Extension of the APE for approximately 2.1 miles west of I-25 would be limited to the existing I-70 ROW. No newly identified historic or potentially historic resources are located within the APE extension. Four previously identified historic resources are within the expanded APE.

Denver Sewer Pipe & Clay Company Spur Segment (5DV10486.1): The resource is a surface structure at ground level and passes beneath the elevated section of I-70. No physical effects to the resource are anticipated to accommodate installation of proposed signage, which will occur along the interstate highway prism above the resource. Proposed signs may have limited visibility from the resource as it passes under the interstate. Installation of highway signage in the vicinity of the resource will not diminish integrity of the physical features of the resource or alter integrity of setting. The resource will continue to convey its significance and the project results in *no adverse effect*.

West and South Side Interceptor Sewer (5DV10635.3): This resource is in a subsurface context. No physical effects are anticipated to accommodate installation of proposed signage, which will occur along the interstate highway prism above the resource. Installation of highway signage in the vicinity of the subsurface linear resource will not diminish its physical integrity or integrity of setting. The resource will continue to convey its significance under NRHP Criterion D. The project results in *no historic properties affected* with regard to this resource.

Colorado and Southern Siding to Clark's Junction (5DV6243.5): This resource segment consists of railroad tracks, berm, and ballast beneath the elevated section of I-70, approximately 2,100 feet west of I-25. The newly proposed information signs would not be visually perceptible from the resource and are in keeping with existing highway signage in the corridor. No physical effects to the resource are anticipated to accommodate installation of proposed signage. The installation of new highway signage would not diminish the physical integrity of design, feeling, location and association and the resource will continue to convey its historic significance under Criterion A for its association with railroad commerce in Colorado. The project results in *no historic properties affected*.

Colorado Central Railroad Segment (5DV6426.1): This resource segment is located beneath the elevated section of I-70, adjacent to Jason Street. No physical effects to the resource are anticipated to accommodate installation of proposed signage, limited to the interstate highway prism located above the segment. Newly proposed signs would not be visually perceptible from the resource segment and are in keeping with existing signage in the corridor. The installation of highway signage in the vicinity will not diminish the ability of the resource to convey its historic significance under Criterion A. The project therefore results in *no historic properties affected*.

Safeway Distribution Center (5DV9232): In Reevaluation #1 (September 18, 2017) it was determined that a permanent easement of 2.4 acres would be required to accommodate the shifting of the Stapleton Drive

South alignment into the Safeway Distribution Center. It was also determined that a temporary construction easement of 0.785 acres would be required, including the construction of a block retaining wall along the northern boundary of the resource in a parking lot. As the design has progressed, we have determined that the existing TCE requires an expansion of 0.078 acre, resulting in an updated TCE of 0.863 acre. The proposed design alterations do not diminish the ability of the resource to convey its significance under Criteria A and C. The building itself would remain undisturbed and its important architectural features would remain intact. The building will continue its historic function as a distribution center and maintain its significant association with marketing and grocery distribution in Denver and the broader Rocky Mountain Region. The project continues to result in a determination of *no adverse effect*. See the attached graphic showing the TCE for more information.

Section 4(f) De Minimis Notification

The project results in no adverse effect to 5DV9232 and 5DV10486.1. Therefore, pursuant to 23 CFR 774.5(b)(ii) regarding coordination, the Federal Highway Administration will again make a *de minimis* determination for the Safeway Distribution Center (as documented in previous consultations) and may make a *de minimis* determination for the Denver Sewer Pipe & Clay Company Spur Segment.

As a consulting party, we welcome your comments on the information outlined above. Should you choose to respond, we request that you do so within 30 days of receipt of these materials. If you do not respond, we will assume you do not plan to comment. It is acceptable to respond via email to CDOT Senior Historian Lisa Schoch at lisa.schoch@state.co.us. If you have any questions or require additional information, please contact Ms. Schoch at (303) 512-4258 or via email.

Very truly yours,

Dan Jepson

Digitally signed by Dan Jepson
Date: 2021.07.21 08:41:58 -06'00'

for Jane Hann, Manager
Environmental Programs Branch

Enclosures: Expanded APE Map
Graphic of TCE expansion, Safeway Distribution Center



COLORADO
Department of Transportation
Division of Transportation Development

Environmental Programs Branch
2829 W. Howard Pl.
Denver, CO 80204
(303) 757-9281

July 20, 2021

Mr. Kelly Briggs
Fairmount Cemetery Company
430 South Quebec Street
Denver CO 80247

SUBJECT: Updated Section 106 Consultation, Area of Potential Effects (APE) Expansion, Effects Determinations, and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Reevaluation #12, Denver County (HC #41831)

Dear Mr. Briggs:

This letter and the attached materials constitute a request for comments on updated information regarding the project referenced above. The I-70 East Environmental Impact Statement (EIS) Preferred Alternative includes the Partial Cover Lowered Alternative and Managed Lanes. The first phase of implementing the overall Preferred Alternative, Phase I, is also referred to as the Central 70 Project. Additional project modifications have occurred since the Record of Decision (ROD) was signed in January 2017, and during that period subsequent reevaluations have been completed. This consultation addresses design changes that require modifications to the Area of Potential Effects (APE) as well as effects determinations for historic properties in the existing APE and the modified APE.

Design Changes

The ROD identified informational highway signage within the project corridor. The design team has identified a need for approximately 10 signs on eastbound I-70 and from I-25 to eastbound I-70, located west of I-25 outside of the APE. The design also requires the expansion of a temporary construction easement (TCE) along the northern boundary of the historic Safeway Distribution Center (5DV9232), an officially eligible historic district.

APE Modifications

This design alteration requires the extension of the APE west of I-25 approximately 2.1 miles to accommodate the sign locations outside previously established limits. No right-of-way (ROW) or easements are required to accommodate sign installation; some signs will be installed in existing locations and some will be installed in the median. Signage design is in keeping with existing signage throughout the corridor. While potentially historic properties over 50 years of age are present along the corridor, installation of approximately 10 signs would not affect the historic significance or integrity of these properties; therefore, the APE extension follows the I-70 ROW for approximately 2.1 miles west of I-25 to accommodate the newly proposed signage locations. See the attached APE map for more information.

Methodology

Under the Advisory Council on Historic Preservation's (ACHP) 2005 Interstate Exemption, federal agencies are exempt from the Section 106 requirement of taking into account the effects of their undertakings on the Interstate Highway System. The segment of I-70 within the APE extension is not

listed among the state's exceptions to the Interstate Exemption. As such it is therefore exempt from consideration under Section 106. Intersecting and adjacent historic resources that are not a feature of the Interstate do not fall within the scope of the Exemption and are therefore subject to Section 106 and Section 4(f) review. A search of the COMPASS database maintained by the Office of Archaeology and Historic Preservation (OAHP) was completed on May 25, 2021, to ascertain the presence of known resources in the APE extension. Four previously identified NRHP eligible resources are within the APE extension (Table 1). The Safeway Distribution Center Historic District (5DV9232) is within the existing APE limits and is also evaluated in this submittal.

Eligibility Determinations

As noted above, four previously-identified resources (listed in Table 1) and the Safeway Distribution Historic District (5DV9232) are within the expanded and existing APE and were evaluated.

Table 1: Previously Identified NRHP Eligible Historic Resources in APE Extension

| Site ID | Resource Name | Eligibility |
|----------------|--|---|
| 5DV10486.1 | Denver Sewer Pipe & Clay Company Spur | Supporting of Overall Eligibility – Official (2008) |
| 5DV10635.3 | West and South Side Interceptor Sewer | Supporting of Overall Eligibility – Official (2012) |
| 5DV6243.5 | Colorado and Southern Siding to Clark's Junction | Supporting of Overall Eligibility – Official (2009) |
| 5DV6246.1 | Colorado Central Railroad Segment | Eligible – Official (1999) |

Denver Sewer Pipe & Clay Company Spur Segment (5DV10486.1): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated interstate. The overall resource is considered significant under Criterion A for its representation of a transportation facility and association with the Denver Water Pipe and Clay Company and the Boston and Colorado Smelting Company. The segment is considered *supporting* of the overall resource.

West and South Side Interceptor Sewer (5DV10635.3): This resource is a subsurface (below ground) linear resource. It was evaluated in 2012 as part of the *Denver's Historic Brick Sewers* context and determined to be significant under NRHP Criterion D for its association with the early development of Denver and demonstrate the techniques the city used between 1880 and 1937 for dealing with wastewater removal and conveyance of sewage and storm water. The segment is *supporting* of the overall resource.

Colorado and Southern Siding to Clark's Junction (5DV6243.5): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated section of I-70, approximately 2,100 feet west of the I-25 interchange. The overall railroad is eligible under NRHP Criterion A for its association with the expansion of railroad commerce in Colorado. Existing documentation indicates the resource segment has diminished integrity of materials and workmanship. However, the segment retains sufficient integrity of setting, design, feeling, location, and association to be able to *support* the eligibility of the resource as a whole.

Colorado Central Railroad Segment (5DV6426.1): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated section of I-70, adjacent to Jason Street. The railroad is significant under NRHP Criterion A for its association with the growth and development of railroad networks and railroad commerce in Denver. The segment is considered *supporting* of the overall eligibility of the entire railroad.

Safeway Distribution Center (5DV9232): This resource is significant under Criterion A for its association with the development of Colorado's economic history, as well as a substantial contributor to the recognition of Denver as a critical marketing and distribution center for the Rocky Mountain Region following WWII. It is also significant under Criterion C for its architectural qualities, including an innovative-for-the-time design incorporating several different warehouse spaces under a single roof, the utilization of a single-story horizontal plan, and the large-scale building footprint.

Effects Determinations

Extension of the APE for approximately 2.1 miles west of I-25 would be limited to the existing I-70 ROW. No newly identified historic or potentially historic resources are located within the APE extension. Four previously identified historic resources are within the expanded APE.

Denver Sewer Pipe & Clay Company Spur Segment (5DV10486.1): The resource is a surface structure at ground level and passes beneath the elevated section of I-70. No physical effects to the resource are anticipated to accommodate installation of proposed signage, which will occur along the interstate highway prism above the resource. Proposed signs may have limited visibility from the resource as it passes under the interstate. Installation of highway signage in the vicinity of the resource will not diminish integrity of the physical features of the resource or alter integrity of setting. The resource will continue to convey its significance and the project results in *no adverse effect*.

West and South Side Interceptor Sewer (5DV10635.3): This resource is in a subsurface context. No physical effects are anticipated to accommodate installation of proposed signage, which will occur along the interstate highway prism above the resource. Installation of highway signage in the vicinity of the subsurface linear resource will not diminish its physical integrity or integrity of setting. The resource will continue to convey its significance under NRHP Criterion D. The project results in *no historic properties affected* with regard to this resource.

Colorado and Southern Siding to Clark's Junction (5DV6243.5): This resource segment consists of railroad tracks, berm, and ballast beneath the elevated section of I-70, approximately 2,100 feet west of I-25. The newly proposed information signs would not be visually perceptible from the resource and are in keeping with existing highway signage in the corridor. No physical effects to the resource are anticipated to accommodate installation of proposed signage. The installation of new highway signage would not diminish the physical integrity of design, feeling, location and association and the resource will continue to convey its historic significance under Criterion A for its association with railroad commerce in Colorado. The project results in *no historic properties affected*.

Colorado Central Railroad Segment (5DV6426.1): This resource segment is located beneath the elevated section of I-70, adjacent to Jason Street. No physical effects to the resource are anticipated to accommodate installation of proposed signage, limited to the interstate highway prism located above the segment. Newly proposed signs would not be visually perceptible from the resource segment and are in keeping with existing signage in the corridor. The installation of highway signage in the vicinity will not diminish the ability of the resource to convey its historic significance under Criterion A. The project therefore results in *no historic properties affected*.

Safeway Distribution Center (5DV9232): In Reevaluation #1 (September 18, 2017) it was determined that a permanent easement of 2.4 acres would be required to accommodate the shifting of the Stapleton Drive South alignment into the Safeway Distribution Center. It was also determined that a temporary construction easement of 0.785 acres would be required, including the construction of a of a block retaining wall along the northern boundary of the resource in a parking lot. As the design has progressed, we have determined that the existing TCE requires an expansion of 0.078 acre, resulting in an updated

TCE of 0.863 acre. The proposed design alterations do not diminish the ability of the resource to convey its significance under Criteria A and C. The building itself would remain undisturbed and its important architectural features would remain intact. The building will continue its historic function as a distribution center and maintain its significant association with marketing and grocery distribution in Denver and the broader Rocky Mountain Region. The project continues to result in a determination of *no adverse effect*. See the attached graphic showing the TCE for more information.

Section 4(f) De Minimis Notification

The project results in no adverse effect to 5DV9232 and 5DV10486.1. Therefore, pursuant to 23 CFR 774.5(b)(ii) regarding coordination, the Federal Highway Administration will again make a *de minimis* determination for the Safeway Distribution Center (as documented in previous consultations) and may make a *de minimis* determination for the Denver Sewer Pipe & Clay Company Spur Segment.

As a consulting party, we welcome your comments on the information outlined above. Should you choose to respond, we request that you do so within 30 days of receipt of these materials. If you do not respond, we will assume you do not plan to comment. It is acceptable to respond via email to CDOT Senior Historian Lisa Schoch at lisa.schoch@state.co.us. If you have any questions or require additional information, please contact Ms. Schoch at (303) 512-4258 or via email.

Very truly yours,

Dan Jepson Digitally signed by Dan Jepson
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for Jane Hann, Manager
Environmental Programs Branch

Enclosures: Expanded APE Map
Graphic of TCE expansion, Safeway Distribution Center



COLORADO
Department of Transportation
Division of Transportation Development

Environmental Programs Branch
2829 W. Howard Pl.
Denver, CO 80204
(303) 757-9281

July 20, 2021

Mr. Jim Cavoto
Fairmount Heritage Foundation
430 South Quebec Street
Denver, CO 80247

SUBJECT: Updated Section 106 Consultation, Area of Potential Effects (APE) Expansion, Effects Determinations, and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Reevaluation #12, Denver County (HC #41831)

Dear Mr. Cavoto:

This letter and the attached materials constitute a request for comments on updated information regarding the project referenced above. The I-70 East Environmental Impact Statement (EIS) Preferred Alternative includes the Partial Cover Lowered Alternative and Managed Lanes. The first phase of implementing the overall Preferred Alternative, Phase I, is also referred to as the Central 70 Project. Additional project modifications have occurred since the Record of Decision (ROD) was signed in January 2017, and during that period subsequent reevaluations have been completed. This consultation addresses design changes that require modifications to the Area of Potential Effects (APE) as well as effects determinations for historic properties in the existing APE and the modified APE.

Design Changes

The ROD identified informational highway signage within the project corridor. The design team has identified a need for approximately 10 signs on eastbound I-70 and from I-25 to eastbound I-70, located west of I-25 outside of the APE. The design also requires the expansion of a temporary construction easement (TCE) along the northern boundary of the historic Safeway Distribution Center (5DV9232), an officially eligible historic district.

APE Modifications

This design alteration requires the extension of the APE west of I-25 approximately 2.1 miles to accommodate the sign locations outside previously established limits. No right-of-way (ROW) or easements are required to accommodate sign installation; some signs will be installed in existing locations and some will be installed in the median. Signage design is in keeping with existing signage throughout the corridor. While potentially historic properties over 50 years of age are present along the corridor, installation of approximately 10 signs would not affect the historic significance or integrity of these properties; therefore, the APE extension follows the I-70 ROW for approximately 2.1 miles west of I-25 to accommodate the newly proposed signage locations. See the attached APE map for more information.

Methodology

Under the Advisory Council on Historic Preservation's (ACHP) 2005 Interstate Exemption, federal agencies are exempt from the Section 106 requirement of taking into account the effects of their undertakings on the Interstate Highway System. The segment of I-70 within the APE extension is not

listed among the state's exceptions to the Interstate Exemption. As such it is therefore exempt from consideration under Section 106. Intersecting and adjacent historic resources that are not a feature of the Interstate do not fall within the scope of the Exemption and are therefore subject to Section 106 and Section 4(f) review. A search of the COMPASS database maintained by the Office of Archaeology and Historic Preservation (OAHP) was completed on May 25, 2021, to ascertain the presence of known resources in the APE extension. Four previously identified NRHP eligible resources are within the APE extension (Table 1). The Safeway Distribution Center Historic District (5DV9232) is within the existing APE limits and is also evaluated in this submittal.

Eligibility Determinations

As noted above, four previously-identified resources and the Safeway Distribution Historic District (5DV9232) are within the existing APE and was evaluated, as listed in Table 1.

Table 1: Previously Identified NRHP Eligible Historic Resources in APE Extension

| Site ID | Resource Name | Eligibility |
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Colorado and Southern Siding to Clark's Junction (5DV6243.5): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated section of I-70, approximately 2,100 feet west of the I-25 interchange. The overall railroad is eligible under NRHP Criterion A for its association with the expansion of railroad commerce in Colorado. Existing documentation indicates the resource segment has diminished integrity of materials and workmanship. However, the segment retains sufficient integrity of setting, design, feeling, location, and association to be able to *support* the eligibility of the resource as a whole.

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Safeway Distribution Center (5DV9232): In Reevaluation #1 (September 18, 2017) it was determined that a permanent easement of 2.4 acres would be required to accommodate the shifting of the Stapleton Drive South alignment into the Safeway Distribution Center. It was also determined that a temporary construction easement of 0.785 acres would be required, including the construction of a of a block retaining wall along the northern boundary of the resource in a parking lot. As the design has progressed, we have determined that the existing TCE requires an expansion of 0.078 acre, resulting in an updated

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for Jane Hann, Manager
Environmental Programs Branch

Enclosures: Expanded APE Map
Graphic of TCE expansion, Safeway Distribution Center



COLORADO
Department of Transportation
Division of Transportation Development

Environmental Programs Branch
2829 W. Howard Pl.
Denver, CO 80204
(303) 757-9281

July 20, 2021

Ms. Annie Levinsky
Historic Denver, Inc.
1420 Ogden Street, Suite 202
Denver, CO 80216

SUBJECT: Updated Section 106 Consultation, Area of Potential Effects (APE) Expansion, Effects Determinations, and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Reevaluation #12, Denver County (HC #41831)

Dear Ms. Levinsky:

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Design Changes

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Denver Sewer Pipe & Clay Company Spur Segment (5DV10486.1): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated interstate. The overall resource is considered significant under Criterion A for its representation of a transportation facility and association with the Denver Water Pipe and Clay Company and the Boston and Colorado Smelting Company. The segment is considered *supporting* of the overall resource.

West and South Side Interceptor Sewer (5DV10635.3): This resource is a subsurface (below ground) linear resource. It was evaluated in 2012 as part of the *Denver's Historic Brick Sewers* context and determined to be significant under NRHP Criterion D for its association with the early development of Denver and demonstrate the techniques the city used between 1880 and 1937 for dealing with wastewater removal and conveyance of sewage and storm water. The segment is *supporting* of the overall resource.

Colorado and Southern Siding to Clark's Junction (5DV6243.5): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated section of I-70, approximately 2,100 feet west of the I-25 interchange. The overall railroad is eligible under NRHP Criterion A for its association with the expansion of railroad commerce in Colorado. Existing documentation indicates the resource segment has diminished integrity of materials and workmanship. However, the segment retains sufficient integrity of setting, design, feeling, location, and association to be able to *support* the eligibility of the resource as a whole.

Colorado Central Railroad Segment (5DV6426.1): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated section of I-70, adjacent to Jason Street. The railroad is significant under NRHP Criterion A for its association with the growth and development of railroad networks and railroad commerce in Denver. The segment is considered *supporting* of the overall eligibility of the entire railroad.

Safeway Distribution Center (5DV9232): This resource is significant under Criterion A for its association with the development of Colorado's economic history, as well as a substantial contributor to the recognition of Denver as a critical marketing and distribution center for the Rocky Mountain Region following WWII. It is also significant under Criterion C for its architectural qualities, including an innovative-for-the-time design incorporating several different warehouse spaces under a single roof, the utilization of a single-story horizontal plan, and the large-scale building footprint.

Effects Determinations

Extension of the APE for approximately 2.1 miles west of I-25 would be limited to the existing I-70 ROW. No newly identified historic or potentially historic resources are located within the APE extension. Four previously identified historic resources are within the expanded APE.

Denver Sewer Pipe & Clay Company Spur Segment (5DV10486.1): The resource is a surface structure at ground level and passes beneath the elevated section of I-70. No physical effects to the resource are anticipated to accommodate installation of proposed signage, which will occur along the interstate highway prism above the resource. Proposed signs may have limited visibility from the resource as it passes under the interstate. Installation of highway signage in the vicinity of the resource will not diminish integrity of the physical features of the resource or alter integrity of setting. The resource will continue to convey its significance and the project results in *no adverse effect*.

West and South Side Interceptor Sewer (5DV10635.3): This resource is in a subsurface context. No physical effects are anticipated to accommodate installation of proposed signage, which will occur along the interstate highway prism above the resource. Installation of highway signage in the vicinity of the subsurface linear resource will not diminish its physical integrity or integrity of setting. The resource will continue to convey its significance under NRHP Criterion D. The project results in *no historic properties affected* with regard to this resource.

Colorado and Southern Siding to Clark's Junction (5DV6243.5): This resource segment consists of railroad tracks, berm, and ballast beneath the elevated section of I-70, approximately 2,100 feet west of I-25. The newly proposed information signs would not be visually perceptible from the resource and are in keeping with existing highway signage in the corridor. No physical effects to the resource are anticipated to accommodate installation of proposed signage. The installation of new highway signage would not diminish the physical integrity of design, feeling, location and association and the resource will continue to convey its historic significance under Criterion A for its association with railroad commerce in Colorado. The project results in *no historic properties affected*.

Colorado Central Railroad Segment (5DV6426.1): This resource segment is located beneath the elevated section of I-70, adjacent to Jason Street. No physical effects to the resource are anticipated to accommodate installation of proposed signage, limited to the interstate highway prism located above the segment. Newly proposed signs would not be visually perceptible from the resource segment and are in keeping with existing signage in the corridor. The installation of highway signage in the vicinity will not diminish the ability of the resource to convey its historic significance under Criterion A. The project therefore results in *no historic properties affected*.

Safeway Distribution Center (5DV9232): In Reevaluation #1 (September 18, 2017) it was determined that a permanent easement of 2.4 acres would be required to accommodate the shifting of the Stapleton Drive South alignment into the Safeway Distribution Center. It was also determined that a temporary construction easement of 0.785 acres would be required, including the construction of a of a block retaining wall along the northern boundary of the resource in a parking lot. As the design has progressed, we have determined that the existing TCE requires an expansion of 0.078 acre, resulting in an updated

TCE of 0.863 acre. The proposed design alterations do not diminish the ability of the resource to convey its significance under Criteria A and C. The building itself would remain undisturbed and its important architectural features would remain intact. The building will continue its historic function as a distribution center and maintain its significant association with marketing and grocery distribution in Denver and the broader Rocky Mountain Region. The project continues to result in a determination of *no adverse effect*. See the attached graphic showing the TCE for more information.

Section 4(f) De Minimis Notification

The project results in no adverse effect to 5DV9232 and 5DV10486.1. Therefore, pursuant to 23 CFR 774.5(b)(ii) regarding coordination, the Federal Highway Administration will again make a *de minimis* determination for the Safeway Distribution Center (as documented in previous consultations) and may make a *de minimis* determination for the Denver Sewer Pipe & Clay Company Spur Segment.

As a consulting party, we welcome your comments on the information outlined above. Should you choose to respond, we request that you do so within 30 days of receipt of these materials. If you do not respond, we will assume you do not plan to comment. It is acceptable to respond via email to CDOT Senior Historian Lisa Schoch at lisa.schoch@state.co.us. If you have any questions or require additional information, please contact Ms. Schoch at (303) 512-4258 or via email.

Very truly yours,

Dan Jepson

Digitally signed by Dan Jepson
Date: 2021.07.21 08:39:13 -06'00'

for Jane Hann, Manager
Environmental Programs Branch

Enclosures: Expanded APE Map
Graphic of TCE expansion, Safeway Distribution Center



COLORADO
Department of Transportation
Division of Transportation Development

Environmental Programs Branch
2829 W. Howard Pl.
Denver, CO 80204
(303) 757-9281

July 20, 2021

Mr. Dominick Sekich
Moye, White
16 Market Square, 6th Floor
1400 16th Street
Denver, CO 80202

SUBJECT: Updated Section 106 Consultation, Area of Potential Effects (APE) Expansion, Effects Determinations, and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Reevaluation #12, Denver County (HC #41831)

Dear Mr. Sekich:

This letter and the attached materials constitute a request for comments on updated information regarding the project referenced above. The I-70 East Environmental Impact Statement (EIS) Preferred Alternative includes the Partial Cover Lowered Alternative and Managed Lanes. The first phase of implementing the overall Preferred Alternative, Phase I, is also referred to as the Central 70 Project. Additional project modifications have occurred since the Record of Decision (ROD) was signed in January 2017, and during that period subsequent reevaluations have been completed. This consultation addresses design changes that require modifications to the Area of Potential Effects (APE) as well as effects determinations for historic properties in the existing APE and the modified APE.

Design Changes

The ROD identified informational highway signage within the project corridor. The design team has identified a need for approximately 10 signs on eastbound I-70 and from I-25 to eastbound I-70, located west of I-25 outside of the APE. The design also requires the expansion of a temporary construction easement (TCE) along the northern boundary of the historic Safeway Distribution Center (5DV9232), an officially eligible historic district.

APE Modifications

This design alteration requires the extension of the APE west of I-25 approximately 2.1 miles to accommodate the sign locations outside previously established limits. No right-of-way (ROW) or easements are required to accommodate sign installation; some signs will be installed in existing locations and some will be installed in the median. Signage design is in keeping with existing signage throughout the corridor. While potentially historic properties over 50 years of age are present along the corridor, installation of approximately 10 signs would not affect the historic significance or integrity of these properties; therefore, the APE extension follows the I-70 ROW for approximately 2.1 miles west of I-25 to accommodate the newly proposed signage locations. See the attached APE map for more information.

Methodology

Under the Advisory Council on Historic Preservation's (ACHP) 2005 Interstate Exemption, federal agencies are exempt from the Section 106 requirement of taking into account the effects of their undertakings on the Interstate Highway System. The segment of I-70 within the APE extension is not

listed among the state's exceptions to the Interstate Exemption. As such it is therefore exempt from consideration under Section 106. Intersecting and adjacent historic resources that are not a feature of the Interstate do not fall within the scope of the Exemption and are therefore subject to Section 106 and Section 4(f) review. A search of the COMPASS database maintained by the Office of Archaeology and Historic Preservation (OAHP) was completed on May 25, 2021, to ascertain the presence of known resources in the APE extension. Four previously identified NRHP eligible resources are within the APE extension (Table 1). The Safeway Distribution Center Historic District (5DV9232) is within the existing APE limits and is also evaluated in this submittal.

Eligibility Determinations

As noted above, four previously-identified resources (listed in Table 1) and the Safeway Distribution Historic District (5DV9232) are within the expanded and existing APE and were evaluated.

Table 1: Previously Identified NRHP Eligible Historic Resources in APE Extension

| Site ID | Resource Name | Eligibility |
|----------------|--|---|
| 5DV10486.1 | Denver Sewer Pipe & Clay Company Spur | Supporting of Overall Eligibility – Official (2008) |
| 5DV10635.3 | West and South Side Interceptor Sewer | Supporting of Overall Eligibility – Official (2012) |
| 5DV6243.5 | Colorado and Southern Siding to Clark's Junction | Supporting of Overall Eligibility – Official (2009) |
| 5DV6246.1 | Colorado Central Railroad Segment | Eligible – Official (1999) |

Denver Sewer Pipe & Clay Company Spur Segment (5DV10486.1): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated interstate. The overall resource is considered significant under Criterion A for its representation of a transportation facility and association with the Denver Water Pipe and Clay Company and the Boston and Colorado Smelting Company. The segment is considered *supporting* of the overall resource.

West and South Side Interceptor Sewer (5DV10635.3): This resource is a subsurface (below ground) linear resource. It was evaluated in 2012 as part of the *Denver's Historic Brick Sewers* context and determined to be significant under NRHP Criterion D for its association with the early development of Denver and demonstrate the techniques the city used between 1880 and 1937 for dealing with wastewater removal and conveyance of sewage and storm water. The segment is *supporting* of the overall resource.

Colorado and Southern Siding to Clark's Junction (5DV6243.5): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated section of I-70, approximately 2,100 feet west of the I-25 interchange. The overall railroad is eligible under NRHP Criterion A for its association with the expansion of railroad commerce in Colorado. Existing documentation indicates the resource segment has diminished integrity of materials and workmanship. However, the segment retains sufficient integrity of setting, design, feeling, location, and association to be able to *support* the eligibility of the resource as a whole.

Colorado Central Railroad Segment (5DV6426.1): This resource segment consists of railroad tracks, berm, and ballast located beneath the elevated section of I-70, adjacent to Jason Street. The railroad is significant under NRHP Criterion A for its association with the growth and development of railroad networks and railroad commerce in Denver. The segment is considered *supporting* of the overall eligibility of the entire railroad.

Safeway Distribution Center (5DV9232): This resource is significant under Criterion A for its association with the development of Colorado's economic history, as well as a substantial contributor to the recognition of Denver as a critical marketing and distribution center for the Rocky Mountain Region following WWII. It is also significant under Criterion C for its architectural qualities, including an innovative-for-the-time design incorporating several different warehouse spaces under a single roof, the utilization of a single-story horizontal plan, and the large-scale building footprint.

Effects Determinations

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Colorado Central Railroad Segment (5DV6426.1): This resource segment is located beneath the elevated section of I-70, adjacent to Jason Street. No physical effects to the resource are anticipated to accommodate installation of proposed signage, limited to the interstate highway prism located above the segment. Newly proposed signs would not be visually perceptible from the resource segment and are in keeping with existing signage in the corridor. The installation of highway signage in the vicinity will not diminish the ability of the resource to convey its historic significance under Criterion A. The project therefore results in *no historic properties affected*.

Safeway Distribution Center (5DV9232): In Reevaluation #1 (September 18, 2017) it was determined that a permanent easement of 2.4 acres would be required to accommodate the shifting of the Stapleton Drive South alignment into the Safeway Distribution Center. It was also determined that a temporary construction easement of 0.785 acres would be required, including the construction of a of a block retaining wall along the northern boundary of the resource in a parking lot. As the design has progressed, we have determined that the existing TCE requires an expansion of 0.078 acre, resulting in an updated

TCE of 0.863 acre. The proposed design alterations do not diminish the ability of the resource to convey its significance under Criteria A and C. The building itself would remain undisturbed and its important architectural features would remain intact. The building will continue its historic function as a distribution center and maintain its significant association with marketing and grocery distribution in Denver and the broader Rocky Mountain Region. The project continues to result in a determination of *no adverse effect*. See the attached graphic showing the TCE for more information.

Section 4(f) De Minimis Notification

The project results in no adverse effect to 5DV9232 and 5DV10486.1. Therefore, pursuant to 23 CFR 774.5(b)(ii) regarding coordination, the Federal Highway Administration will again make a *de minimis* determination for the Safeway Distribution Center (as documented in previous consultations) and may make a *de minimis* determination for the Denver Sewer Pipe & Clay Company Spur Segment.

As a consulting party, we welcome your comments on the information outlined above. Should you choose to respond, we request that you do so within 30 days of receipt of these materials. If you do not respond, we will assume you do not plan to comment. It is acceptable to respond via email to CDOT Senior Historian Lisa Schoch at lisa.schoch@state.co.us. If you have any questions or require additional information, please contact Ms. Schoch at (303) 512-4258 or via email.

Very truly yours,

Dan Jepson Digitally signed by Dan Jepson
Date: 2021.07.21 08:37:57 -06'00'

for Jane Hann, Manager
Environmental Programs Branch

Enclosures: Expanded APE Map
Graphic of TCE expansion, Safeway Distribution Center



Ms. Jane Hann
Manager, Environmental Programs Branch
Colorado Department of Transportation
2829 W. Howard Pl., 4th Floor
Denver, Colorado 80204

RE: I-70 East Environmental Impact Statement, Reevaluation #12
City and County of Denver, Colorado
History Colorado No. 41831

Dear Ms. Hann:

Thank you for your correspondence dated July 19, 2021, which our office received on July 20, 2021, regarding consultation for the aforementioned project under Section 106 of the National Historic Preservation Act of 1966, as amended (54 USC § 306108), and its implementing regulations, 36 CFR Part 800.

We have reviewed all documentation submitted for this project and agree the revised area of potential effect (APE) and applicable survey methodology are appropriate for the undertaking. We concur the revised scope of work as described will result in *no historic properties affected* regarding the West and South Side Interceptor Sewer (5DV.10635.3), the Colorado and Southern Siding to Clark's Junction (5DV.6243.5), and the Colorado Central Railroad Segment (5DV.6426.1). Also, the revised scope of work will result in *no adverse effect* to the Denver Sewer Pipe & Clay Company Spur Segment (5DV.10486.1) and the Safeway Distribution Center (5DV.9232).

Lastly, we acknowledge FHWA may use a *de minimis* finding for the undertaking to comply with Section 4(f) of the U.S. Department of Transportation Act of 1966, as amended, and its implementing regulations 23 CFR Part 774.

Should unidentified archaeological resources be discovered in the course of the project, work must be interrupted until the resources have been evaluated in terms of the National Register eligibility criteria (36 CFR §60.4) in consultation with our office pursuant to 36 CFR §800.13. Also, should the consulted-upon scope of the work change, please contact our office for continued consultation under Section 106 of the National Historic Preservation Act.

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.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Mitchell K. Schaefer, Section 106 Compliance Manager, at (303) 866-2673 or mitchell.schaefer@state.co.us.

Sincerely,

Dr. Holly Kathryn Norton Digitally signed by Dr. Holly Kathryn Norton
Date: 2021.08.04 10:08:26 -06'00'

Steve Turner, AIA
State Historic Preservation Officer

ST/mks