

<b>COLORADO DEPARTMENT OF TRANSPORTATION</b> <b>REEVALUATION FORM</b>	<b>Original NEPA Approval Date:</b> 1/19/2017	<b>Reevaluation Date:</b> 8/26/2019	<b>Project Code:</b> AQC R600-165 <b>Subaccount:</b> 13599
<b>Project Name and Location:</b> Central 70 Project: Reevaluation #8, I-70 from Interstate 25 (I-25) to Quebec Boulevard			
<b>NEPA Document Title:</b> I-70 East ROD 1: Phase 1 (Central 70 Project), January 19, 2017			
<b>Region/Program/Residency:</b> Headquarters – Central 70 Project Office			
<b>Project Description:</b>  The Preferred Alternative, Phase 1 (Partial Cover Lowered Alternative with Managed Lanes) selected in the January 19, 2017 Record of Decision (ROD) is the first phase of implementing the Preferred Alternative identified in the I-70 East Final Environmental Impact Statement (FEIS). Also known as the Central 70 Project, Phase I adds additional capacity to the highway, 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). Details regarding the design of the project, including changes that have been made since the 2017 ROD approval, are described in prior reevaluations (reevaluations #1-7).			
<b>Project Phasing Plan and Portions Completed (if warranted):</b>  <b>Portions Completed:</b> None. Phase 1 is under construction.  <b>Project Phasing Plan:</b> Phase 1, the Central 70 Project, is the only defined phase for the I-70 East Project. Future phases have not been determined and will rely on future funding.			
<b>Portion of Project Currently Being Advanced:</b>  The Central 70 Project incorporates portions of the Preferred Alternative for the I-70 East Project, which were selected in the ROD. It includes improvements to an approximately 10-mile stretch of I-70 from I-25 to Chambers Road, adding one new tolled express lane (selected as the type of managed lane) in each direction, removing the aging 50 plus-year-old viaduct, lowering the highway between Brighton Boulevard and Colorado Boulevard, and placing a four-acre cover over a portion of the lowered highway (between the Clayton Street and Columbine Street bridges, adjacent to Swansea Elementary School). <b>Figure 1</b> provides an overview of the Central 70 Project, and <b>Figure 2</b> shows the number of lanes and planned interchange modifications.  Although striped for only one tolled express lane, the lowered section of the highway will be constructed to the full width of the Preferred Alternative as identified in the FEIS because it is more cost effective to construct the whole width now and it is less disruptive to the community than performing additional future expansion. For lane continuity, only a single additional lane will be striped from Brighton Boulevard to Quebec Street, even though the highway in this area will be wide enough to accommodate two additional lanes.			

Figure 1: Central 70 Project Overview

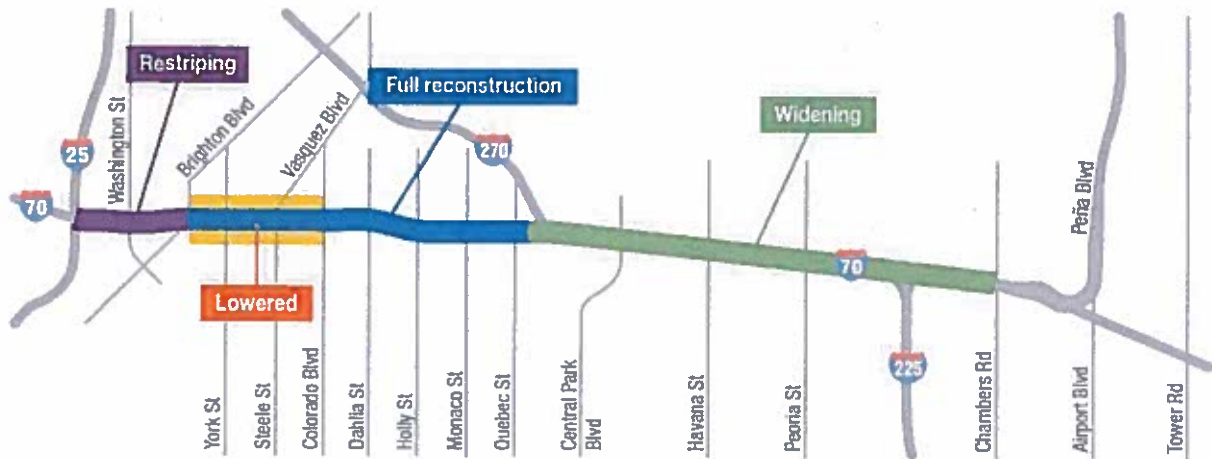
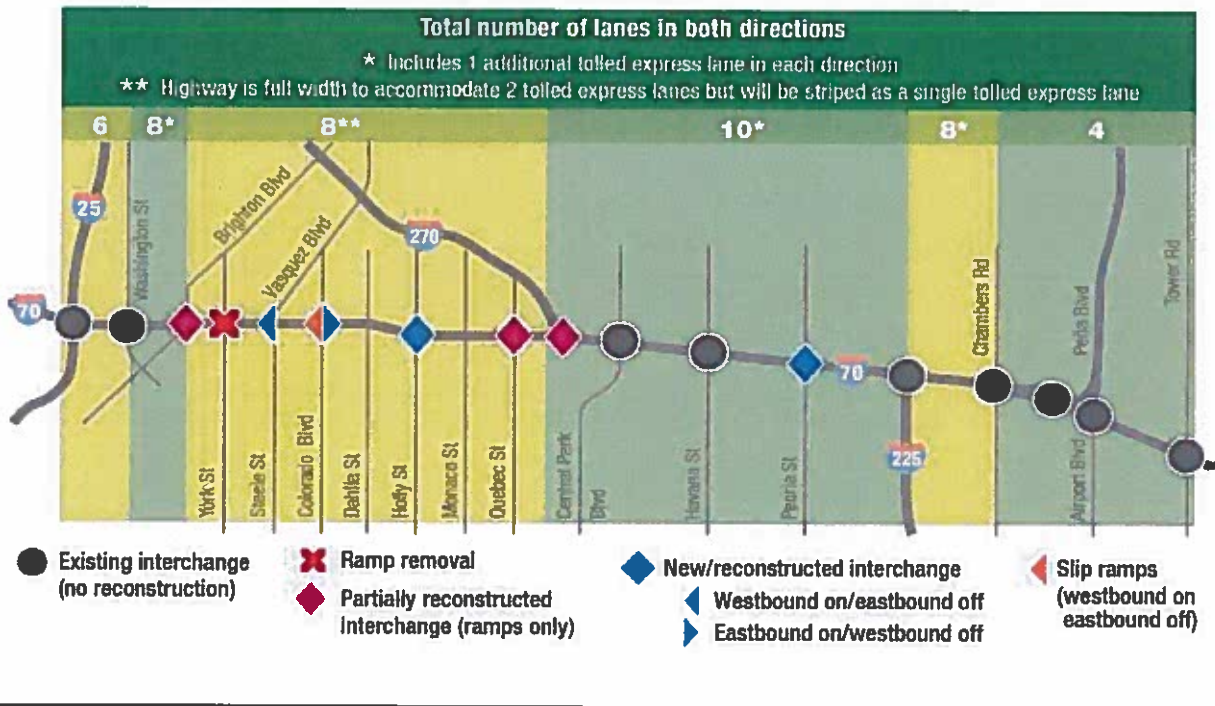


Figure 2: Central 70 Project Lane Configuration and Interchange Reconstruction



Date(s) of Prior Reevaluations:

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

**I. Document Type**

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

**II. Reason for Reevaluation**

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

**III. Evaluation**

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

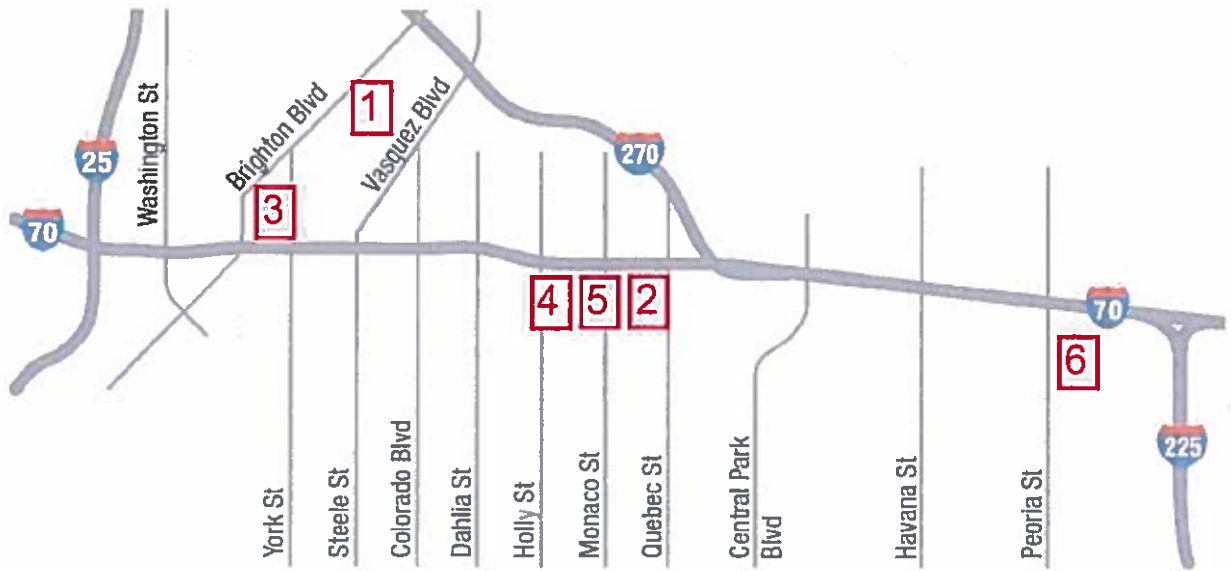
**ENVIRONMENTAL SETTING AND ENVIRONMENTAL IMPACT ASSESSMENT:**  
 Document changes to human, socio economic, or natural environment for environmental setting or circumstances.  
 Document changes in impact status. Place check-mark or description where relevant. Use Scoping to determine which resource attachments are warranted (see attachment 1). Note: this list may be expanded or adjusted to match the headings in the original environmental document reviewed.

Setting/Resource/Circumstance	Change in Affected Environment or Setting		Change in Environmental Impact		Date Reviewed	Highlight Additional Studies Required or Attachments
	Yes	No	Yes	No		
Air Quality		✓		✓	July 2019	
Geologic Resources and Soils		✓		✓	July 2019	
Water Quality		✓		✓	July 2019	
Floodplains		✓		✓	July 2019	
Wetlands/Waters of U.S.		✓		✓	July 2019	
Vegetation and Noxious Weeds		✓		✓	July 2019	
Fish and Wildlife		✓		✓	July 2019	
Threatened/Endangered Species		✓		✓	July 2019	
Historic Resources	✓		✓		July 2019	Attachments B and C
Archaeological Resources		✓		✓	July 2019	
Paleontological Resources		✓		✓	July 2019	
Land Use		✓		✓	July 2019	
Social Resources		✓		✓	July 2019	
Economic Resources		✓		✓	July 2019	
Environmental Justice		✓		✓	July 2019	
Right-of-Way Impacts	✓		✓		July 2019	Attachments A and B
Transportation Resources (roadway, rail, bus, bike, pedestrian, etc.)		✓		✓	July 2019	
Utilities and Railroads		✓		✓	July 2019	
Section 4(f)	✓		✓		July 2019	Attachments B and C
Section 6(f)		✓		✓	July 2019	
Farmlands		✓		✓	July 2019	
Noise		✓		✓	July 2019	
Visual Resources/Aesthetics		✓		✓	July 2019	
Hazardous Materials		✓		✓	July 2019	
Other(s) (I.e Parks & Recreation)		✓		✓	July 2019	

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

This reevaluation assesses the impacts of three categories of design alterations: (1) modification of the construction limits to accommodate drainage as determined through coordination with the Union Pacific Railroad (UPRR); (2) the addition of a water quality pond determined through coordination with the City and County of Denver (CCD); and (3) other minor design adjustments throughout the corridor to allow access for construction equipment and tie-ins between new sidewalks and existing parking lots. Figure 3 (below) shows the locations of the design alterations:

**Figure 3: Design Alteration Locations**



Key	Name	Action	Details (in Attachment A)
1	Union Pacific RR	Design Alteration 1, APE Expansion 1	Figures 1, 1A and 2
2	Union Pacific Beltline RR	Design Alteration 2, APE Expansion 2	Figures 3 and 4
3	Williams Street	Design Alteration 3	Figure 5
4	Univar	Design Alteration 4	Figure 6
5	6500 East Stapleton Drive	Design Alteration 5	Figure 7
6	Maintenance Gate	Design Alteration 6	Figure 8

**Design Alteration 1 and APE Expansion 1:** Design changes in this reevaluation call for the construction of a small v-ditch running parallel to the west side of the UPRR tracks, an officially supporting segment of the UPRR. The ditch will be approximately 1.5 feet deep vary from 3 to 5 feet wide. It will be approximately 1,088 feet long. The APE will be expanded following the tracks to the northeast to incorporate the ditch construction. The ditch construction and APE expansion is contained within the UPRR ROW. Because proposed work is confined to the existing UPRR ROW the APE will not be expanded to include parcels adjacent to the railroad. Please refer to Attachment A, Figures 1, 1A and 2 for more information.

**Design Alteration 2 and APE Expansion 2:** Design coordination with CCD has resulted in the need for a water quality detention pond along Airlawn Road near Quebec Street, and the construction of gravel maintenance access to the pond. The ROD called for a temporary encroachment at this location which included approximately 1.2 acres of the southern extent of the Union Pacific Beltline. CDOT owns the parcel where the pond and gravel access will be placed. As part of SHPO consultation on this design element the APE is also being modified along Airlawn Road. Previously, the APE at this location was irregular, created by several iterations of APE expansion. Therefore, the APE was modified at this location to more closely follow parcel boundaries. The APE modification results in a 0.49 acre expansion to the APE within the ROW of Airlawn Road. Utility relocations will be required within the ROW of Airlawn Road. No newly identified historic resources are located within the expanded APE. Please refer to Attachment A, Figures 3 and 4 for more information.

**Design Alteration 3:** Design development and constructability review indicated the need for construction footprint adjustments to accommodate noise wall construction near Williams Street. The proposed work is within the current APE and three parcels would be impacted by this design change, including previously surveyed Acevedo Residence

(SDV.9794), determined not eligible in 2007. The noise wall at this location was included in the ROD, approved January 2017. The current design footprint, however, does not provide enough room to construct the wall. Therefore, construction limits must be slightly expanded to the adjacent property lines. The expanded construction limits are limited to existing public ROW. There will be no permanent construction in this expanded area; it will only be used for staging and access. Please refer to Attachment A, Figures 5 for more information.

**Design Alteration 4:** At the NHPA eligible Univar property on the southeast corner of South Stapleton Drive and North Holly Street the ROD and subsequent reevaluations identified a total of 84 square feet of permanent acquisition and 724 square feet of temporary easement in order to tie-in the new sidewalk and driveways into the existing parking lot. Design development has determined that an additional 227 square feet of temporary easement will be required. This will bring the total of temporary easement up to 1,051 square feet (0.024 acres). All temporary impacts will be to the parking lot which will be restored to its existing functionality. Please refer to Attachment A, Figure 6 for more information.

**Design Alteration 5:** At 6500 East Stapleton Drive design development and coordination with the property owner has determined that 1,330 square feet (0.03 acres) of temporary easement will be required to tie two driveways into the existing parking lot. All temporary impacts will be to the parking lot which will be restored to its existing or better conditions. Please refer to Attachment A, Figure 7 for more information.

**Design Alteration 6:** Design development and coordination with Xcel Energy has determined that a locked gate access across the controlled interstate ROW A-line will be required in the fence along Interstate 70 near Peoria Street to allow safe maintenance of the high mast lighting at that location. The gate will be locked and only used by Xcel and CDOT maintenance personnel. Please see Attachment A, Figure 8 for more information.

**REGULATORY CHANGES:**

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

**IMPACTS ASSESSMENT:**

**Historic Resources**

**Design Alteration 1 and APE Expansion 1:** Design changes in Reevaluation #8 call for the construction of a small ditch running parallel to the west side of 5DV.6248.4, an officially supporting segment of the UPRR (SDV.6248). The UPRR requested the ditch/swale be included in the project to accommodate drainage. The ditch/swale would be approximately 1.5 feet deep and would vary in width three to five feet (Figures 1 and 1a). It would be approximately 1,088 feet long and occupy approximately 0.11-acre of the UPRR property when constructed. The work is not anticipated to require easements from properties adjacent to the UPRR segment. Though work does occur within the historic resource boundary, the drainage ditch proposed under Re-Evaluation 8 would not directly impact any features causing the railroad to be eligible to the NRHP, including the tracks, ties, berm, and ballast. As an at-grade improvement, the proposed work will not introduce vertical setting elements that would detract from the setting of the resource or its spatial relationships with surrounding buildings and transportation resources. The project continues to result in an Adverse Effect with regard to this resource. See Attachment a Figure 1 for more information about these effects.

In a letter dated August 12, 2019 the State Historic Preservation Officer (SHPO) concurred that proposed work of Design Alteration 1 results in no change to the original finding of adverse effect and that this effect has been mitigated by the Level II documentation completed as per the I-70 East Corridor PA. For detail see the correspondence in Attachments B and C.

**Design Alteration 2 and APE Expansion 2:** Design refinements under Reevaluation #8 require the construction of a water detention pond and graveled maintenance access to the pond within the historic resource boundary of the

railroad. The pond would be approximately 150 feet wide by 330 long and would permanently encroach onto approximately 0.3 acre of the southernmost extent of the historic resource boundary of 5AM.2083.1. The gravel maintenance access would permanently occupy 0.18 acre of the southernmost extent of the historic resource boundary (Figure 3). The gravel maintenance access would be located approximately 400 feet southeast of the intersection of Stapleton Drive on the east side of Airlawn Road. The proposed gravel maintenance access would generally follow the historic resource boundary of 5AM.2083.1 southeast before curving north towards the proposed water detention pond. No railroad features associated with 5AM.2083.1 are extant south of I-70 and the area is currently being utilized as a staging area for equipment and materials. The open corridor in combination with the extant features in other areas of this segment are evocative of the linear railroad resource in this area. The proposed water detention pond and gravel maintenance access to the pond represent at-grade improvements. These features would not introduce new vertical elements into the rail corridor and would not impact extant features of the railroad located on the north side of I-70. Because there is no extant berm, ballast, track or other railroad features south of I-70 associated with 5AM.2083.1, integrity of materials, design and workmanship would not be diminished as a result of gravel maintenance access and water detention pond construction. Because no new vertical elements would be introduced into the railroad corridor, and the alignment of the corridor itself would remain intact, integrity of location, setting and feeling would similarly not be diminished as a result of gravel maintenance access and water detention pond construction. Because work occurs on a CDOT-owned parcel, no easements are required. For these reasons, the project continues to result in No Adverse Effect with regard to 5AM.2083.1

In correspondence dated August 12, 2019 the SHPO concurred that proposed work of Design Alteration 2 results in a finding of No Adverse Effect for resource 5AM.2081.1. See Attachments B and C for details.

**Design Alteration 3: (Williams Street)** In the correspondence dated August 12, 2019 the SHPO concurred that no historic properties were affected by Design Alteration 3. See Attachments B and C for details.

**Design Alteration 4:** The Univar property (SDV.9231) was most recently determined NHPA Eligible in 2013. The resource is significant under NRHP Criterion C as a good example of a commercial building exhibiting International Style features such as horizontal lines, linear composition, alternating bands of windows and solid panes, smooth unornamented surfaces, and a flat roof. Design refinements under Reevaluation #8 require a temporary easement from the northwesternmost corner of the property for inlet and curb construction to tie back slopes and accommodate driveway approaches to the property. The proposed temporary easement would be 227 feet greater than what was previously approved, requiring a total of 1,051 square feet (0.024 acre) to accommodate project activities. The work would occur at the northwesternmost portion of the property, in an asphalt paved parking lot. Please refer to the Attachment B, Table 1 for more information.

The resource is significant for its representation of the International architectural style. The work represents at-grade improvements in currently paved areas of the property. The work would not affect the architectural features of the resource making it eligible to the NRHP. The work proposed would not alter the important spatial relationships between the resource and its setting, nor would vertical elements be introduced that obstruct the architectural elements of the property. The work, therefore, would not diminish the characteristics of the building qualifying it for inclusion on the NRHP. For these reasons, the project continues to result in No Adverse Effect with regard to SDV.9231.

In the correspondence dated August 12, 2019 the SHPO concurred that proposed work of Design Alteration 4 results in finding of No Adverse Effect for resource SDV.9231. See Attachment B and C for details.

**Design Alteration 5: At (6500 East Stapleton Drive)** In the correspondence dated August 12, 2019 the SHPO concurred that no historic properties were affected by Design Alteration 5. See Attachment B and C for details.

**Right-of-Way Impacts**

**Design Alterations 1 through 5** will require temporary easements. No property acquisition or permanent easements will be required. All easements will be negotiated with property owner in accordance with the Uniform Act.

**Design Alteration 6** (Break in A-Line for maintenance gate near Peoria Street.) As required by 23CFR620.203(h) no change may be made in control of access, without the joint determination and approval of the SHA and FHWA. CDOT had determined the need for a locked gate access to safely maintain the high mast lighting in this area. This Reevaluation covers the environmental impacts associated with this locked gate access. There are no environmental impacts associated with adding the locked gate access to the project. This reevaluation covers the same requirements as the CDOT Form 128 for the purposes of the NEPA compliance for the locked gate access. The location of the locked gate access is shown in Attachment A, Figure 8. Subsequent steps in the permitting process for this locked gate access will follow CDOT's Property Management processes in accordance with Chapter 7 of the CDOT ROW Manual.

**Section 4(f)**

The Section 4(f) determination for the three NRHP Eligible resources discussed in this letter remain unchanged from the ROD and previous Reevaluations.

The project continues to result in an Adverse Effect with regard to the Union Pacific Railroad Segment (SDV.6248.4); therefore, there remains a Section 4(f) use of this resource. The impacts to this resource remain the same as described in the ROD and subsequent Reevaluations with the addition of a drainage ditch occupying 0.11-acre of SDV.6248.4. The property will remain with the UPRR when the work is complete.

The project continues to result in a Section 106 determination of No Adverse Effect with regard to the Union Pacific Beltline Railroad Segment (SAM.2083.1) and the Univar property (SDV.9231). The finding of No Adverse Effect under Section 106 reflects a conclusion that for the Section 4(f) historic site affected by the project, those effects will not "alter, directly or indirectly, any of the characteristics of [the] historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property's location, design, setting, materials, workmanship, feeling, or association." Section 4(f) regulations (23 CFR 774) allow FHWA to make a *de minimis* impact finding under Section 4(f) for properties resulting in a No Adverse Effect finding. FHWA continues to make a *de minimis* finding for these two resources referenced above that result in a determination of No Adverse Effect with concurrence from the SHPO on the effects determination.

**MITIGATION:**

All mitigation commitment(s) from NEPA document remain the same.

Mitigation commitment(s) have changed from NEPA document.

**IV. Public/Agency Involvement**

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 B.

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



None

**VI. Additional Requirements for Proposed Action**

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

### VII. Permits Updated

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

### VIII. Attachments Listed

*List permits, studies, background data, etc.*

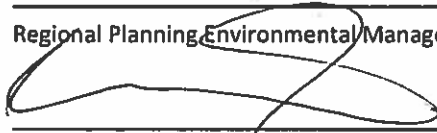
Attachment A – Figures  
Attachment B – SHPO Consultation Letter  
Attachment C – SHPO Concurrence

### IX. Conclusion and Recommendation

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

**David Singer** Digitally signed by David Singer  
Date: 2019.08.23 09:39:06 -06'00'

Regional Planning Environmental Manager or Designee



Federal Highway Administration Division Administrator or Designee

8/26/19\_

Date

8/26/2019

Date

## *Attachment A – Figures*

Figure 1 – UPRR Ditch

Figure 1A – UPRR Segment 5DV.6248.4 Resource Boundary Overview

Figure 2 – UPRR APE Expansion

Figure 3 – Detention Pond and Access in Quebec/Airlawn Area

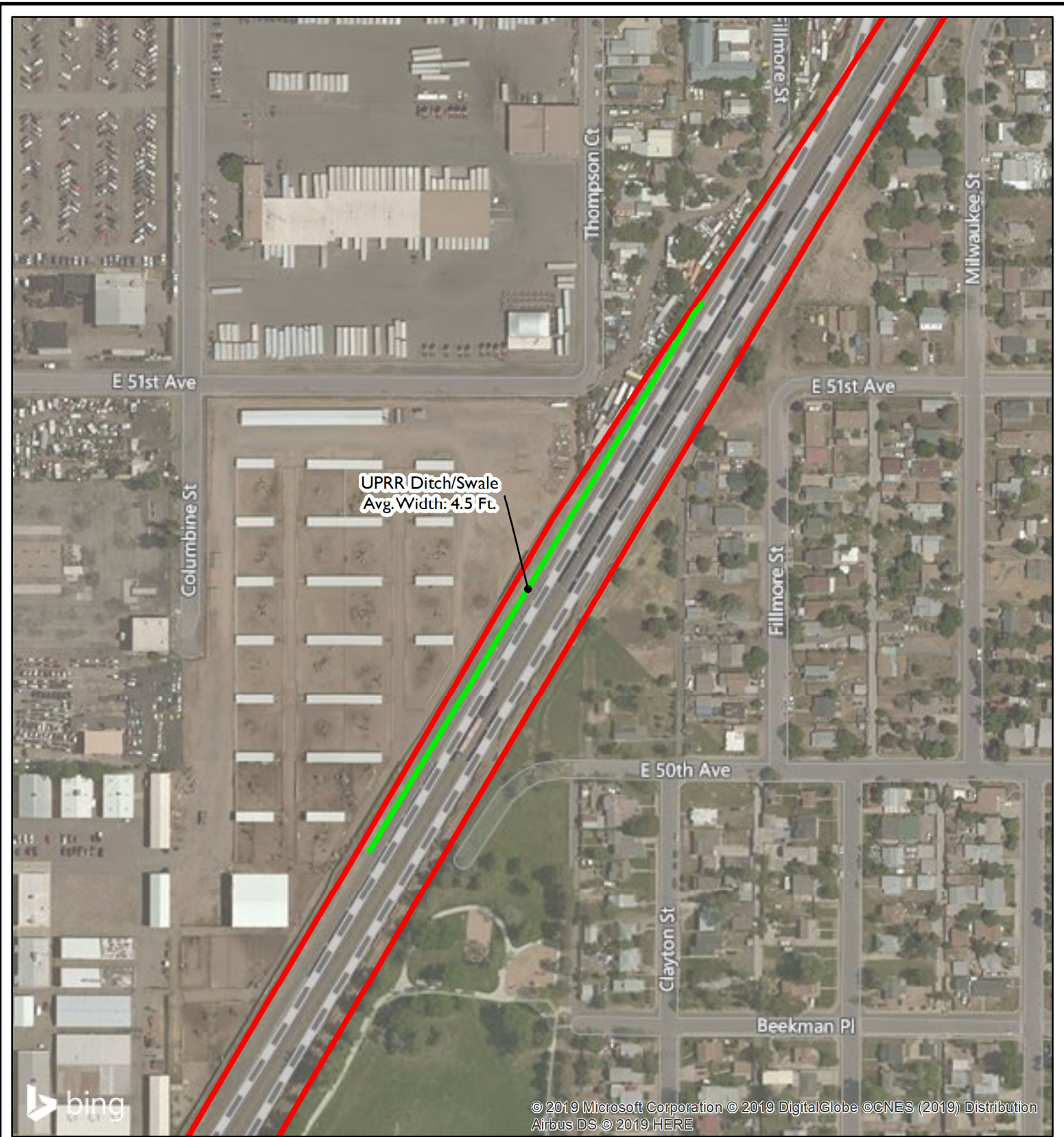
Figure 4 –Airlawn APE Expansion

Figure 5 – Construction Limit Changes near Williams Street

Figure 6 – Temporary Limit Changes at Univar

Figure 7 – Temporary Easement Changes at 6500 East Stapleton Drive

Figure 8 – Locked Gate Access in A-Line near Peoria



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**Legend**

- 5DV.6248.4 Resource Boundary
- UPRR Ditch/Swale



**Design Alteration I**  
 Union Pacific Railroad Segment  
 5DV.6248.4  
 Denver, Colorado

Site Location: Section 23, Township 3S, Range 68W, 6th Principal Meridian

Pinyon Project Number: I/12-790-04.GEN001.I

Drawn By: JAF

Reviewed By: ALB

Figure I

Date: 7/16/2019



UPRR Ditch/Swale End

UPRR Ditch/Swale Beginning



**Legend**

- 5DV.6248.4 Resource Boundary
- UPRR Ditch/Swale



**Design Alteration I**  
 Union Pacific Railroad Segment - Full Extent  
 5DV.6248.4  
 Denver, Colorado

Site Location: Section 23, Township 3S, Range 68W, 6th Principal Meridian

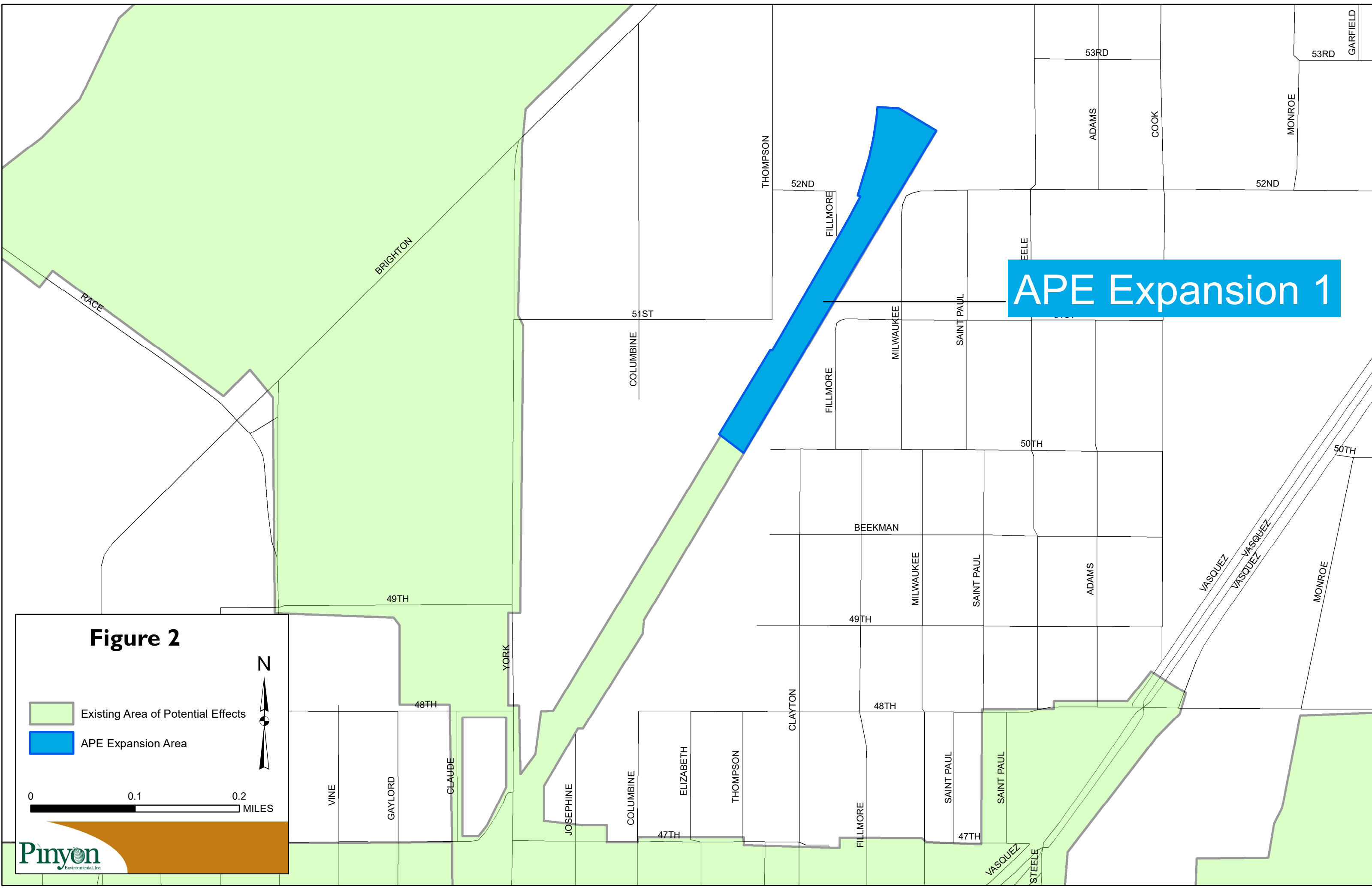
Pinyon Project Number: I/12-790-04.GEN001.I

Drawn By: JAF

Reviewed By: ALB

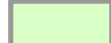

Figure 1a

Date: 7/16/2019



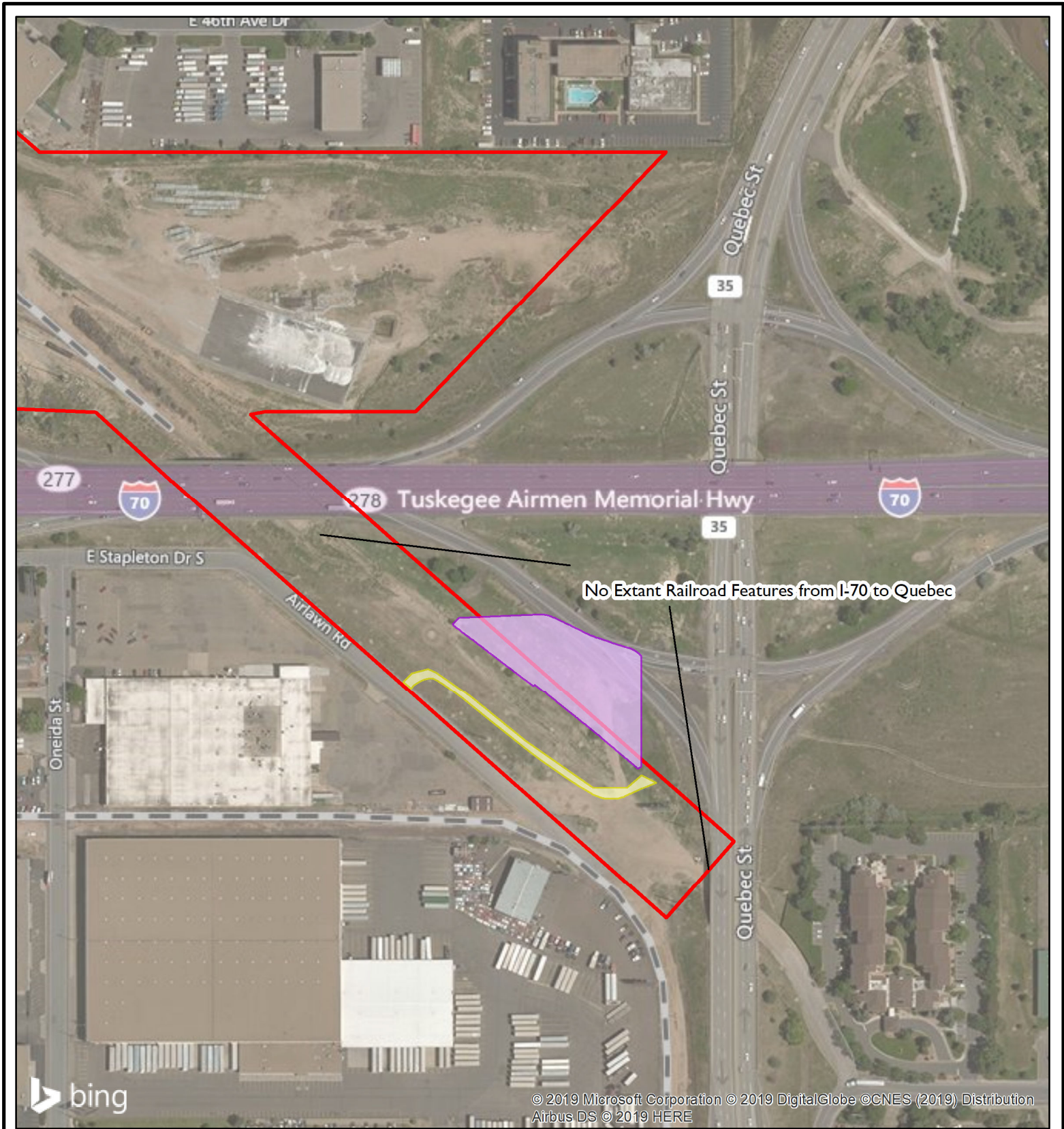
**APE Expansion 1**

**Figure 2**

-  Existing Area of Potential Effects
-  APE Expansion Area



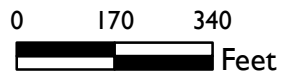
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**N Legend**



- 5AM.2083.1 Resource Boundary
- Proposed Detention Pond
- Proposed Gravel Access



**Design Alteration 2**  
 Union Pacific Beltline Railroad Segment  
 5AM.2083.1  
 Denver, Colorado

Site Location: Section 20, Township 3S, Range 67W, 6th Principal Meridian

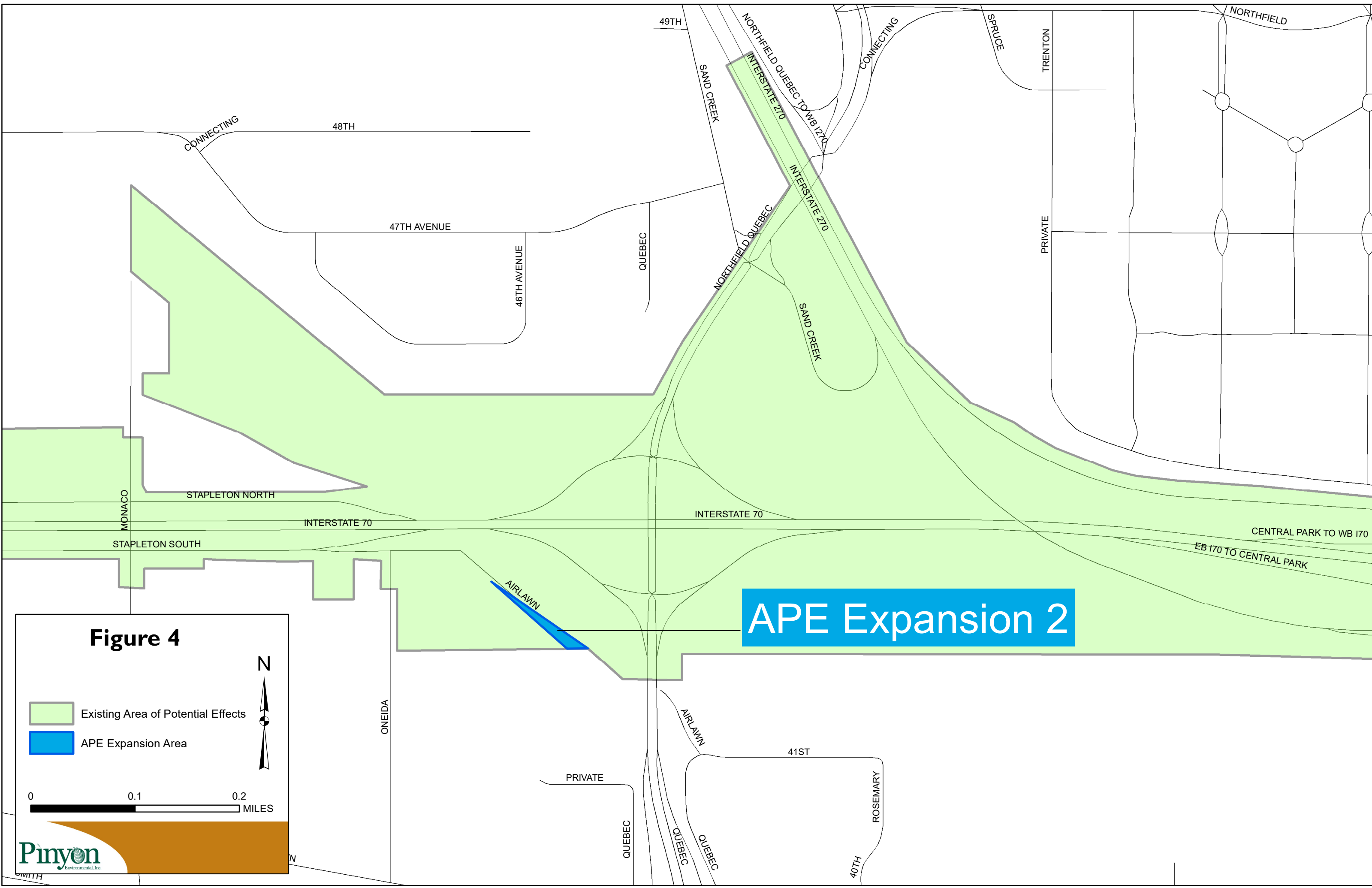
Pinyon Project Number: I/12-790-04.GEN001.1

Drawn By: JAF

Reviewed By: ALB

Figure 3

Date: 7/16/2019



# APE Expansion 2

**Figure 4**

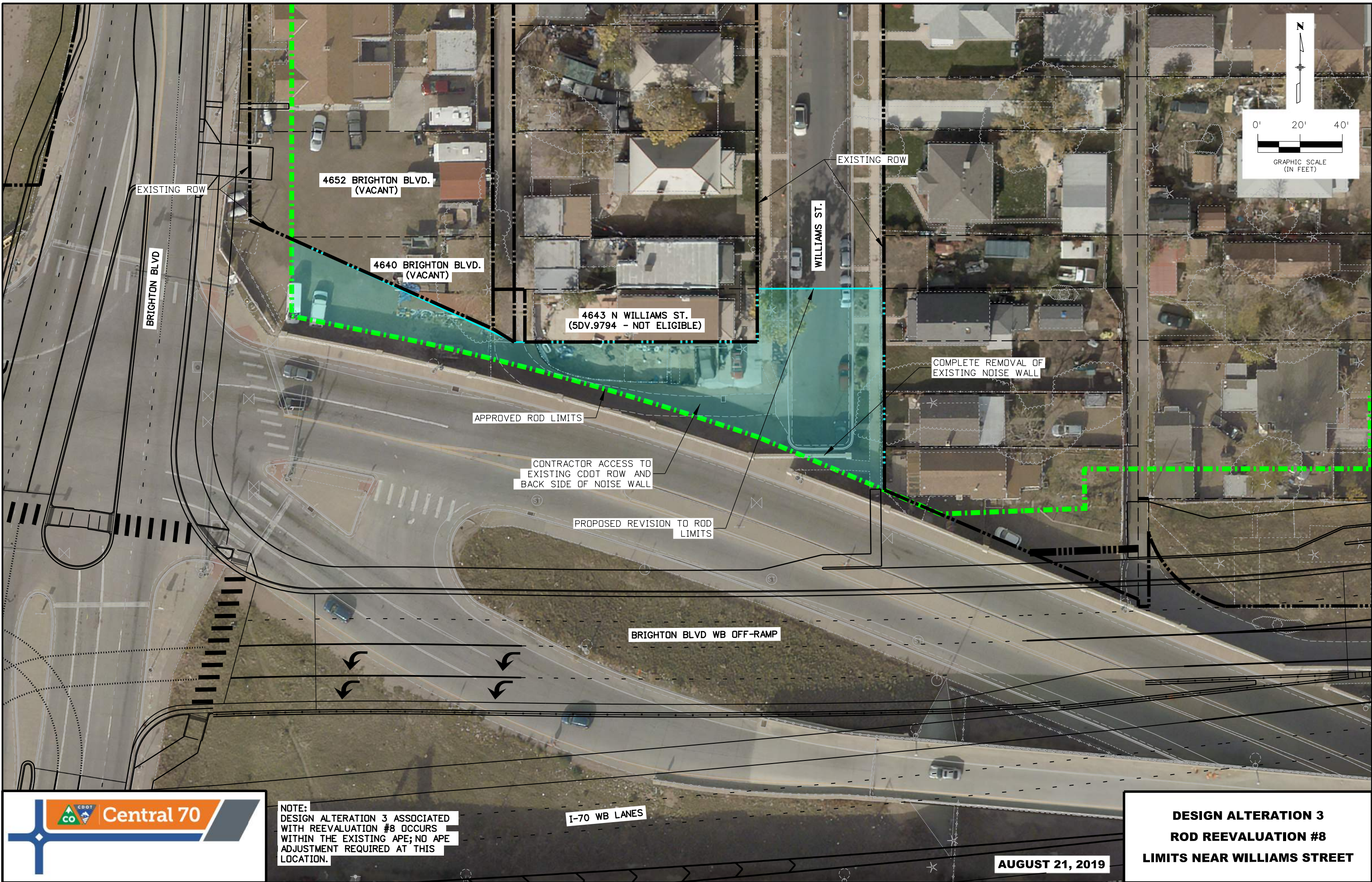
- Existing Area of Potential Effects
- APE Expansion Area



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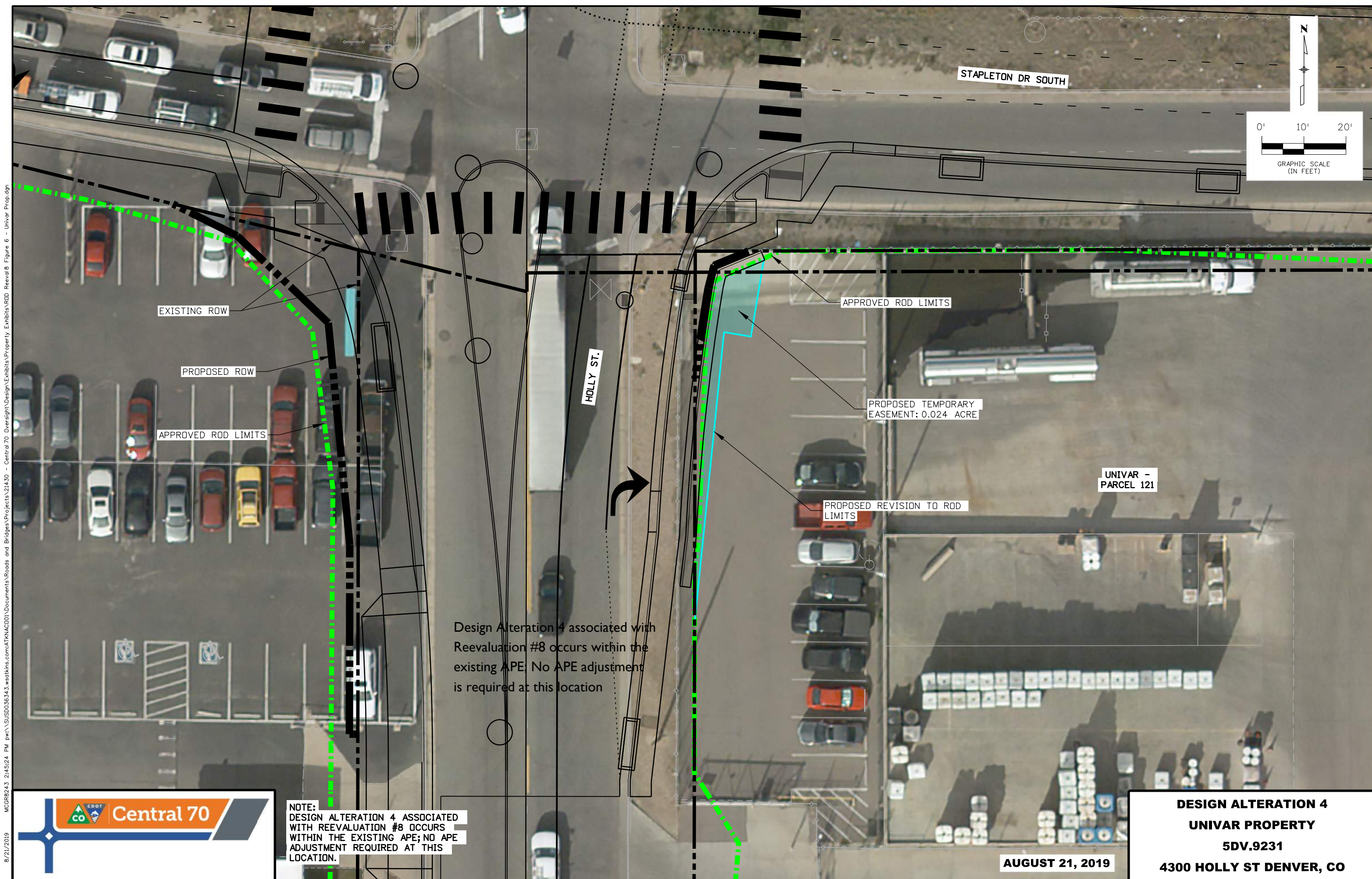
**NOTE:**  
 DESIGN ALTERATION 3 ASSOCIATED WITH REEVALUATION #8 OCCURS WITHIN THE EXISTING APE; NO APE ADJUSTMENT REQUIRED AT THIS LOCATION.

**DESIGN ALTERATION 3  
 ROD REEVALUATION #8  
 LIMITS NEAR WILLIAMS STREET**

**AUGUST 21, 2019**

**FIGURE 5**





8/21/2019 2:45:24 PM p:\S\SD03036343\_watkins.com\ATK\AC001\Documents\Roads and Bridges\Projects\21430 - Central 70\Drawings\Design\Exhibits\Property Exhibits\ROD Reeval 8, Figure 6 - Univar Prop.dgn



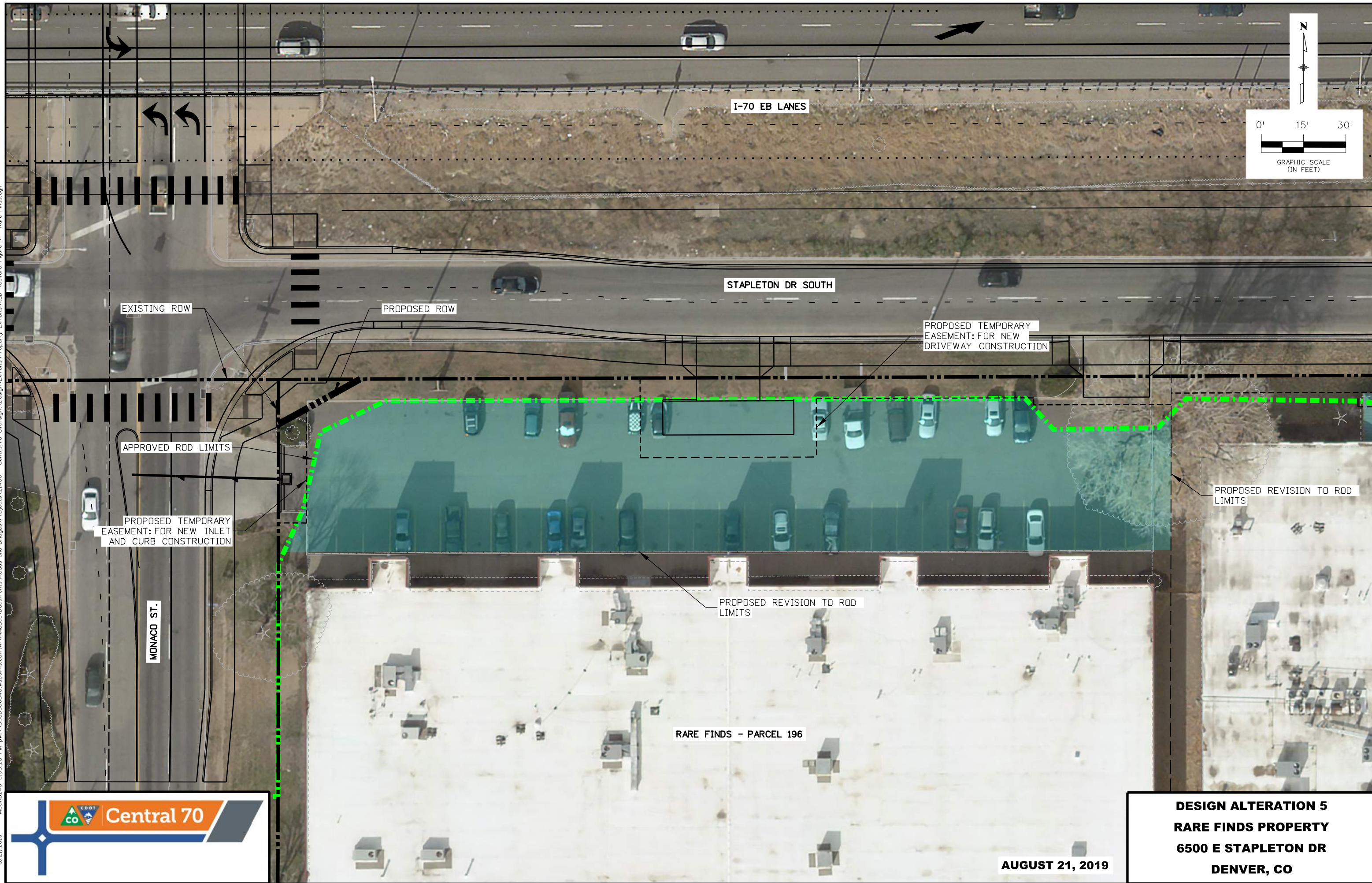
**NOTE:**  
 DESIGN ALTERATION 4 ASSOCIATED WITH REEVALUATION #8 OCCURS WITHIN THE EXISTING APE; NO APE ADJUSTMENT REQUIRED AT THIS LOCATION.

**AUGUST 21, 2019**

**DESIGN ALTERATION 4**  
**UNIVAR PROPERTY**  
**5DV.9231**  
**4300 HOLLY ST DENVER, CO**

**FIGURE 6**

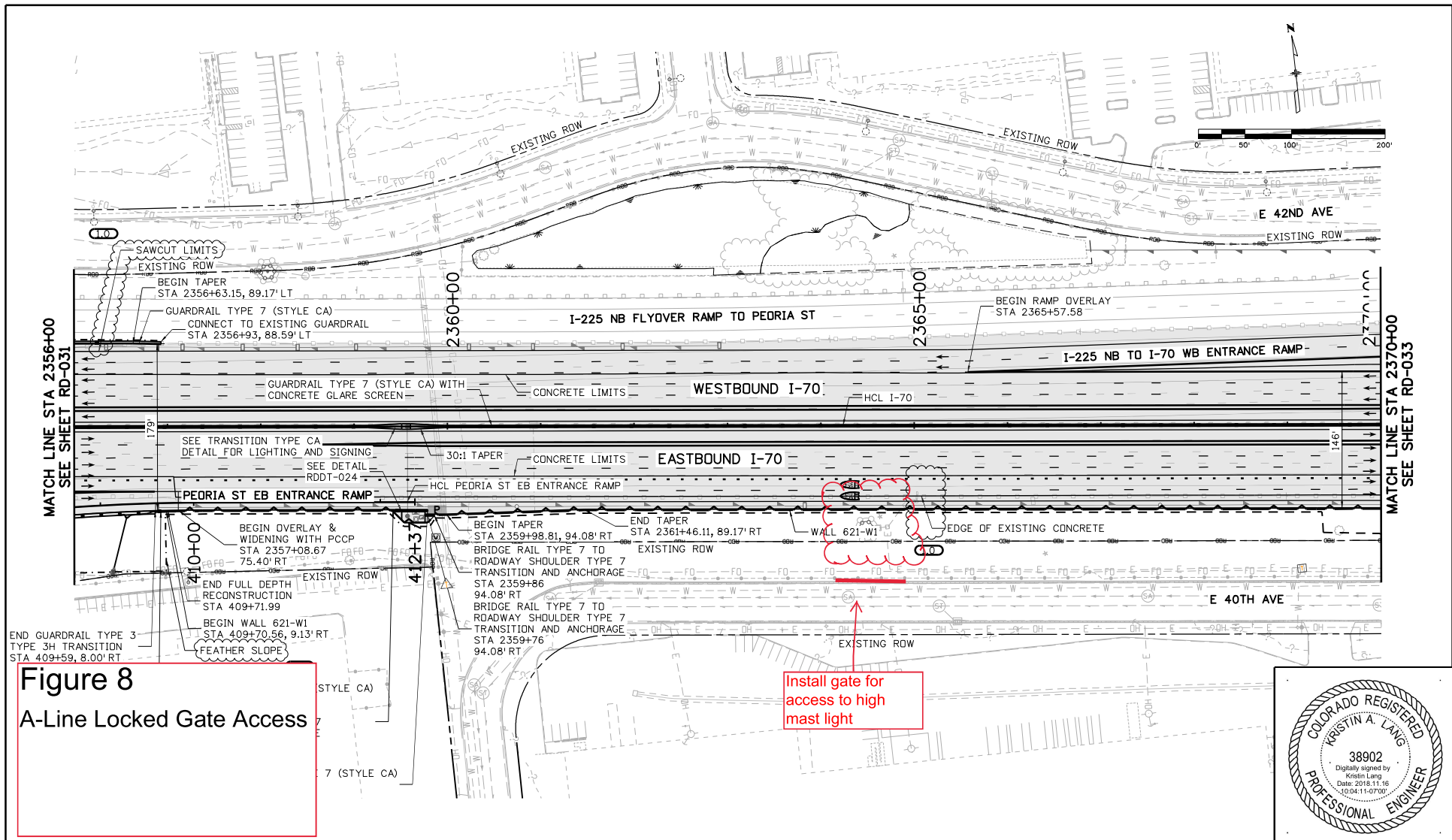
8/21/2019 3:53:25 PM p:\SUSD036343\_wathina.com\ATKAC001\Documents\Roads and Bridges\Projects\21430 - Central 70 Oversight\Design\Exhibits\Property Exhibits\ROD Revised\Figure 7 - Rare Finds.dgn



**DESIGN ALTERATION 5**  
**RARE FINDS PROPERTY**  
**6500 E STAPLETON DR**  
**DENVER, CO**

**AUGUST 21, 2019**

**FIGURE 7**



**Figure 8**  
A-Line Locked Gate Access

Install gate for access to high mast light



11/15/2018 21430ERD_PLAN-RD-032.dgn	<b>RELEASED FOR CONSTRUCTION</b> 	<b>Sheet Revisions</b>			<b>Colorado Department of Transportation</b>  2829 W. Howard Pl. Denver, CO 80204 Phone: 303-757-9011 FAX: 303-757-9866 <b>Headquarters</b>	<b>As Constructed</b> No Revisions: Revised: Void:	<b>CENTRAL 70 ROADWAY PLAN - I-70</b> <b>STA 2356+00 TO STA 2370+00</b>			<b>Project No./Code</b> C 0704-241 21430 Sheet Number <b>RD-032</b>
		Date:    Comments    Init. 09/07/18    CCD SOND            KAL 09/07/18    RFC EAST ROADWAY    KAL 11/16/18    NDC-000011            KAL	Designer:    K. SCOTT Detailer:     J. XAYSANA Subset:       ROADWAY	Structure Numbers Subset Sheets: 32 of 40						

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# *Attachment B*

CDOT Consultation Letter to SHPO



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

Environmental Programs Branch  
2829 W. Howard Pl., 4<sup>th</sup> Floor  
Denver, CO 80204  
(303) 757-9281

July 26 2019

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

**SUBJECT:** Additional Eligibility and Effects Determinations, and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Reevaluation #8, Denver and Adams Counties (CHS #41831)

Dear Mr. Turner:

This letter and the attached materials constitute a request for concurrence on updated information regarding the project referenced above. The Interstate 70 (I-70) East Environmental Impact Statement (EIS) Preferred Alternative includes the Partial Cover Lowered Alternative and Managed Lanes. The first phase of implementing the overall Preferred Alternative, Phase I, is also referred to as the Central 70 Project. Additional project modifications have occurred since the Record of Decision (ROD) was signed in January 2017, and since that time subsequent re-evaluations were completed as part of this project.

In a letter to your office dated February 22, 2019, the Colorado Department of Transportation (CDOT) described design changes resulting in minor adjustments and refinements to the Preferred Alternative, Phase I between I-25 and Colorado Boulevard as part of Reevaluations #6 and #7. This consultation pertains to resources within an expanded Area of Potential Effects (APE) for the Central 70 Project (Preferred Alternative, Phase 1) and design changes associated with Reevaluation #8.

**Design Changes and Area of Potential Effect Expansion**

There have been minor adjustments and refinements to the design of the Preferred Alternative, Phase I between I-25 and Colorado Boulevard. These changes require the minor expansion of the Project's APE in two areas. The APE must be expanded to accommodate ditch/swale construction adjacent to the Union Pacific Railroad Segment (5DV.6248.4) near Fillmore Street and 51<sup>st</sup> Street [Design Alteration 1 and APE Expansion 1], and the construction of graveled maintenance access and a detention pond between Airlawn Road and Quebec Street adjacent to the Union Pacific Beltline-Railroad Segment (5AM.2083.1) [Design Alteration 2 and APE Expansion 2]. No newly identified historic or potentially historic resources are located within the two proposed APE expansion areas.

Design changes also require construction footprint adjustments to accommodate noise wall construction near Williams Street [Design Alteration 3], and temporary easements for curb and inlet construction from Univar (5DV.9231) [Design Alteration 4], a National Register of Historic Places (NRHP) eligible property. These adjustments are accommodated within the existing APE in this area and no newly identified historic or potentially historic resources were identified in this area. Lastly, design changes indicate the need for two

temporary easements from 6500 East Stapleton Drive for driveway, inlet, and curb construction [Design Alteration 5]. Please refer to the enclosed Table 1 for a summary of design changes and related Section 106 effect determinations.

#### *APE and Design Alteration Descriptions*

**Design Alteration 1 and APE Expansion 1:** Design changes in Reevaluation #8 call for the construction of a small ditch/swale running parallel to the west side of 5DV.6248.4, an officially supporting segment of the UPRR (5DV.6248). The APE must be expanded to incorporate design changes in this area to address the ditch/swale construction. To accommodate proposed ditch/swale construction adjacent to the railroad segment the APE must be extended approximately 1,900 feet to the northeast. The APE expansion is contained to the UPRR ROW. Because proposed work is confined to the existing UPRR ROW the APE was not expanded to include parcels adjacent to the railroad. Please refer to the enclosed Figures 1 – 2 for more information.

**Design Alteration 2 and APE Expansion 2:** The ROD called for a temporary encroachment onto approximately 1.2 acres of the southern extent of the Union Pacific Beltline Railroad (5AM.2083.1) resource boundary for temporary staging of equipment and materials. CDOT owns this parcel; therefore, no easements are required to accommodate project work. In Reevaluation #5, it was determined a small portion of roadway reconstruction on Quebec Street, totaling approximately 67 square feet, would occur within the historic site boundary. Design changes in Reevaluation #8 have resulted in the need for a water detention pond along Airlawn Road near Quebec Street and construction of graveled maintenance access to the pond.

As part of Reevaluation #8 and this consultation, the APE is also being modified along Airlawn Road. Previously, the APE at this location was irregular, created by several iterations of APE expansion. Therefore, the APE was modified at this location to more closely follow parcel and ROW boundaries. The APE modification results in a 0.49 acre expansion to the APE within the ROW of Airlawn Road. The APE expansion would be confined to the existing CDOT ROW. No newly identified historic resources are located within the expanded APE. Please refer to the enclosed Figures 3 – 4 for more information.

**Design Alteration 3:** Design changes indicated the need for construction footprint adjustments to accommodate noise wall construction near Williams Street. The proposed work is within the current APE and three parcels would be impacted by this design change, including previously surveyed Acevedo Residence (5DV.9794), determined *not eligible* in 2007. The noise wall at this location was approved with the ROD, signed January 2017. The current design footprint, however, does not provide enough room to construct the wall. Therefore, construction limits must be slightly expanded to the adjacent property lines. There would be no permanent construction in this expanded area, and the area would only be used temporarily for construction access to accommodate construction of the noise wall. As described in the ROD, the new noise wall would be constructed running parallel to the I-70 westbound off ramp to Brighton Boulevard. Please refer to the enclosed Figure 5 for more information.

**Design Alteration 4:** Design changes require a temporary easement from Univar (5DV.9231), determined *Eligible* in 2013. The ROD identified the need for approximately 0.03 acre (1,106 square feet) of permanent ROW acquisition from this property in areas along Holly Street and Stapleton Drive South. In Reevaluation #3 of the ROD, permanent ROW acquisition had been reduced by approximately 1,022 square feet. In total, approximately 84 square feet of permanent ROW acquisition was proposed on the property. Design refinements under Reevaluation #3 also required a total of approximately 724 square feet of temporary easements at two locations within the parking lot in order to tie back slopes and tie in driveway approaches to the property. Design refinements under Reevaluation #8 require a temporary easement from the northwesternmost corner of the property for inlet and curb construction to tie back slopes and accommodate driveway approaches to the property. There are no APE changes associated with this design alteration. Please refer to the enclosed Figure 5 for more information.

**Design Alteration 5:** Design changes under Reevaluation #8 have indicated the need for two temporary easements from 6500 E Stapleton Drive for driveway, inlet and curb construction. The ROD and subsequent reevaluations determined 6500 Stapleton Drive did not reach the age threshold for evaluation under Section 106. Therefore, project effects to this resource are not described in the ROD or subsequent reevaluations. There are no APE changes associated with this design alteration.

**Eligibility Determinations**

No newly-identified historic resources were found or evaluated as part of this reevaluation. The property at 4643 N Williams (5DV.9794) was previously determined officially not eligible; therefore, this resource was not re-evaluated for NRHP eligibility. The property at 6500 E Stapleton Drive which contains buildings dating to 1973 was not previously surveyed for NRHP eligibility because it had not yet reached the age threshold for historic resources (1968) identified in the ROD. Reevaluation #3 brought the age threshold for historic resource to 1972, in order to evaluate resources that would reach the 50-year age guideline described by the NRHP at the projected construction horizon of 2022. Because the projected construction horizon has not changed, this resource was not evaluated for NRHP eligibility as part of Reevaluation #8.

The following is a summary of the properties evaluated for Reevaluation #8:

<b>Name/Site Number</b>	<b>Address</b>	<b>Eligibility</b>
UPRR Railroad Segment (5DV.6248.4)	NA	Supporting – Official (2013)
UP Beltline Railroad Segment (5AM.2083.1)	NA	Supporting – Official (2015)
Acevedo Residence (5DV.9794)	4643 N Williams St	Not Eligible – Official (2007)
Strait Trust Property	4652 N Brighton Blvd	Vacant
Strait Property	4640 N Brighton Blvd	Vacant
Univar (5DV.9231)	4300 Holly Ave	Eligible – Official (2013)
Rare Finds Property	6500 E Stapleton Dr	Does Not Meet Age Threshold

**Effects Determinations**

**Segment 5DV.6248.4 – Union Pacific Railroad:** This resource is significant under NRHP Criterion A. The resource is in the Elyria-Swansea neighborhood of Denver and extends from the UPRR railyard at 44<sup>th</sup> Avenue and Race Street, traveling northeast and crossing the Denver County and Adams County border at the SunCor refinery just south of Interstate 270 (I-270). It was determined this is an officially supporting segment of the UPRR’s overall NRHP eligibility in 2013. The ROD called for removing and replacing the existing bridge carrying UPRR segment 5DV.6248 with a multi-span bridge that will carry the railroad over the reconstructed I-70 and eastbound and westbound lanes of 46th Avenue. The work affects approximately 12,500 linear feet of track within the UPRR railyard located south of I-70. The removal of the existing bridge and the temporary relocation of the tracks was determined to result in an Adverse Effect to UPRR segment 5DV.6248. Design refinements in Reevaluation #1 were the same as reported in the ROD, and design changes in Reevaluation #2 included relocating a gate at the Purina plant. Project activities affecting the resource resulted in the determination of Adverse Effect, recorded in the FEIS and ROD. Mitigation is currently underway in the form of a Level II Historic Resource Report, as mandated by the *Programmatic Agreement Among Federal Highway Administration, Colorado State Historic Preservation Office and the Colorado Department of Transportation Regarding the Implementation of The Interstate 70 East Corridor Project – Interstate 25 to Tower Road (I-70 East Corridor PA)*. Please refer to the enclosed Table 1 for more information.

Design changes in Reevaluation #8 call for the construction of a small ditch/swale running parallel to the west side of 5DV.6248.4, an officially supporting segment of the UPRR (5DV.6248). The UPRR requested the ditch/swale be included in the project to accommodate drainage. The ditch/swale would be approximately 1.5 feet deep and would vary in width three to five feet (Figures 1 and 1a). It would be approximately 1,088 feet long and occupy approximately 0.11-acre of the UPRR property when constructed. The work is not anticipated



to require easements from properties adjacent to the UPRR segment. Though work does occur within the historic resource boundary, the drainage ditch/swale proposed under Re-Evaluation 8 would not directly impact any features causing the railroad to be eligible to the NRHP, including the tracks, ties, berm, and ballast. As an at-grade improvement, the proposed work will not introduce vertical setting elements that would detract from the setting of the resource or its spatial relationships with surrounding buildings and transportation resources. The project continues to result in an **Adverse Effect** with regard to this resource. This adverse effect was mitigated with the preparation of Level II documentation per the terms of the I-70 East Corridor Programmatic Agreement. See Figure 1 for more information about these effects.

**Segment 5AM.2083.1 – Union Pacific Belt Line Railroad:** This resource is significant under NRHP Criterion A and travels diagonally to the northwest from the intersection of I-70 and Quebec Street to East 56<sup>th</sup> Avenue and Elizabeth Street. Much of the segment is in use and maintains its original function and purpose, although a portion of the track was removed south of I-70 to Quebec Street. No berm, ballast, ties, rails or any other components of the railroad are extant south of I-70 to Quebec Street. These components were removed when this portion of this line was deactivated in the 1980s. Previous recordation of this segment from 2007 determined this was a supporting segment of the overall resource, and the resource segment terminated where the railroad passes beneath I-70. In 2013 the resource boundary was extended south of I-70 to Quebec Street. Most recently, in 2015, the resource boundary was expanded on the north side of I-70 to include the extant and still-in-use railyard associated with the Union Pacific Belt Line. It was previously determined that staging of materials and equipment within the historic resource boundary south of I-70 along Quebec Street resulted in No Adverse Effect for 5AM.2083.1, with which the State Historic Preservation Office (SHPO) concurred on February 24, 2016. Design refinements under Reevaluation #5 at this location similarly resulted in No Adverse Effect with which SHPO concurred on October 31, 2018. Please refer to the enclosed Table 1 for more information.

Design refinements under Reevaluation #8 require the construction of a water detention pond and graveled maintenance access to the pond within the historic resource boundary of the railroad. The pond would be approximately 150 feet wide by 330 long and would permanently encroach onto approximately 0.3 acre of the southernmost extent of the historic resource boundary of 5AM.2083.1. The gravel maintenance access would permanently occupy 0.18 acre of the southernmost extent of the historic resource boundary (Figure 3). The gravel maintenance access would be located approximately 400 feet southeast of the intersection of Stapleton Drive on the east side of Airlawn Road. The proposed gravel maintenance access would generally follow the historic resource boundary of 5AM.2083.1 southeast before curving north towards the proposed water detention pond.

No railroad features associated with 5AM.2083.1 are extant south of I-70 and the area is currently being utilized as a staging area for equipment and materials. The open corridor in combination with the extant features in other areas of this segment are evocative of the linear railroad resource in this area. The proposed water detention pond and gravel maintenance access to the pond represent at-grade improvements. These features would not introduce new vertical elements into the rail corridor and would not impact extant features of the railroad located on the north side of I-70. Because there is no extant berm, ballast, track or other railroad features south of I-70 associated with 5AM.2083.1, integrity of materials, design and workmanship would not be diminished as a result of gravel maintenance access and water detention pond construction. Because no new vertical elements would be introduced into the railroad corridor, and the alignment of the corridor itself would remain intact, integrity of location, setting and feeling would similarly not be diminished as a result of gravel maintenance access and water detention pond construction. Because work occurs on a CDOT-owned parcel, no easements are required. For these reasons, the project continues to result in **No Adverse Effect** with regard to 5AM.2083.1. Please refer to the enclosed Figure 3 for more information.

**5DV.9794 – Acevedo Residence:** Design changes indicated the need for construction footprint adjustments to accommodate noise wall construction near this resource. The wall would range from 12 to 20 feet tall as it follows the off ramp. It would be made of concrete and patterned in accordance with the Aesthetic Design

plans. No changes to the wall itself, as approved in the ROD, are proposed. The project results in a determination of **No Historic Properties Affected** with regard to 5DV.9794. Please refer to the enclosed Table 1 and Figure 5 for more information.

Two vacant parcels would also be impacted by this design change; 4652 Brighton Blvd and 4640 Brighton Blvd. Both properties are vacant; therefore, the project results in a determination of **No Historic Properties Affected** with regard to these properties. Please refer to the enclosed Table 1 and Figure 5 for more information.

**5DV.9231 - Univar:** This resource was most recently determined Officially Eligible in 2013. The resource is significant under NRHP Criterion C as a good example of a commercial building exhibiting International Style features such as horizontal lines, linear composition, alternating bands of windows and solid panes, smooth unornamented surfaces, and a flat roof. Design refinements under Reevaluation #8 require a temporary easement from the northwesternmost corner of the property for inlet and curb construction to tie back slopes and accommodate driveway approaches to the property. The proposed temporary easement would be 227 feet greater than what was previously approved, requiring a total of 1,051 square feet (0.024 acre) to accommodate project activities. The work would occur at the northwesternmost portion of the property, in an asphalt paved parking lot. Please refer to the enclosed Table 1 for more information.

The resource is significant for its representation of the International architectural style. The work represents at-grade improvements in currently paved areas of the property. The work would not affect the architectural features of the resource making it eligible to the NRHP. The work proposed would not alter the important spatial relationships between the resource and its setting, nor would vertical elements be introduced that obstruct the architectural elements of the property. The work, therefore, would not diminish the characteristics of the building qualifying it for inclusion on the NRHP. For these reasons, the project continues to result in **No Adverse Effect** with regard to 5DV.9231. Please refer to Figure 6 for more information.

**6500 E. Stapleton Drive (Rare Finds Property):** Design changes under Reevaluation #8 have indicated the need for two temporary easements from 6500 E Stapleton Drive for driveway, inlet and curb construction, totaling 1,330 square feet (0.03 acre) to accommodate project activities. The project results in a determination of **No Historic Properties Affected** with regard to 6500 E. Stapleton Drive because the property does not meet the minimum age requirement for evaluation under the NRHP.

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

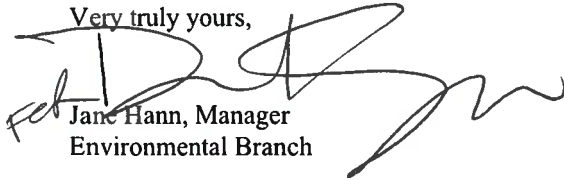
The Section 4(f) determination for the three NRHP Eligible resources discussed in this letter remains unchanged from previous consultations with your office. The project continues to result in an **Adverse Effect** with regard to the Union Pacific Railroad Segment (5DV.6248.4). Therefore, there remains a Section 4(f) *use* of this resource.

The project continues to result in a Section 106 determination of **No Adverse Effect** with regard to the Union Pacific Beltline Railroad Segment (5AM.2083.1) and the Univar property (5DV.9231). The finding of **No Adverse Effect** under Section 106 reflects a conclusion that for the Section 4(f) historic site affected by the project, those effects will not “alter, directly or indirectly, any of the characteristics of [the] historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association.” Section 4(f) regulations (23 CFR 774) provide FHWA an opportunity to make a *de minimis* impact finding under Section 4(f) for properties resulting in a No Adverse Effect finding. This serves as notification that, pursuant to 23 CFR 774.5(b)(ii) regarding coordination, FHWA intends to make a *de minimis* finding for the resources referenced above that result in a finding of No Adverse Effect.

Mr. Turner  
July 26, 2019  
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We request your concurrence with the proposed APE expansion and findings of effects described above. If you have any 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

Cc: Tim Buntrock, Central 70

Enclosures:

- Table 1 – Project Effects Table
- Figure 1 – 5DV.6248.4 Resource Map
- Figure 1a – 5DV.6248.4 Resource Map (Full Extent)
- Figure 2 – UPRR APE Expansion Area
- Figure 3 – 5AM.2083.1 Resource Map
- Figure 4 – Airlawn Road APE Expansion Area
- Figure 5 – Williams Street Construction Footprint Expansion
- Figure 6 – Parcel 121 Univar

# *Attachment C*

SHPO August 12, 2019 Letter to CDOT



AUG 12 2019

Jane Hann  
Manager, Environmental Programs Branch  
Colorado Department of Transportation  
2829 W. Howard Place  
Denver, CO 80204

Re: Additional Eligibility and Effects Determinations, and Section 4(f) *De Minimis* Notification, I-70 East Environmental Impact Statement, Reevaluation #8, Denver and Adams Counties (HC #41831)

Dear Ms. Hann:

Thank you for your additional correspondence dated July 26, 2019 and received on July 31, 2019 by our office regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

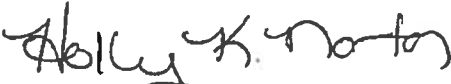
After review of the provided information, we do not object to the revised Area of Potential Effects (APE) and recognize that no additional properties were identified within the revised APE.

Our office has reviewed the additional effects determinations. We recognize that earlier evaluations recommended a finding of adverse effect to 5DV.6248.4 and that this adverse effect has been mitigated by Level II documentation as per the I-70 East Corridor PA. We concur with the recommended finding of *no adverse effect* [36 CFR 800.5(d)(1)] for 5AM.2081.1 and 5DV.9231, and with *no historic properties affected* [36 CFR 800.4(d)(1)] 5DV.9794 and 6500 E. Stapleton Drive.

We acknowledge that an adverse effect to 5DV.6248.4 constitutes as Section 4(f) *use* of the resource. Additionally, we acknowledge that FHWA may make a *de minimis* determination in respect to the requirements of Section 4(f) for 5AM.2081.1 and 5DV.9231.

If we may be of further assistance, please contact Jason O'Brien, Section 106 Compliance Manager, at (303) 866-2673 or [Jason.obrien@state.co.us](mailto:Jason.obrien@state.co.us).

Sincerely,

  
Steve Turner, AIA  
State Historic Preservation Officer