

COLORADO DEPARTMENT OF TRANSPORTATION <b>REEVALUATION FORM</b>	<b>Original NEPA Approval Date:</b> 1/19/2017	<b>Reevaluation Date:</b> 1/11/2018	<b>Project Code:</b> AQC R600-165 <b>Subaccount:</b> 13599
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**Project Name and Location:** Central 70 Project: Reevaluation #2, I-70 from I-25 to Chambers Road

**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:**

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 FEIS. Details of the Preferred Alternative, Phase 1 were further described in Reevaluation #1 (September 18, 2017). The Preferred Alternative, Phase 1 is also known as the Central 70 Project. It removes the existing Interstate 70 (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), and adds additional lanes in each direction.

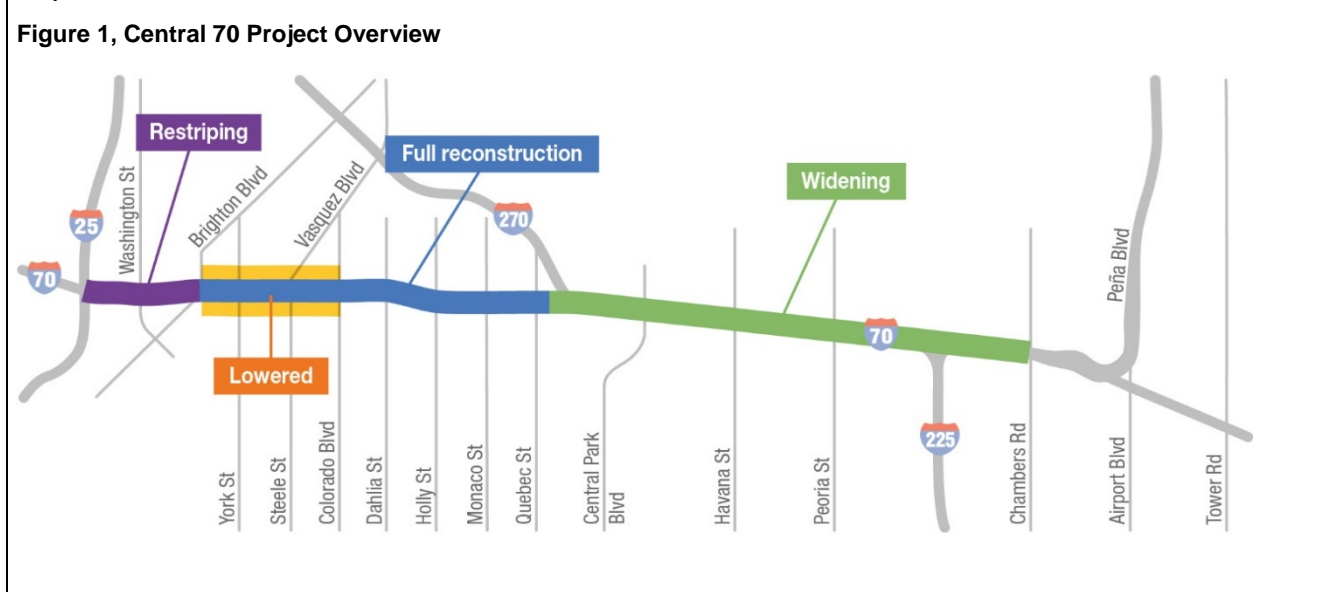
**Project Phasing Plan and Portions Completed (if warranted):**

Portions Completed: None

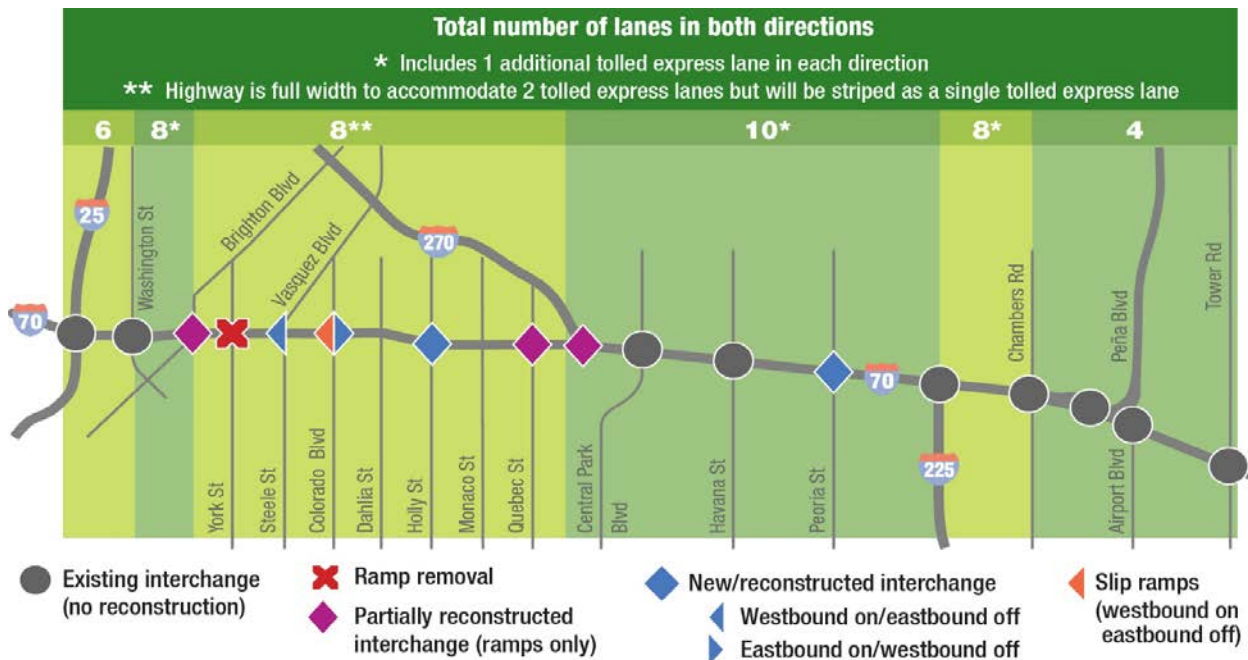
Project Phasing Plan: Phase 1, the Central 70 Project, is the only defined phase for the I-70 East Project at this time. Future phases have not been determined and will rely on future funding.

**Portion of Project Currently Being Advanced:**

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+-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. **Attachment A** of Reevaluation #1 includes detailed maps of the Central 70 Project.



**Figure 2, Central 70 Project Lane Configuration and Interchange Reconstruction**



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 I-70 East Final Environmental Impact Statement (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.

**Date(s) of Prior Reevaluations:** Reevaluation #1, 9/18/2017

**I. Document Type**

- 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 (describe: Changes in project design, existing conditions, and mitigation as described in Section IV below)
- 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. 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 CE designation remains valid for the proposed action. It is recommended that the project identified here-in be advanced to the next phase of project development. A summary of the review is documented in Section IV.
- The above environmental document has been reevaluated as required by 23 CFR 771.129 and it was determined that the environmental document or CE designation is no longer valid or more information is required. Additional required documentation is identified in Section VII.

  
Regional Planning Environmental Manager or Designee

1/10/18  
Date

  
Federal Highway Administration Division Administrator or Designee

1/11/18  
Date

### IV. 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.- OR - The document being re-evaluated is a programmatic Categorical Exclusion regardless of time since the last major step to advance the action (as long as the project would still be covered by a programmatic Categorical Exclusion). All decisions in the prior NEPA document remain valid. No FHWA concurrence is required. Note to file and to distribution below.
- Level 2: Less than three years since last major step to advance action and 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: More than three years since last major step to advance action and 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 4: Major changes in project scope or environmental commitments, or for EISs 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.

**ENVIRONMENT SETTING, AFFECTED ENVIRONMENT, 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. 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 Section VI Additional Studies Required or Section IX Attachments
	Yes	No	Yes	No		
Transportation	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Social and Economic Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Environmental Justice	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Land Use and Zoning	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Relocations and Displacements	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Historic Preservation	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	December 2017	See Attachment A
Paleontological Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Visual Resources and Aesthetic Qualities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Parks and Recreation Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Air Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Energy	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Noise	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Biological Resources	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Floodplains and Drainage/Hydrology	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Wetlands and Other Waters of the U.S.	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Water Quality	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Geology and Soils	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Hazardous Materials	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Utilities	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Human Health Conditions	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Section 4(f)	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	December 2017	See Attachment A
Cumulative Impacts	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	December 2017	
Other(s): Temporary Easement	<input type="checkbox"/>	<input checked="" type="checkbox"/>	<input checked="" type="checkbox"/>	<input type="checkbox"/>	December 2017	

**DESIGN ALTERATIONS:** *Document changes to project scope and or design criteria:*

**Modification #1:** Changes to the design of the Preferred Alternative, Phase 1, requires temporarily moving a chain link fence and gate within the property boundary of Ralston Purina Plant/Nestlé Purina Petcare Company to accommodate construction and maintain security of the plant. The existing fence inhibits access to the proposed temporary track relocation for the Union Pacific Railroad (UPRR) and must be moved to just outside of the construction limits. The gate, which is located on the southwest side of the property, currently straddles the rail siding, and will be moved to the northeast temporarily. See **Figure 3** for the existing fence and gate and their proposed temporary location.

**Modification #2:** With Reevaluation #1, a 40-foot strip of property located at 4790 Josephine Street was cleared to allow for reconstruction of the UPRR. During negotiations with the property owner, it was determined that placing a temporary easement on the entirety of this vacant property would be beneficial for construction staging, access, and a potential temporary field office trailer location to facilitate the UPRR construction work (See **Figure 4**).

Figure 3, Changes to Ralston Purina Plant/Nestlé Purina Petcare Company

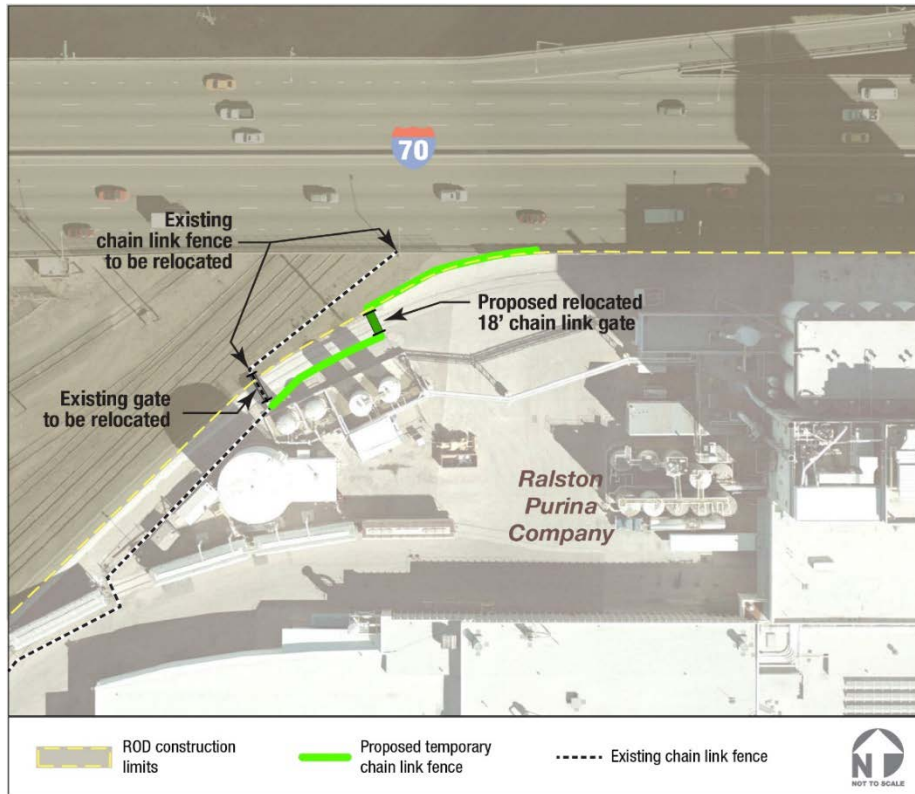


Figure 4, Changes to Temporary Easement at 4790 Josephine Street



**REGULATORY CHANGES:** Document changes to laws, regulations, and/or guidelines:

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

**IMPACTS ASSESSMENT:** *For items checked as changed above, assess the affected natural and socio-economic environment, impacts, and new issues/concerns which may now exist.*

Changes in impacts from minor design modifications affects historic resources and a minor change in a temporary easement. The change in effects of the historic resource also results in a minor change in the Section 4(f) evaluation. The remaining resources are not affected by these minor design modifications, and have relevant mitigation that is required for environmental impacts identified in the FEIS and the ROD.

#### **Historic Preservation**

**Modification 1:** Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245) was determined officially eligible in 2007 and again in 2013. It is significant under NRHP Criterion A for its association with the stock feed industry in the Rocky Mountain region and with the growth of the National Western Stockshow.

The Purina Plant site form includes a rail siding along the north and west boundaries of the historic property, but does not mention whether it is contributing. The form also documents the importance if the site's proximity to rail. The site form for the neighboring UPRR (5DV6248.4) does not mention this siding at all. During field visits for the I-70 project, observations of this portion of the site suggested this siding has been reconstructed. For these reasons, CDOT has treated the siding as a non-contributing element of the Purina Plant, however it is considered in the effects discussion below and is within the historic boundary of the property.

The project requires temporarily moving a chain link fence and gate within the property boundary to accommodate construction and maintain the security of the Purina Plant. The gate currently straddles the rail siding where the siding enters the plant. It will be moved approximately 65 feet and will straddle the rail siding in the same manor at its new location. (See **Figure 3.**) The relocation will not have any direct or indirect effects to the siding. Installing the fence will not impact any subsurface sediments that may contain archaeological sites. There will be no direct or indirect impacts that alter any of the characteristics of the historic property that qualify it 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. Although the action would occur within the boundaries of an historic property, the fence is non-historic where the action will occur is non-contributing to the eligibility of the historic property. Therefore, FHWA and CDOT find this action will have No Adverse Effect and have received concurrence from the State Historic Preservation Office (SHPO) on this finding on December 14, 2017.

**Existing Condition Change 1:** During a Level II mitigation site visit of 4637 Claude Court (5DV.9667), two architectural historians determined this property required a reevaluation. Although 4637 Claude Court (5DV.9667) was determined eligible in 2006 and verified in 2012, alterations since 2012 require a reevaluation of eligibility under the terms of the Programmatic Agreement. The Programmatic Agreement requires eligibility reevaluations of properties within the APE follow 36 CFR 800 and any reevaluation of effects follow 36 CFR 800.5. This property has been expanded and retains little of its historic integrity. Therefore, 5DV.9667 is now determined not eligible for the National Register of Historic Places and the finding of effect for this resource has been changed to No Historic Properties Affected. Consultation for these changes with SHPO was completed and a concurrence letter from SHPO was received on October 13, 2017. Copies of the SHPO and Consulting Party consultation materials are available in Attachment A. No mitigation of the historic characteristics of this property is required.

#### **Section 4(f)**

**Modification 1:** The finding of no adverse effect under Section 106 for the Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245) maintains a *de minimis* use finding for the property. This finding concludes the effects would 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" as described in 36 CFR § 800.5(a)(1). Based on this finding, Modification 1 will not result in any additional use under Section 4(f) on Ralston Purina Plant/Nestle Purina Petcare Company and the use of this property will remain *de minimis*. SHPO concurred with this finding on December 14, 2017. See Attachment A for the correspondence.

**Existing Condition Change 1:** Based on Existing Condition Change 1, the 4637 Claude Court property is no longer eligible for NRHP therefore the construction of the preferred alternative does not have a use of this property.

**Increased Temporary Easement Impact**

**Modification 2:** In Reevaluation #1, a 40-foot wide strip of property located at 4790 Josephine Street adjacent to the UPRR was cleared for a temporary easement to allow for reconstruction of the UPRR. This 40-foot wide strip was added to the Area of Potential Effect (APE) developed in consultation with SHPO. The remainder of the parcel at 4790 Josephine Street will now be utilized under a temporary easement for construction staging, access, and a potential temporary field office trailer. (See **Figure 4.**) The entire parcel at this location is a vacant lot. CDOT has reviewed the remainder of the parcel and determined that it is not an eligible historic property or within an eligible historic district. It is north of some documented properties but the temporary easement will not affect those properties. Based on this analysis and guidance from CDOT's 2014 Section 106 Programmatic Agreement regarding APE boundaries, the use of this parcel for staging and access does not warrant modifying the APE boundary or consultation with SHPO and consulting parties.

**Modification 2:** The resulting impact is an additional temporary easement on this property.

**MITIGATION:**

- All mitigation commitment(s) from NEPA document remain the same (discuss status and compliance):
- Mitigation commitment(s) have changed from NEPA document.

Mitigation measures remain the same as documented in the ROD for all resources.

**V. Public/Agency Involvement (optional)**

*If any, document public meetings, notices, and websites, and/or document agency coordination. For each, provide dates and coordination, where applicable:*

There were no public meetings during the completion of this Reevaluation.

Section 106 consultation with SHPO and the consulting parties occurred and copies of the consultation materials are available in **Attachment A**, Coordination and Correspondence.

**VI. Additional Studies Required for Proposed Action**

None

## VII. 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

## VIII. Permits Updated (optional)

*This section is only required when the next stage of a project is going to construction. List permits:*

## IX. Attachments Listed

*List permits, studies, background data, etc.*  
Attachment A: Coordination and Correspondence



## Attachment A

- SHPO and Consulting Party consultation letters – Purina Gate
- SHPO Concurrence – Purina Gate
- FHWA DeMinimis Finding – Purina Gate
- SHPO and Consulting Party consultation letters – 4637 Claude Court
- SHPO Concurrence – 4637 Claude Court



**COLORADO**  
Department of Transportation  
Division of Transportation Development

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

November 17, 2017

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

**SUBJECT:** Updated Eligibility and Effects Determinations and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Denver and Adams Counties (CHS #41831).

Dear Mr. Turner,

This letter and the attached materials constitutes a request for concurrence on eligibility and updated effects to the Union Pacific Railroad (UPRR, 5DV6248.4) and the Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245), located within the Area of Potential Effects (APE) for the I-70 East Environmental Impact Statement (EIS; now referred to as "Central 70"). We previously consulted with your office about these properties in correspondence dated May 30, 2017, specifically regarding potential impacts to historic properties in a project re-evaluation.

The undertaking requires temporarily moving a chain link fence and gate within the Purina property boundary to accommodate construction. The gate currently straddles one of two spurs that lead from the UPRR yard onto the Purina site. The spurs appear to have been constructed to service Purina, so a Re-Visitation form was completed for the site; the spur is also part of the larger UPRR mainline. Right-of entry to the property was not acquired, so the site form is based on existing data and imagery.

#### **Eligibility Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* This property was determined officially NRHP eligible in 2007 and again in 2013. It is significant under NRHP Criterion A for its association with the stock feed industry in the Rocky Mountain region and the growth of the National Western Stockshow. Given that access to rail was key in choosing this location for the Purina plant, and these spurs facilitate that connection, the railroad spurs are being treated as contributing elements to the National Register eligibility of the site.

*Union Pacific Railroad (5DV6248.4):* The overall railroad is considered significant under NRHP Criterion A for its association with the broad history of westward expansion. The segment was determined officially supporting in 2011 and again in 2013. The site form refers to numerous spurs along the mainline segment, including those that extend onto the Purina property. For the purposes of this consultation, the spurs are considered part of this segment.

#### **Effects Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* The project requires temporarily moving a chain link fence and gate within the Purina property boundary to accommodate construction. The existing fence inhibits access to the area for a temporary shoo-fly to carry the UPRR over I-70 during construction (which was discussed during the EIS and previous consultation). The fence and gate must be moved to a location just outside the construction limits. The fence's gate, which is located on the southwest side of the property, will temporarily be moved to the northeast. The enclosed illustration

shows the temporary construction shoo-fly, the existing fence and gate, and their proposed temporary location.

The gate straddles one of the spurs that connects to the UPRR line. The spur is considered an element of the railroad segment, but is also a contributing feature of the Purina property. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. In addition, moving the fence will not impact any subsurface sediments that may contain archaeological remains and will not alter any of the characteristics of the property that qualify it 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. Although the action would occur within the boundaries of the Purina property, the fence is non-historic and the parking lot where the action will occur is non-contributing to the eligibility of the historic property. While the railroad spur is a contributing feature, its alignment will not be altered by the fence relocation. Therefore, we find this action results in *no adverse effect* to the Purina property.


*Union Pacific Railroad (5DV6248.4)*: Currently the gate straddles the spur that connects to the UPRR line and is considered part of the segment. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. Moving the fence will not alter the characteristics of the overall railroad that qualify it 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. Therefore, we find this action will have *no adverse effect* to 5DV6248/5DV6248.4.

**Notification of Section 4(f) De minimis**

The project has been determined to have *no adverse effect* to the Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245). Based on the findings outlined above, FHWA may make a *de minimis* finding for the Section 4(f) requirements for this property.

We request your concurrence on these determinations of eligibility and effect and acknowledgement of the Section 4(f) *de minimis* finding. 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](mailto:lisa.schoch@state.co.us).

Very truly yours,

  
Jane Hann, Manager  
Environmental Branch

Enclosure: Fence Relocation Graphic  
Re-Visitation Form (5DV9245)  
Existing Form (5DV6248.4)

cc: Tim Buntrock, Central 70



**COLORADO**  
Department of Transportation  
Division of Transportation Development

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

November 17, 2017

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

**SUBJECT:** Updated Eligibility and Effects Determinations and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Denver and Adams Counties (CHS #41831).

Dear Mr. Cavoto:

This letter and the attached materials constitutes a request for comments on eligibility and updated effects to the Union Pacific Railroad (UPRR, 5DV6248.4) and the Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245), located within the Area of Potential Effects (APE) for the I-70 East Environmental Impact Statement (EIS; now referred to as "Central 70"). We previously consulted with your organization about these properties in correspondence dated May 30, 2017, specifically regarding potential impacts to historic properties in a project re-evaluation.

The undertaking requires temporarily moving a chain link fence and gate within the Purina property boundary to accommodate construction. The gate currently straddles one of two spurs that lead from the UPRR yard onto the Purina site. The spurs appear to have been constructed to service Purina, so a Re-Visitation form was completed for the site; the spur is also part of the larger UPRR mainline. Right-of entry to the property was not acquired, so the site form is based on existing data and imagery.

**Eligibility Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* This property was determined officially NRHP eligible in 2007 and again in 2013. It is significant under NRHP Criterion A for its association with the stock feed industry in the Rocky Mountain region and the growth of the National Western Stockshow. Given that access to rail was key in choosing this location for the Purina plant, and these spurs facilitate that connection, the railroad spurs are being treated as contributing elements to the National Register eligibility of the site.

*Union Pacific Railroad (5DV6248.4):* The overall railroad is considered significant under NRHP Criterion A for its association with the broad history of westward expansion. The segment was determined officially supporting in 2011 and again in 2013. The site form refers to numerous spurs along the mainline segment, including those that extend onto the Purina property. For the purposes of this consultation, the spurs are considered part of this segment.

**Effects Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* The project requires temporarily moving a chain link fence and gate within the Purina property boundary to accommodate construction. The existing fence inhibits access to the area for a temporary shoo-fly to carry the UPRR over I-70 during construction (which was discussed during the EIS and previous consultation). The fence and gate must be moved to a location just outside the construction limits. The fence's gate, which is located on the southwest side of the property, will temporarily be moved to the northeast. The enclosed illustration

shows the temporary construction shoo-fly, the existing fence and gate, and their proposed temporary location.

The gate straddles one of the spurs that connects to the UPRR line. The spur is considered an element of the railroad segment, but is also a contributing feature of the Purina property. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. In addition, moving the fence will not impact any subsurface sediments that may contain archaeological remains and will not alter any of the characteristics of the property that qualify it 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. Although the action would occur within the boundaries of the Purina property, the fence is non-historic and the parking lot where the action will occur is non-contributing to the eligibility of the historic property. While the railroad spur is a contributing feature, its alignment will not be altered by the fence relocation. Therefore, we find this action results in *no adverse effect* to the Purina property.

*Union Pacific Railroad (5DV6248.4)*: Currently the gate straddles the spur that connects to the UPRR line and is considered part of the segment. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. Moving the fence will not alter the characteristics of the overall railroad that qualify it 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. Therefore, we find this action will have *no adverse effect* to 5DV6248/5DV6248.4.

#### **Notification of Section 4(f) *De Minimis* Finding**

The Section 4(f) regulations (23 CFR 774) provide FHWA an opportunity to make a *de minimis* impact finding under Section 4(f), if the Section 106 finding is no adverse effect. This serves as notification that, pursuant to 23 CFR 774.5(b)(ii) regarding coordination, FHWA may make a *de minimis* finding for the properties referenced above that result in a finding of no adverse effect.

As a consulting party, we welcome your comments on the updated information. Should you choose to respond, we ask that you do so within 30 days of receipt of these materials. If we do not receive a response from you in that time frame, we will assume you do not plan to comment. To respond via Email, send your comments to CDOT Senior Historian Lisa Schoch at [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us). If you require additional information, please contact Ms. Schoch at 303-512-4258, or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us).

Very truly yours,



Jane Hann, Manager  
Environmental Branch

Enclosure: Fence Relocation Graphic  
Re-Visitation Form (5DV9245)  
Existing Form (5DV6248.4)

cc: Tim Buntrock, Central 70



**COLORADO**  
Department of Transportation  
Division of Transportation Development

Environmental Programs Branch  
4201 E. Arkansas Ave. Shumate Bldg.  
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November 17, 2017

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

**SUBJECT:** Updated Eligibility and Effects Determinations and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Denver and Adams Counties (CHS #41831).

Dear Mr. Sekich:

This letter and the attached materials constitutes a request for comments on eligibility and updated effects to the Union Pacific Railroad (UPRR, 5DV6248.4) and the Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245), located within the Area of Potential Effects (APE) for the I-70 East Environmental Impact Statement (EIS; now referred to as "Central 70"). We previously consulted with your organization about these properties in correspondence dated May 30, 2017, specifically regarding potential impacts to historic properties in a project re-evaluation.

The undertaking requires temporarily moving a chain link fence and gate within the Purina property boundary to accommodate construction. The gate currently straddles one of two spurs that lead from the UPRR yard onto the Purina site. The spurs appear to have been constructed to service Purina, so a Re-Visitation form was completed for the site; the spur is also part of the larger UPRR mainline. Right-of entry to the property was not acquired, so the site form is based on existing data and imagery.

**Eligibility Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* This property was determined officially NRHP eligible in 2007 and again in 2013. It is significant under NRHP Criterion A for its association with the stock feed industry in the Rocky Mountain region and the growth of the National Western Stockshow. Given that access to rail was key in choosing this location for the Purina plant, and these spurs facilitate that connection, the railroad spurs are being treated as contributing elements to the National Register eligibility of the site.

*Union Pacific Railroad (5DV6248.4):* The overall railroad is considered significant under NRHP Criterion A for its association with the broad history of westward expansion. The segment was determined officially supporting in 2011 and again in 2013. The site form refers to numerous spurs along the mainline segment, including those that extend onto the Purina property. For the purposes of this consultation, the spurs are considered part of this segment.

**Effects Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* The project requires temporarily moving a chain link fence and gate within the Purina property boundary to accommodate construction. The existing fence inhibits access to the area for a temporary shoo-fly to carry the UPRR over I-70 during construction (which was discussed during the EIS and previous consultation). The fence and gate must be moved to a location just outside the construction limits. The fence's gate, which is located on the southwest side of the property, will temporarily be moved to the northeast. The enclosed illustration

shows the temporary construction shoo-fly, the existing fence and gate, and their proposed temporary location.

The gate straddles one of the spurs that connects to the UPRR line. The spur is considered an element of the railroad segment, but is also a contributing feature of the Purina property. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. In addition, moving the fence will not impact any subsurface sediments that may contain archaeological remains and will not alter any of the characteristics of the property that qualify it 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. Although the action would occur within the boundaries of the Purina property, the fence is non-historic and the parking lot where the action will occur is non-contributing to the eligibility of the historic property. While the railroad spur is a contributing feature, its alignment will not be altered by the fence relocation. Therefore, we find this action results in *no adverse effect* to the Purina property.


*Union Pacific Railroad (5DV6248.4)*: Currently the gate straddles the spur that connects to the UPRR line and is considered part of the segment. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. Moving the fence will not alter the characteristics of the overall railroad that qualify it 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. Therefore, we find this action will have *no adverse effect* to 5DV6248/5DV6248.4.

#### **Notification of Section 4(f) *De Minimis* Finding**

The Section 4(f) regulations (23 CFR 774) provide FHWA an opportunity to make a *de minimis* impact finding under Section 4(f), if the Section 106 finding is no adverse effect. This serves as notification that, pursuant to 23 CFR 774.5(b)(ii) regarding coordination, FHWA may make a *de minimis* finding for the properties referenced above that result in a finding of no adverse effect.

As a consulting party, we welcome your comments on the updated information. Should you choose to respond, we ask that you do so within 30 days of receipt of these materials. If we do not receive a response from you in that time frame, we will assume you do not plan to comment. To respond via Email, send your comments to CDOT Senior Historian Lisa Schoch at [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us). If you require additional information, please contact Ms. Schoch at 303-512-4258, or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us).

Very truly yours,

  
for Jane Hann, Manager  
Environmental Branch

Enclosure: Fence Relocation Graphic  
Re-Visitation Form (5DV9245)  
Existing Form (5DV6248.4)

cc: Tim Buntrock, Central 70



**COLORADO**  
Department of Transportation  
Division of Transportation Development

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

November 17, 2017

Mr. John Olson  
Historic Denver, Inc.  
1420 Ogden Street  
Suite 202  
Denver, CO 80216

**SUBJECT:** Updated Eligibility and Effects Determinations and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Denver and Adams Counties (CHS #41831).

Dear Mr. Olson:

This letter and the attached materials constitutes a request for comments on eligibility and updated effects to the Union Pacific Railroad (UPRR, 5DV6248.4) and the Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245), located within the Area of Potential Effects (APE) for the I-70 East Environmental Impact Statement (EIS; now referred to as "Central 70"). We previously consulted with your organization about these properties in correspondence dated May 30, 2017, specifically regarding potential impacts to historic properties in a project re-evaluation.

The undertaking requires temporarily moving a chain link fence and gate within the Purina property boundary to accommodate construction. The gate currently straddles one of two spurs that lead from the UPRR yard onto the Purina site. The spurs appear to have been constructed to service Purina, so a Re-Visitation form was completed for the site; the spur is also part of the larger UPRR mainline. Right-of entry to the property was not acquired, so the site form is based on existing data and imagery.

**Eligibility Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* This property was determined officially NRHP eligible in 2007 and again in 2013. It is significant under NRHP Criterion A for its association with the stock feed industry in the Rocky Mountain region and the growth of the National Western Stockshow. Given that access to rail was key in choosing this location for the Purina plant, and these spurs facilitate that connection, the railroad spurs are being treated as contributing elements to the National Register eligibility of the site.

*Union Pacific Railroad (5DV6248.4):* The overall railroad is considered significant under NRHP Criterion A for its association with the broad history of westward expansion. The segment was determined officially supporting in 2011 and again in 2013. The site form refers to numerous spurs along the mainline segment, including those that extend onto the Purina property. For the purposes of this consultation, the spurs are considered part of this segment.

**Effects Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* The project requires temporarily moving a chain link fence and gate within the Purina property boundary to accommodate construction. The existing fence inhibits access to the area for a temporary shoo-fly to carry the UPRR over I-70 during construction (which was discussed during the EIS and previous consultation). The fence and gate must be moved to a location just outside the construction limits. The fence's gate, which is located on the southwest side of the property, will temporarily be moved to the northeast. The enclosed illustration



shows the temporary construction shoo-fly, the existing fence and gate, and their proposed temporary location.

The gate straddles one of the spurs that connects to the UPRR line. The spur is considered an element of the railroad segment, but is also a contributing feature of the Purina property. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. In addition, moving the fence will not impact any subsurface sediments that may contain archaeological remains and will not alter any of the characteristics of the property that qualify it 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. Although the action would occur within the boundaries of the Purina property, the fence is non-historic and the parking lot where the action will occur is non-contributing to the eligibility of the historic property. While the railroad spur is a contributing feature, its alignment will not be altered by the fence relocation. Therefore, we find this action results in *no adverse effect* to the Purina property.


*Union Pacific Railroad (5DV6248.4)*: Currently the gate straddles the spur that connects to the UPRR line and is considered part of the segment. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. Moving the fence will not alter the characteristics of the overall railroad that qualify it 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. Therefore, we find this action will have *no adverse effect* to 5DV6248/5DV6248.4.

#### **Notification of Section 4(f) *De Minimis* Finding**

The Section 4(f) regulations (23 CFR 774) provide FHWA an opportunity to make a *de minimis* impact finding under Section 4(f), if the Section 106 finding is no adverse effect. This serves as notification that, pursuant to 23 CFR 774.5(b)(ii) regarding coordination, FHWA may make a *de minimis* finding for the properties referenced above that result in a finding of no adverse effect.

As a consulting party, we welcome your comments on the updated information. Should you choose to respond, we ask that you do so within 30 days of receipt of these materials. If we do not receive a response from you in that time frame, we will assume you do not plan to comment. To respond via Email, send your comments to CDOT Senior Historian Lisa Schoch at [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us). If you require additional information, please contact Ms. Schoch at 303-512-4258, or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us).

Very truly yours,

  
for Jane Hann, Manager  
Environmental Branch

Enclosure: Fence Relocation Graphic  
Re-Visitation Form (5DV9245)  
Existing Form (5DV6248.4)

cc: Tim Buntrock, Central 70



**COLORADO**  
Department of Transportation  
Division of Transportation Development

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

November 17, 2017

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

**SUBJECT:** Updated Eligibility and Effects Determinations and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Denver and Adams Counties (CHS #41831).

Dear Mr. Briggs:

This letter and the attached materials constitutes a request for comments on eligibility and updated effects to the Union Pacific Railroad (UPRR, 5DV6248.4) and the Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245), located within the Area of Potential Effects (APE) for the I-70 East Environmental Impact Statement (EIS; now referred to as "Central 70"). We previously consulted with your organization about these properties in correspondence dated May 30, 2017, specifically regarding potential impacts to historic properties in a project re-evaluation.

The undertaking requires temporarily moving a chain link fence and gate within the Purina property boundary to accommodate construction. The gate currently straddles one of two spurs that lead from the UPRR yard onto the Purina site. The spurs appear to have been constructed to service Purina, so a Re-Visitation form was completed for the site; the spur is also part of the larger UPRR mainline. Right-of entry to the property was not acquired, so the site form is based on existing data and imagery.

#### **Eligibility Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* This property was determined officially NRHP eligible in 2007 and again in 2013. It is significant under NRHP Criterion A for its association with the stock feed industry in the Rocky Mountain region and the growth of the National Western Stockshow. Given that access to rail was key in choosing this location for the Purina plant, and these spurs facilitate that connection, the railroad spurs are being treated as contributing elements to the National Register eligibility of the site.

*Union Pacific Railroad (5DV6248.4):* The overall railroad is considered significant under NRHP Criterion A for its association with the broad history of westward expansion. The segment was determined officially supporting in 2011 and again in 2013. The site form refers to numerous spurs along the mainline segment, including those that extend onto the Purina property. For the purposes of this consultation, the spurs are considered part of this segment.

#### **Effects Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* The project requires temporarily moving a chain link fence and gate within the Purina property boundary to accommodate construction. The existing fence inhibits access to the area for a temporary shoo-fly to carry the UPRR over I-70 during construction (which was discussed during the EIS and previous consultation). The fence and gate must be moved to a location just outside the construction limits. The fence's gate, which is located on the southwest side of the property, will temporarily be moved to the northeast. The enclosed illustration

shows the temporary construction shoo-fly, the existing fence and gate, and their proposed temporary location.

The gate straddles one of the spurs that connects to the UPRR line. The spur is considered an element of the railroad segment, but is also a contributing feature of the Purina property. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. In addition, moving the fence will not impact any subsurface sediments that may contain archaeological remains and will not alter any of the characteristics of the property that qualify it 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. Although the action would occur within the boundaries of the Purina property, the fence is non-historic and the parking lot where the action will occur is non-contributing to the eligibility of the historic property. While the railroad spur is a contributing feature, its alignment will not be altered by the fence relocation. Therefore, we find this action results in *no adverse effect* to the Purina property.


*Union Pacific Railroad (5DV6248.4)*: Currently the gate straddles the spur that connects to the UPRR line and is considered part of the segment. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. Moving the fence will not alter the characteristics of the overall railroad that qualify it 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. Therefore, we find this action will have *no adverse effect* to 5DV6248/5DV6248.4.

#### **Notification of Section 4(f) *De Minimis* Finding**

The Section 4(f) regulations (23 CFR 774) provide FHWA an opportunity to make a *de minimis* impact finding under Section 4(f), if the Section 106 finding is no adverse effect. This serves as notification that, pursuant to 23 CFR 774.5(b)(ii) regarding coordination, FHWA may make a *de minimis* finding for the properties referenced above that result in a finding of no adverse effect.

As a consulting party, we welcome your comments on the updated information. Should you choose to respond, we ask that you do so within 30 days of receipt of these materials. If we do not receive a response from you in that time frame, we will assume you do not plan to comment. To respond via Email, send your comments to CDOT Senior Historian Lisa Schoch at [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us). If you require additional information, please contact Ms. Schoch at 303-512-4258, or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us).

Very truly yours,

  
for Jane Hann, Manager  
Environmental Branch

Enclosure: Fence Relocation Graphic  
Re-Visitation Form (5DV9245)  
Existing Form (5DV6248.4)

cc: Tim Buntrock, Central 70



**COLORADO**  
Department of Transportation  
Division of Transportation Development

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

November 17, 2017

Ms. Kara Hahn  
Denver Planning Services  
Denver Landmark Preservation Services  
201 West Colfax Avenue, Department 205  
Denver, CO 80202

**SUBJECT:** Updated Eligibility and Effects Determinations and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Denver and Adams Counties (CHS #41831).

Dear Ms. Hahn:

This letter and the attached materials constitutes a request for comments on eligibility and updated effects to the Union Pacific Railroad (UPRR, 5DV6248.4) and the Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245), located within the Area of Potential Effects (APE) for the I-70 East Environmental Impact Statement (EIS; now referred to as "Central 70"). We previously consulted with your organization about these properties in correspondence dated May 30, 2017, specifically regarding potential impacts to historic properties in a project re-evaluation.

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**Eligibility Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* This property was determined officially NRHP eligible in 2007 and again in 2013. It is significant under NRHP Criterion A for its association with the stock feed industry in the Rocky Mountain region and the growth of the National Western Stockshow. Given that access to rail was key in choosing this location for the Purina plant, and these spurs facilitate that connection, the railroad spurs are being treated as contributing elements to the National Register eligibility of the site.

*Union Pacific Railroad (5DV6248.4):* The overall railroad is considered significant under NRHP Criterion A for its association with the broad history of westward expansion. The segment was determined officially supporting in 2011 and again in 2013. The site form refers to numerous spurs along the mainline segment, including those that extend onto the Purina property. For the purposes of this consultation, the spurs are considered part of this segment.

**Effects Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* The project requires temporarily moving a chain link fence and gate within the Purina property boundary to accommodate construction. The existing fence inhibits access to the area for a temporary shoo-fly to carry the UPRR over I-70 during construction (which was discussed during the EIS and previous consultation). The fence and gate must be moved to a location just outside the construction limits. The fence's gate, which is located on the southwest side of the property, will temporarily be moved to the northeast. The enclosed illustration

shows the temporary construction shoo-fly, the existing fence and gate, and their proposed temporary location.

The gate straddles one of the spurs that connects to the UPRR line. The spur is considered an element of the railroad segment, but is also a contributing feature of the Purina property. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. In addition, moving the fence will not impact any subsurface sediments that may contain archaeological remains and will not alter any of the characteristics of the property that qualify it 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. Although the action would occur within the boundaries of the Purina property, the fence is non-historic and the parking lot where the action will occur is non-contributing to the eligibility of the historic property. While the railroad spur is a contributing feature, its alignment will not be altered by the fence relocation. Therefore, we find this action results in *no adverse effect* to the Purina property.


*Union Pacific Railroad (5DV6248.4):* Currently the gate straddles the spur that connects to the UPRR line and is considered part of the segment. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. Moving the fence will not alter the characteristics of the overall railroad that qualify it 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. Therefore, we find this action will have *no adverse effect* to 5DV6248/5DV6248.4.

#### **Notification of Section 4(f) *De Minimis* Finding**

The Section 4(f) regulations (23 CFR 774) provide FHWA an opportunity to make a *de minimis* impact finding under Section 4(f), if the Section 106 finding is no adverse effect. This serves as notification that, pursuant to 23 CFR 774.5(b)(ii) regarding coordination, FHWA may make a *de minimis* finding for the properties referenced above that result in a finding of no adverse effect.

As a consulting party, we welcome your comments on the updated information. Should you choose to respond, we ask that you do so within 30 days of receipt of these materials. If we do not receive a response from you in that time frame, we will assume you do not plan to comment. To respond via Email, send your comments to CDOT Senior Historian Lisa Schoch at [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us). If you require additional information, please contact Ms. Schoch at 303-512-4258, or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us).

Very truly yours,

  
for Jane Hann, Manager  
Environmental Branch

Enclosure: Fence Relocation Graphic  
Re-Visitation Form (5DV9245)  
Existing Form (5DV6248.4)

cc: Tim Buntrock, Central 70



**COLORADO**  
Department of Transportation  
Division of Transportation Development

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

November 17, 2017

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

**SUBJECT:** Updated Eligibility and Effects Determinations and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Denver and Adams Counties (CHS #41831).

Dear Ms. Carmody:

This letter and the attached materials constitutes a request for comments on eligibility and updated effects to the Union Pacific Railroad (UPRR, 5DV6248.4) and the Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245), located within the Area of Potential Effects (APE) for the I-70 East Environmental Impact Statement (EIS; now referred to as "Central 70"). We previously consulted with you about these properties in correspondence dated May 30, 2017, specifically regarding potential impacts to historic properties in a project re-evaluation.

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#### **Eligibility Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* This property was determined officially NRHP eligible in 2007 and again in 2013. It is significant under NRHP Criterion A for its association with the stock feed industry in the Rocky Mountain region and the growth of the National Western Stockshow. Given that access to rail was key in choosing this location for the Purina plant, and these spurs facilitate that connection, the railroad spurs are being treated as contributing elements to the National Register eligibility of the site.

*Union Pacific Railroad (5DV6248.4):* The overall railroad is considered significant under NRHP Criterion A for its association with the broad history of westward expansion. The segment was determined officially supporting in 2011 and again in 2013. The site form refers to numerous spurs along the mainline segment, including those that extend onto the Purina property. For the purposes of this consultation, the spurs are considered part of this segment.

#### **Effects Determinations**

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The gate straddles one of the spurs that connects to the UPRR line. The spur is considered an element of the railroad segment, but is also a contributing feature of the Purina property. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. In addition, moving the fence will not impact any subsurface sediments that may contain archaeological remains and will not alter any of the characteristics of the property that qualify it 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. Although the action would occur within the boundaries of the Purina property, the fence is non-historic and the parking lot where the action will occur is non-contributing to the eligibility of the historic property. While the railroad spur is a contributing feature, its alignment will not be altered by the fence relocation. Therefore, we find this action results in *no adverse effect* to the Purina property.

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#### **Notification of Section 4(f) *De Minimis* Finding**

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As a consulting party, we welcome your comments on the updated information. Should you choose to respond, we ask that you do so within 30 days of receipt of these materials. If we do not receive a response from you in that time frame, we will assume you do not plan to comment. To respond via Email, send your comments to CDOT Senior Historian Lisa Schoch at [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us). If you require additional information, please contact Ms. Schoch at 303-512-4258, or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us).

Very truly yours,

  
Jane Hann, Manager  
Environmental Branch

Enclosure: Fence Relocation Graphic  
Re-Visitation Form (5DV9245)  
Existing Form (5DV6248.4)

cc: Tim Buntrock, Central 70



**COLORADO**  
Department of Transportation  
Division of Transportation Development

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

November 17, 2017

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

**SUBJECT:** Updated Eligibility and Effects Determinations and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Denver and Adams Counties (CHS #41831).

Dear Ms. Orrigo-Charles:

This letter and the attached materials constitutes a request for comments on eligibility and updated effects to the Union Pacific Railroad (UPRR, 5DV6248.4) and the Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245), located within the Area of Potential Effects (APE) for the I-70 East Environmental Impact Statement (EIS; now referred to as "Central 70"). We previously consulted with your organization about these properties in correspondence dated May 30, 2017, specifically regarding potential impacts to historic properties in a project re-evaluation.

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**Eligibility Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* This property was determined officially NRHP eligible in 2007 and again in 2013. It is significant under NRHP Criterion A for its association with the stock feed industry in the Rocky Mountain region and the growth of the National Western Stockshow. Given that access to rail was key in choosing this location for the Purina plant, and these spurs facilitate that connection, the railroad spurs are being treated as contributing elements to the National Register eligibility of the site.

*Union Pacific Railroad (5DV6248.4):* The overall railroad is considered significant under NRHP Criterion A for its association with the broad history of westward expansion. The segment was determined officially supporting in 2011 and again in 2013. The site form refers to numerous spurs along the mainline segment, including those that extend onto the Purina property. For the purposes of this consultation, the spurs are considered part of this segment.

**Effects Determinations**

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* The project requires temporarily moving a chain link fence and gate within the Purina property boundary to accommodate construction. The existing fence inhibits access to the area for a temporary shoo-fly to carry the UPRR over I-70 during construction (which was discussed during the EIS and previous consultation). The fence and gate must be moved to a location just outside the construction limits. The fence's gate, which is located on the southwest side of the property, will temporarily be moved to the northeast. The enclosed illustration



shows the temporary construction shoo-fly, the existing fence and gate, and their proposed temporary location.

The gate straddles one of the spurs that connects to the UPRR line. The spur is considered an element of the railroad segment, but is also a contributing feature of the Purina property. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. In addition, moving the fence will not impact any subsurface sediments that may contain archaeological remains and will not alter any of the characteristics of the property that qualify it 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. Although the action would occur within the boundaries of the Purina property, the fence is non-historic and the parking lot where the action will occur is non-contributing to the eligibility of the historic property. While the railroad spur is a contributing feature, its alignment will not be altered by the fence relocation. Therefore, we find this action results in *no adverse effect* to the Purina property.

*Union Pacific Railroad (5DV6248.4)*: Currently the gate straddles the spur that connects to the UPRR line and is considered part of the segment. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. Moving the fence will not alter the characteristics of the overall railroad that qualify it 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. Therefore, we find this action will have *no adverse effect* to 5DV6248/5DV6248.4.

#### **Notification of Section 4(f) *De Minimis* Finding**

The Section 4(f) regulations (23 CFR 774) provide FHWA an opportunity to make a *de minimis* impact finding under Section 4(f), if the Section 106 finding is no adverse effect. This serves as notification that, pursuant to 23 CFR 774.5(b)(ii) regarding coordination, FHWA may make a *de minimis* finding for the properties referenced above that result in a finding of no adverse effect.

As a consulting party, we welcome your comments on the updated information. Should you choose to respond, we ask that you do so within 30 days of receipt of these materials. If we do not receive a response from you in that time frame, we will assume you do not plan to comment. To respond via Email, send your comments to CDOT Senior Historian Lisa Schoch at [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us). If you require additional information, please contact Ms. Schoch at 303-512-4258, or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us).

Very truly yours,



Jane Hann, Manager  
Environmental Branch

Enclosure: Fence Relocation Graphic  
Re-Visitation Form (5DV9245)  
Existing Form (5DV6248.4)

cc: Tim Buntrock, Central 70

**Colorado Department of Transportation**

**Historic Section 4(f) De Minimis Use Clearance Form**

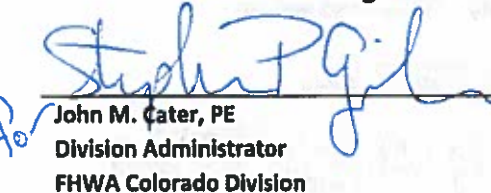
**CDOT Request for *De Minimis* Finding**

Based upon the information provided and this analysis below, CDOT believes that the Section 4(f) use of this property is considered *de minimis* as defined in 23 CFR 774.17.

  
\_\_\_\_\_  
Jane Hann, Manager  
CDOT Environmental Programs Branch

12/21/17  
\_\_\_\_\_  
Date

**FHWA *De Minimis* Finding**

  
\_\_\_\_\_  
John M. Cater, PE  
Division Administrator  
FHWA Colorado Division

12/21/17  
\_\_\_\_\_  
Date

**Project Information**

Date: December 21, 2017	Region: 1
Project Title: I-70 East Environmental Impact Statement/Central 70	Project Location: Denver and Adams Counties
Project Number: NA	Project Route: Interstate 70
Lead Agency: FHWA	NEPA Class: EIS
Project Description: The project area is within the broader Area of Potential Effects for the I-70 East Environmental Impact Statement (EIS; now referred to as "Central 70"). This design change involves temporarily moving a chain link fence and gate within the boundary of the historic Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245) to accommodate construction. The gate straddles one of two spurs that lead from the Union Pacific Railroad Yard onto the Purina site.	

**Resource Information**

Section 4(f) Resource: <input checked="" type="checkbox"/> For historic, check box if clearing multiple properties and attach table.	Type of 4(f) Resource: Historic Property
-----------------------------------------------------------------------------------------------------------------------------------------	------------------------------------------

Official with Jurisdiction:

**De Minimis Documentation:**

1. Describe the Section 4(f) property and the attributes and features that qualify it for Section 4(f) protection;

See attachment.

2. Describe the impacts to the Section 4(f) property, and why they are considered *de minimis* as defined by 23 CFR 774.17. Include all avoidance, minimization and mitigation or enhancement measures.

See attachment.

3. For historic resources, attach Section 106 Documentation. Include SHPO concurrence with project-level findings (Determinations of Eligibility and Findings of Effect) and Programmatic Agreement Memos for archaeological resources. Also include the letter to SHPO notifying them of *de minimis*.

- a. Date of SHPO written concurrence of No Adverse Effect determination:

The SHPO concurred with no adverse effect determinations for the Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245) and the Union Pacific Railroad (5DV6248.4) in correspondence dated December 14, 2017. The consulting parties for the project were provided an opportunity to comment on the updated information but did not respond within the review time frame. Copies of the correspondence are attached.

- b. Date of CDOT *de minimis* notification:

SHPO and the consulting parties were notified of the intent to make a *de minimis* finding in correspondence dated November 17, 2017. Copies of pertinent letters are attached.

Form prepared by: Lisa Schoch, HQ Senior Historian

Attach all required documentation as described above.



DEC 14 2017

Jane Hann  
Manager, Environmental Programs Branch  
Colorado Department of Transportation  
4201 E. Arkansas Ave, Shumate Bldg  
Denver, CO 80222-3400

Re: Updated Eligibility and Effects Determinations and Section 4(f) *De Minimis* Notification, I-70 East  
Environmental Impact Statement, Denver and Adams Counties (HC #41831)

Dear Ms. Hann:

Thank you for your correspondence dated November 17, 2017 and received on November 27, 2017 by our office regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, our previous concurrence with the proposed Area of Potential Effects (APE) for the proposed project, assessment of eligibility for historic resources, and assessment of effect remain. After review of the additional information, we concur that resource 5DV.9245 remains eligible for the National Register of Historic Places, and the railroad spur associated with resource 5DV.6248.4 that facilitates access to 5DV.9245 is a contributing element to the National Register eligibility of resource 5DV.9245. Similarly, we concur that segment 5DV.6248.4 supports the overall eligibility of resource 5DV.6248 for the National Register of Historic Places.

After review of the scope of work and assessment of adverse effect, we concur with the recommended finding of *no adverse effect* [36 CFR 800.5(d)(1)] under Section 106 for resources 5DV.9245 and resource 5DV.6248, including segment 5DV.6248.4 for the proposed relocation of the fence.


We acknowledge that FHWA may make a *de minimis* determination in respect to the requirements of Section 4(f) for resource 5DV.9245.

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

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings. Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

If we may be of further assistance, please contact Jennifer Bryant, our Section 106 Compliance Manager, at (303) 866-2673 or [jennifer.bryant@state.co.us](mailto:jennifer.bryant@state.co.us).

Sincerely,

  
Steve Turner, AIA  
State Historic Preservation Officer

Attachment  
Section 4(f) De Minimis  
I-70 East Environmental Impact Statement  
Purina Gate Relocation

*Section 4(f) Resources:*

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* This property was determined officially NRHP eligible in 2007 and again in 2013. It is significant under NRHP Criterion A for its association with the stock feed industry in the Rocky Mountain region and the growth of the National Western Stockshow. Given that access to rail was key in choosing this location for the Purina plant, and these spurs facilitate that connection, the railroad spurs are being treated as contributing elements to the National Register eligibility of the site.

*Union Pacific Railroad (5DV6248.4):* The overall railroad is considered significant under NRHP Criterion A for its association with the broad history of westward expansion. The segment was determined officially supporting in 2011 and again in 2013. The railroad site form refers to numerous spurs along the mainline segment, including those that extend onto the Purina property. For the purposes of this consultation, the spurs are considered part of this segment.

*Effects/Use of Resources*

*Ralston Purina Plant/Nestle Purina Petcare Company (5DV9245):* The project requires temporarily moving a chain link fence and gate within the Purina property boundary to accommodate construction. The existing fence inhibits access to the area for a temporary shoo-fly to carry the UPRR over I-70 during construction (which was discussed during the EIS and previous consultation). The fence and gate must be moved to a location just outside the construction limits. The fence's gate, which is located on the southwest side of the property, will temporarily be moved to the northeast. The enclosed illustration shows the temporary construction shoo-fly, the existing fence and gate, and their proposed temporary location.

The gate straddles one of the spurs that connects to the UPRR line. The spur is considered an element of the railroad segment, but is also a contributing feature of the Purina property. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. In addition, moving the fence will not impact any subsurface sediments that may contain archaeological remains and will not alter any of the characteristics of the property that qualify it 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. Although the action would occur within the boundaries of the Purina property, the fence is non-historic and the parking lot where the action will occur is non-contributing to the eligibility of the historic property. While the railroad spur is a contributing feature, its alignment will not be altered by the fence relocation. In consultation with SHPO, CDOT determined this action results in *no adverse effect* to the Purina property.

*Union Pacific Railroad (5DV6248.4):* Currently the gate straddles the spur that connects to the UPRR line and is considered part of the segment. The proposed action would only move the fence a short distance along the line, with no physical impact to the rail, and no appreciable change in the current setting. Moving the fence will not alter the characteristics of the overall railroad that qualify it 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. In consultation with SHPO, CDOT determined this action results in *no adverse effect* to 5DV6248/5DV6248.4.



**COLORADO**

**Department of Transportation**

Division of Transportation Development

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

October 2, 2017

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

**SUBJECT:** Updated Eligibility and Effect Determination, I-70 East Environmental Impact Statement, Denver County and Adams County (CHS #41831)

Dear Mr. Turner:

This letter and attached materials constitute a request for concurrence on updated eligibility and effects for a previously-recorded resource identified as the Brown and Alarid Property at 4637 Claude Court (5DV.9667) and located within the Area of Potential Effects (APE) for the Interstate 70 (I-70) East Environmental Impact Statement (EIS) — now referred to as Central 70.

This property was initially recorded in 2006 and re-evaluated in 2012 as part of the I-70 East EIS. In both instances, the property was determined eligible for the National Register of Historic Places (NRHP). Your office concurred with the finding of eligibility and CDOT determined that the project would result in an *adverse effect* to the resource. In April 2016, the Section 106 Programmatic Agreement (PA) for this project was signed. Under Stipulation III.1, the PA outlines that Level II archival documentation will be completed for all properties resulting in an *adverse effect*.

On March 9, 2017, two architectural historians, with professional qualifications that exceed the Secretary of the Interiors Professional Qualification Standards, visited the property to gather information for the Level II mitigation connected to the I-70 EIS. At this time, it was found that the property had been greatly altered since the 2012 visit, requiring a re-evaluation of eligibility. Per Stipulations II.3 (Evaluation and Re-Evaluation of Eligibility) and II.4 (Re-Evaluation of Effects) of the PA, re-evaluations of eligibility of properties within the APE will follow 36 CFR 800 and any re-evaluation of effects will follow 36 CFR 800.5.

### **Eligibility Determinations**

*Brown and Alarid Property at 4637 Claude Court (5DV9667):* When this property was documented in 2006 and 2012, it was determined significant under NRHP Criterion C in the area of Architecture as a good example of a Late Victorian Vernacular building with bungalow-type massing, and it retained sufficient integrity to represent the type, period, and method of construction for its period of significance (1886). The changes made to the building since 2012 have substantially altered the physical appearance of the site, and make it difficult to attribute any particular architectural style or type to the house, and it can no longer convey its

significance. Based on the alterations, CDOT recommends this site as *not eligible* for the NRHP. Please see the attached site form for more information.

### **Effects Determinations**

*Brown and Alarid Property at 4637 Claude Court (5DV9667):* As noted above, this property was re-evaluated and determined *not eligible* for the NRHP. The Preferred Alternative (Partial Cover Lowered) for the project would involve a full acquisition of the property, which resulted in an *adverse effect* in previous consultation. Because the property has been re-evaluated as not eligible to the NRHP, the updated finding of effect for this resources is *no historic properties affected*.

### **Mitigation**

Per Stipulation III.1 of the Section 106 PA, the Brown and Alarid Property at 4637 Claude Court (5DV.9667) would be mitigated through Level II documentation. Given the re-evaluation of this resource as not eligible and recommendation of *no historic properties affected*, CDOT has determined that the property is no longer subject to Level II documentation as outlined in the PA and it will not be documented.

This information has been sent concurrently to the City and County of Denver Landmark Preservation Commission, Colorado Preservation, Inc., Historic Denver, Inc., and Fairmount Heritage Foundation, and the Fairmount Cemetery Company. We will forward to you any responses we receive from these parties.

We request your concurrence with these updated determinations of eligibility and effect and the recommendation that the property at 4637 Claude Court (5DV9667) is no longer subject to Level II documentation. If you have questions or require additional information to complete your review, please contact Senior CDOT Historian Lisa Schoch at (303) 512-4258 or [Lisa.Schoch@state.co.us](mailto:Lisa.Schoch@state.co.us).

Sincerely,



Jane Hann, Manager  
Environmental Programs Branch

Attachments:

Updated site form for 5DV.9667 including maps



**COLORADO**

Department of Transportation

Division of Transportation Development

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

October 2, 2017

Mr. John Olson  
Historic Denver, Inc.  
1420 Ogden Street  
Suite 202  
Denver, CO 80216

**SUBJECT:** Updated Eligibility and Effect Determination, I-70 East Environmental Impact Statement, Denver County and Adams County (CHS #41831)

Dear Mr. Olson:

This letter and attached materials constitute a request for comments no updated eligibility and effects for a previously-recorded resource identified as the Brown and Alarid Property at 4637 Claude Court (5DV.9667) and located within the Area of Potential Effects (APE) for the Interstate 70 (I-70) East Environmental Impact Statement (EIS) — now referred to as Central 70.

This property was initially recorded in 2006 and re-evaluated in 2012 as part of the I-70 East EIS. In both instances, the property was determined eligible for the National Register of Historic Places (NRHP). Your office concurred with the finding of eligibility and CDOT determined that the project would result in an *adverse effect* to the resource. In April 2016, the Section 106 Programmatic Agreement (PA) for this project was signed. Under Stipulation III.1, the PA outlines that Level II archival documentation will be completed for all properties resulting in an *adverse effect*.

On March 9, 2017, two architectural historians, with professional qualifications that exceed the Secretary of the Interiors Professional Qualification Standards, visited the property to gather information for the Level II mitigation required under the Section 106 PA. At that time, it was found that the property had been greatly altered since the 2012 visit, requiring a re-evaluation of eligibility. Per Stipulations II.3 (Evaluation and Re-Evaluation of Eligibility) and II.4 (Re-Evaluation of Effects) of the PA, re-evaluations of eligibility of properties within the APE will follow 36 CFR 800 and any re-evaluation of effects will follow 36 CFR 800.5.

### **Eligibility Determinations**

*Brown and Alarid Property at 4637 Claude Court (5DV9667):* When this property was documented in 2006 and 2012, it was determined significant under NRHP Criterion C in the area of Architecture as a good example of a Late Victorian Vernacular building with bungalow-type massing, and it retained sufficient integrity to represent the type, period, and method of construction for its period of significance (1886). The changes made to the building since 2012 have substantially altered the physical appearance of the site, and make it difficult to attribute any particular architectural style or type to the house, and it can no longer convey its



significance. Based on the alterations, CDOT recommends this site as *not eligible* for the NRHP. Please see the attached site form for more information.

**Effects Determinations**

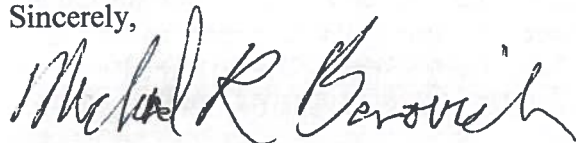
*Brown and Alarid Property at 4637 Claude Court (5DV9667):* As noted above, this property was re-evaluated and determined *not eligible* for the NRHP. The Preferred Alternative (Partial Cover Lowered) for the project would involve a full acquisition of the property, which resulted in an *adverse effect* in previous consultation. Because the property has been re-evaluated as *not eligible* to the NRHP, the updated finding of effect for this resource is *no historic properties affected*.

**Mitigation**

Per Stipulation III.1 of the Section 106 PA, the Brown and Alarid Property at 4637 Claude Court (5DV.9667) would be mitigated through Level II documentation. Given the re-evaluation of this resource as *not eligible* and the finding of *no historic properties affected*, CDOT has determined that the property is no longer subject to Level II documentation as outlined in the PA and it will not be documented.

As a consulting party, we welcome your comments on the updated information. Should you choose to respond, we ask that you do so within 30 days of receipt of these materials. If we do not receive a response from you in that time frame, we will assume you do not plan to comment. To respond via Email, send your comments to CDOT Senior Historian Lisa Schoch at [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us). If you require additional information, please contact Ms. Schoch at 303-512-4258, or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us).

Sincerely,



Jane Hann, Manager  
Environmental Programs Branch

Attachments:

Updated site form for 5DV.9667 including maps



**COLORADO**  
Department of Transportation  
Division of Transportation Development

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

October 2, 2017

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

**SUBJECT:** Updated Eligibility and Effect Determination, I-70 East Environmental Impact Statement, Denver County and Adams County (CHS #41831)

Dear Mr. Cavoto:

This letter and attached materials constitute a request for comments no updated eligibility and effects for a previously-recorded resource identified as the Brown and Alarid Property at 4637 Claude Court (5DV.9667) and located within the Area of Potential Effects (APE) for the Interstate 70 (I-70) East Environmental Impact Statement (EIS) — now referred to as Central 70.

This property was initially recorded in 2006 and re-evaluated in 2012 as part of the I-70 East EIS. In both instances, the property was determined eligible for the National Register of Historic Places (NRHP). Your office concurred with the finding of eligibility and CDOT determined that the project would result in an *adverse effect* to the resource. In April 2016, the Section 106 Programmatic Agreement (PA) for this project was signed. Under Stipulation III.1, the PA outlines that Level II archival documentation will be completed for all properties resulting in an *adverse effect*.

On March 9, 2017, two architectural historians, with professional qualifications that exceed the Secretary of the Interiors Professional Qualification Standards, visited the property to gather information for the Level II mitigation required under the Section 106 PA. At that time, it was found that the property had been greatly altered since the 2012 visit, requiring a re-evaluation of eligibility. Per Stipulations II.3 (Evaluation and Re-Evaluation of Eligibility) and II.4 (Re-Evaluation of Effects) of the PA, re-evaluations of eligibility of properties within the APE will follow 36 CFR 800 and any re-evaluation of effects will follow 36 CFR 800.5.

**Eligibility Determinations**

*Brown and Alarid Property at 4637 Claude Court (5DV9667):* When this property was documented in 2006 and 2012, it was determined significant under NRHP Criterion C in the area of Architecture as a good example of a Late Victorian Vernacular building with bungalow-type massing, and it retained sufficient integrity to represent the type, period, and method of construction for its period of significance (1886). The changes made to the building since 2012 have substantially altered the physical appearance of the site, and make it difficult to attribute any particular architectural style or type to the house, and it can no longer convey its significance. Based on the alterations, CDOT recommends this site as *not eligible* for the NRHP. Please see the attached site form for more information.

### **Effects Determinations**

*Brown and Alarid Property at 4637 Claude Court (5DV9667):* As noted above, this property was re-evaluated and determined *not eligible* for the NRHP. The Preferred Alternative (Partial Cover Lowered) for the project would involve a full acquisition of the property, which resulted in an *adverse effect* in previous consultation. Because the property has been re-evaluated as *not eligible* to the NRHP, the updated finding of effect for this resource is *no historic properties affected*.

### **Mitigation**

Per Stipulation III.1 of the Section 106 PA, the Brown and Alarid Property at 4637 Claude Court (5DV.9667) would be mitigated through Level II documentation. Given the re-evaluation of this resource as *not eligible* and the finding of *no historic properties affected*, CDOT has determined that the property is no longer subject to Level II documentation as outlined in the PA and it will not be documented.

As a consulting party, we welcome your comments on the updated information. Should you choose to respond, we ask that you do so within 30 days of receipt of these materials. If we do not receive a response from you in that time frame, we will assume you do not plan to comment. To respond via Email, send your comments to CDOT Senior Historian Lisa Schoch at [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us). If you require additional information, please contact Ms. Schoch at 303-512-4258, or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us).

Sincerely,



Jane Hann, Manager  
Environmental Programs Branch

Attachments:

Updated site form for 5DV.9667 including maps



**COLORADO**  
Department of Transportation  
Division of Transportation Development

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

October 2, 2017

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

**SUBJECT:** Updated Eligibility and Effect Determination, I-70 East Environmental Impact Statement, Denver County and Adams County (CHS #41831)

Dear Mr. Briggs:

This letter and attached materials constitute a request for comments no updated eligibility and effects for a previously-recorded resource identified as the Brown and Alarid Property at 4637 Claude Court (5DV.9667) and located within the Area of Potential Effects (APE) for the Interstate 70 (I-70) East Environmental Impact Statement (EIS) — now referred to as Central 70.

This property was initially recorded in 2006 and re-evaluated in 2012 as part of the I-70 East EIS. In both instances, the property was determined eligible for the National Register of Historic Places (NRHP). Your office concurred with the finding of eligibility and CDOT determined that the project would result in an *adverse effect* to the resource. In April 2016, the Section 106 Programmatic Agreement (PA) for this project was signed. Under Stipulation III.1, the PA outlines that Level II archival documentation will be completed for all properties resulting in an *adverse effect*.

On March 9, 2017, two architectural historians, with professional qualifications that exceed the Secretary of the Interiors Professional Qualification Standards, visited the property to gather information for the Level II mitigation required under the Section 106 PA. At that time, it was found that the property had been greatly altered since the 2012 visit, requiring a re-evaluation of eligibility. Per Stipulations II.3 (Evaluation and Re-Evaluation of Eligibility) and II.4 (Re-Evaluation of Effects) of the PA, re-evaluations of eligibility of properties within the APE will follow 36 CFR 800 and any re-evaluation of effects will follow 36 CFR 800.5.

**Eligibility Determinations**

*Brown and Alarid Property at 4637 Claude Court (5DV9667):* When this property was documented in 2006 and 2012, it was determined significant under NRHP Criterion C in the area of Architecture as a good example of a Late Victorian Vernacular building with bungalow-type massing, and it retained sufficient integrity to represent the type, period, and method of construction for its period of significance (1886). The changes made to the building since 2012 have substantially altered the physical appearance of the site, and make it difficult to attribute any particular architectural style or type to the house, and it can no longer convey its significance. Based on the alterations, CDOT recommends this site as *not eligible* for the NRHP. Please see the attached site form for more information.

### **Effects Determinations**

*Brown and Alarid Property at 4637 Claude Court (5DV9667):* As noted above, this property was re-evaluated and determined *not eligible* for the NRHP. The Preferred Alternative (Partial Cover Lowered) for the project would involve a full acquisition of the property, which resulted in an *adverse effect* in previous consultation. Because the property has been re-evaluated as *not eligible* to the NRHP, the updated finding of effect for this resource is *no historic properties affected*.

### **Mitigation**

Per Stipulation III.1 of the Section 106 PA, the Brown and Alarid Property at 4637 Claude Court (5DV.9667) would be mitigated through Level II documentation. Given the re-evaluation of this resource as *not eligible* and the finding of *no historic properties affected*, CDOT has determined that the property is no longer subject to Level II documentation as outlined in the PA and it will not be documented.

As a consulting party, we welcome your comments on the updated information. Should you choose to respond, we ask that you do so within 30 days of receipt of these materials. If we do not receive a response from you in that time frame, we will assume you do not plan to comment. To respond via Email, send your comments to CDOT Senior Historian Lisa Schoch at [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us). If you require additional information, please contact Ms. Schoch at 303-512-4258, or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us).

Sincerely,



Jane Hann, Manager  
Environmental Programs Branch

Attachments:

Updated site form for 5DV.9667 including maps



**COLORADO**  
Department of Transportation  
Division of Transportation Development

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

October 2, 2017

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

**SUBJECT:** Updated Eligibility and Effect Determination, I-70 East Environmental Impact Statement, Denver County and Adams County (CHS #41831)

Dear Ms. Orrigo-Charles:

This letter and attached materials constitute a request for comments no updated eligibility and effects for a previously-recorded resource identified as the Brown and Alarid Property at 4637 Claude Court (5DV.9667) and located within the Area of Potential Effects (APE) for the Interstate 70 (I-70) East Environmental Impact Statement (EIS) — now referred to as Central 70.

This property was initially recorded in 2006 and re-evaluated in 2012 as part of the I-70 East EIS. In both instances, the property was determined eligible for the National Register of Historic Places (NRHP). Your office concurred with the finding of eligibility and CDOT determined that the project would result in an *adverse effect* to the resource. In April 2016, the Section 106 Programmatic Agreement (PA) for this project was signed. Under Stipulation III.1, the PA outlines that Level II archival documentation will be completed for all properties resulting in an *adverse effect*.

On March 9, 2017, two architectural historians, with professional qualifications that exceed the Secretary of the Interiors Professional Qualification Standards, visited the property to gather information for the Level II mitigation required under the Section 106 PA. At that time, it was found that the property had been greatly altered since the 2012 visit, requiring a re-evaluation of eligibility. Per Stipulations II.3 (Evaluation and Re-Evaluation of Eligibility) and II.4 (Re-Evaluation of Effects) of the PA, re-evaluations of eligibility of properties within the APE will follow 36 CFR 800 and any re-evaluation of effects will follow 36 CFR 800.5.

**Eligibility Determinations**

*Brown and Alarid Property at 4637 Claude Court (5DV9667):* When this property was documented in 2006 and 2012, it was determined significant under NRHP Criterion C in the area of Architecture as a good example of a Late Victorian Vernacular building with bungalow-type massing, and it retained sufficient integrity to represent the type, period, and method of construction for its period of significance (1886). The changes made to the building since 2012 have substantially altered the physical appearance of the site, and make it difficult to attribute any particular architectural style or type to the house, and it can no longer convey its

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### **Mitigation**

Per Stipulation III.1 of the Section 106 PA, the Brown and Alarid Property at 4637 Claude Court (5DV.9667) would be mitigated through Level II documentation. Given the re-evaluation of this resource as *not eligible* and the finding of *no historic properties affected*, CDOT has determined that the property is no longer subject to Level II documentation as outlined in the PA and it will not be documented.

As a consulting party, we welcome your comments on the updated information. Should you choose to respond, we ask that you do so within 30 days of receipt of these materials. If we do not receive a response from you in that time frame, we will assume you do not plan to comment. To respond via Email, send your comments to CDOT Senior Historian Lisa Schoch at [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us). If you require additional information, please contact Ms. Schoch at 303-512-4258, or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us).

Sincerely,



Jane Hann, Manager  
Environmental Programs Branch

Attachments:

Updated site form for 5DV.9667 including maps



**COLORADO**  
Department of Transportation  
Division of Transportation Development

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

October 2, 2017

Ms. Kara Hahn  
Denver Planning Services  
Denver Landmark Preservation Services  
201 West Colfax Avenue, Department 205  
Denver, CO 80202

**SUBJECT:** Updated Eligibility and Effect Determination, I-70 East Environmental Impact Statement, Denver County and Adams County (CHS #41831)

Dear Ms. Hahn:

This letter and attached materials constitute a request for comments no updated eligibility and effects for a previously-recorded resource identified as the Brown and Alarid Property at 4637 Claude Court (5DV.9667) and located within the Area of Potential Effects (APE) for the Interstate 70 (I-70) East Environmental Impact Statement (EIS) — now referred to as Central 70.

This property was initially recorded in 2006 and re-evaluated in 2012 as part of the I-70 East EIS. In both instances, the property was determined eligible for the National Register of Historic Places (NRHP). Your office concurred with the finding of eligibility and CDOT determined that the project would result in an *adverse effect* to the resource. In April 2016, the Section 106 Programmatic Agreement (PA) for this project was signed. Under Stipulation III.1, the PA outlines that Level II archival documentation will be completed for all properties resulting in an *adverse effect*.

On March 9, 2017, two architectural historians, with professional qualifications that exceed the Secretary of the Interiors Professional Qualification Standards, visited the property to gather information for the Level II mitigation required under the Section 106 PA. At that time, it was found that the property had been greatly altered since the 2012 visit, requiring a re-evaluation of eligibility. Per Stipulations II.3 (Evaluation and Re-Evaluation of Eligibility) and II.4 (Re-Evaluation of Effects) of the PA, re-evaluations of eligibility of properties within the APE will follow 36 CFR 800 and any re-evaluation of effects will follow 36 CFR 800.5.

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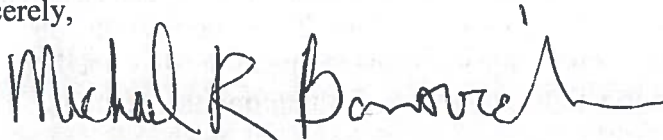
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Sincerely,



Jane Hann, Manager  
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**COLORADO**

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

October 2, 2017

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

**SUBJECT:** Updated Eligibility and Effect Determination, I-70 East Environmental Impact Statement, Denver County and Adams County (CHS #41831)

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Sincerely,



Jane Hann, Manager  
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OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

Jane Hann  
Manager, Environmental Programs Branch  
CDOT  
4201 E. Arkansas Ave, Shumate Bldg.  
Denver, CO 80222-3400

OCT 13 2017

Re: Updated Eligibility and Effect Determination, I-70 East Environmental Impact Statement,  
Denver County and Adams County (HC #41831)

Dear Ms. Hann:

Thank you for your correspondence dated October 2, 2017 and received on October 5, 2017 by our office regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, our previous agreement with the proposed Area of Potential Effects (APE) for the proposed project remains. After review of the provided information, we concur that resource 5DV.9667 is no longer eligible for the National Register of Historic Places due to a loss of integrity.

After review of the scope of work and assessment of adverse effect, we concur with the recommended finding of *no historic properties affected* [36 CFR 800.4(d)(1)] under Section 106 for 5DV.9667. We understand this change to the property's National Register eligibility and the assessment of effects means the property is no longer subject to Level II documentation as outlined in the Programmatic Agreement for the above-mentioned project.

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

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings. Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

If we may be of further assistance, please contact Jennifer Bryant, our Section 106 Compliance Manager, at (303) 866-2673 or [jennifer.bryant@state.co.us](mailto:jennifer.bryant@state.co.us).

Sincerely,

Steve Turner, AIA  
State Historic Preservation Officer

