



APPENDIX A8
ARCHAEOLOGICAL RESOURCES DOCUMENTATION

Kara Swanson

From: Jepson - CDOT, Daniel <daniel.jepson@state.co.us>
Sent: Wednesday, January 15, 2020 8:12 AM
To: Kara Swanson
Cc: Cesark - CDOT, David
Subject: Archaeology Compliance Correspondence, I-70 W. Vail Pass Auxiliary Lanes (21685)
Attachments: W Vail Pass SHPO & Tribal Correspondence (Jan '20).pdf

Follow Up Flag: Follow up
Flag Status: Flagged

Kara -

Attached for your files and inclusion in the appropriate EA appendix is the comprehensive correspondence related to Section 106 archaeology compliance with SHPO and the Southern Ute Indian Tribe, the lone consulting tribe for the project referenced above. The SHPO concurred with our determination that the project as currently planned results in *no historic properties affected* with regard to archaeological resources. Specific to prehistoric site 5ST85 (Vail Pass Camp), located on the grounds of the Vail Pass Rest Area and therefore well away from any direct impacts related to Auxiliary Lane construction, we agreed to better define the site boundary; however, that action isn't tied directly to this project and therefore timing isn't an issue. We also assured SHPO that the Rest Area would not be used for equipment staging, materials storage, or any other potentially impactful activity during construction.

No further actions are required for archaeology. Please let me know if you have questions--thanks -

Dan

Dan Jepson, Senior Archaeologist
Cultural Resources Section Manager
Environmental Programs Branch



2829 W. Howard Pl., Denver, CO 80204
(303) 757-9631

daniel.jepson@state.co.us | www.codot.gov/programs/environmental



Jane Hann
Manager
Environmental Programs Branch
2829 West Howard Place, 4th Floor
Denver, Colorado 80204

JAN 13 2020

Re: Additional Information Regarding Eligibility and Effects Determinations (Archaeological Resources),
I-70 West Vail Pass Auxiliary Lanes Environmental Assessment, Eagle and Summit Counties
(HC#75431)

Dear M. Hann:

Thank you for your correspondence dated 13 December 2019 and received by our office on 17 December 2019 regarding the review of the above referenced project under Section 106 of the National Historic Preservation Act.

After review of the documentation provided, we note that the proposed undertaking involves Interstate Highway 70 (I-70) between mile marker 179.5 and 191.5. This is within the I-70 Vail Pass Segment (5EA.1826.4/5ST892.5) Historic District, which is eligible for listing to the National Register of Historic Places (NRHP) under Criterion A and C. This district also includes the Vail Pass Recreation Trail, Black Lake No. 1 and Black Lake No.2, and Colorado Department of Transportation (CDOT) facilities associated with this portion of I-70, some of which are contributing to the eligibility of the district. We note that the Area of Potential Effects (APE) includes the entirety of the Vail Pass Segment Historic District. We also note that our office has previously provided concurrence that the undertaking may have an adverse effect to eligible built environment resources.

We appreciate the additional information provided in your current letter. Due to how the Programmatic Agreement (PA) allows your agency to consult on archaeological and built environment resources separately, review is split in a way that does not always ensure that all the relevant information is provided to the appropriate people. Additionally, information that is relevant to review of one type of resource is not always relevant to the review of the other.

With the additional information provided, we concur that the subject undertaking will result in *no historic properties affected* [36 CFR 800.4(d)(1)] with regard to archaeological resources under the following conditions: that the subject undertaking does not use the rest area for equipment staging or materials storage associated with construction and that CDOT commits to additional field investigations to resolve questions associated with 5ST.85 prior to conducting any additional undertakings associated with the Vail Pass Rest Area.

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

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional

information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings. Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

Thank you for the opportunity to comment. If we may be of further assistance, please contact Lindsay Johansson, Section 106 Compliance Manager, at (303) 866-4678 or lindsay.johansson@state.co.us.

Sincerely,

A handwritten signature in black ink, appearing to read "Steve Turner". The signature is written in a cursive, flowing style.

Steve Turner, AIA
State Historic Preservation Officer

CC: Tom Fuller, Heritage Program Manager, White River National Forest, 900 Grand Avenue,
Glenwood Springs, Colorado 81601



COLORADO
Department of Transportation
Division of Transportation Development

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

December 13, 2019

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

SUBJECT: Additional Information RE: Archaeological Resources, I-70 West Vail Pass Auxiliary Lanes Environmental Assessment, Eagle and Summit Counties (HC #75431)

Dear Mr. Turner:

We are in receipt of your letter dated November 25, 2019, regarding the project referenced above. You presented several issues that require clarification and/or further discussion related to the I-70 Vail Pass Resource (5EA1826.4/5ST982.5); documentation of an accurate site boundary for Vail Pass Camp (5ST85); and potential cumulative effects of the project and other reasonably foreseeable actions on the physical integrity of 5ST85. These points are addressed individually below.

I-70 Vail Pass Resource (5EA1826.4/5ST982.5)

Your correspondence noted the absence of information specific to the Vail Pass Resource in our November 1, 2019 transmittal, and also stated “it is difficult to assess effect without a complete understanding of the undertaking and APE.” Please be aware that issues related to the historic built environment, including the Vail Pass Resource and its various contributing elements, were addressed in consultation with your staff in October 2019 (which resulted in establishment of the HC file referenced in the subject line above). We made the incorrect assumption that you would be aware of, and have access to, those letters and associated documents during your review of archaeological resources in the corridor. Therefore, copies of CDOT’s letter of October 3, 2019, and the History Colorado response dated October 17, 2019, are enclosed for your review.

Note that Pg. 3 of the October 3 CDOT letter indicates that “the APE is subject to change depending on...design factors as the project progresses. See Section 3 of the...[Historic Resources] inventory report for a more detailed discussion of APE development.” Sections of the history report describing the APE, project Purpose and Need, and the Proposed Action alternative are enclosed. We trust this information will provide you with a greater understanding of how the APE was developed, as well as the exact nature of the proposed I-70 improvements.

Determining an Accurate Site Boundary for 5ST85 (Vail Pass Camp)

We agree with your assessment that an accurate site boundary for 5ST85 has never been determined, beginning when the site was discovered, tested, and subjected to data recovery excavations in the mid-1970s, and extending to the present. For future administration of the site, it is clearly essential to know the lateral extent and nature of the resource, including whether the site extends south to or beyond West Tenmile Creek, and/or if there is in fact a discrete site in that area which should be documented separately.

However, in our view the issue of a site boundary is less critical in the context of Section 106 compliance for the Auxiliary Lanes project. In particular this is due to the minimal extent of proposed construction in proximity to the rest area—as well as the location of the core area of 5ST85 excavated in 1975—which will be limited to the existing highway right-of-way (ROW) at the I-70 entrance and exit ramps. Please refer to p. 25 of the engineering plan set submitted with our November 1, 2019 letter, which shows the lateral extent of direct impacts currently proposed at and near the I-70 Exit 190 interchange. The rest area proper will not be used for equipment staging or materials storage, or otherwise impacted during construction. In whatever boundary configuration site 5ST85 ultimately assumes, we remain confident the site does not extend into the I-70 ROW. Therefore, we again maintain the project will result in *no historic properties affected* with regard to Vail Pass Camp.

Specific to establishing an accurate site boundary, CDOT will commit to additional field investigations toward that end, potentially including subsurface testing, when funding and other resource availability can be secured. The results of those inquiries will thereafter be provided to your office for review and acceptance. Given our contention that the project results in no affect to 5ST85, we request that the site boundary issue not be tied directly to the Auxiliary Lanes project. Because the Vail Pass Rest Area and 5ST85 are located on lands administered by the USDA Forest Service, we have discussed these issues with White River National Forest Archaeologist Tom Fuller, who concurs with our approach and assessments.

Cumulative and Reasonably Foreseeable Effects to 5ST85

As stated in the Purpose and Need section of the enclosed history report excerpt, “This project is needed to address safety concerns and operational issues due to...steep grades and tight curves...that result in inconsistent and slow travel times along the corridor” (p. 4). Your implication that these improvements to the interstate and “continued use of I-70 and the Vail Pass Rest Area [may result in an adverse effect to 5ST85]” is therefore speculative and unsupported. We are confident that operational upgrades to I-70 as a result of this project or similar future undertakings will neither directly increase use of the rest area nor further endanger the integrity of 5ST85.

We request your concurrence with the effects determination for 5ST85 as outlined above, and agreement with our commitment to establish an accurate boundary for the site in the foreseeable future. If you have questions, please contact CDOT Senior Archaeologist Dan Jepson at (303) 757-9631 or daniel.jepson@state.co.us.

Very truly yours,



Jane Hann, Manager
Environmental Programs Branch

Enclosures: History compliance correspondence (October 2019)
History inventory report excerpt

cc: D. Cesark, CDOT Region 3
K. Swanson, David Evans & Assoc.
T. Fuller, White River National Forest
C. Atencio & G. Briggs, Southern Ute Indian Tribe



Jane Hann
Manager
Environmental Programs Branch
2829 West Howard Place, 4th Floor
Denver, Colorado 80204

NOV 25 2019

Re: Eligibility and Effects Determinations (Archaeological Resources), I-70 West Vail Pass Auxiliary Lanes Environmental Assessment, Eagle and Summit Counties (HC#75431)

Dear M. Hann:

Thank you for your correspondence dated 1 November 2019 and received by our office on 5 November 2019 regarding the review of the above referenced project under Section 106 of the National Historic Preservation Act.

After review of the documentation provided, we note that the proposed undertaking involves Interstate Highway 70 (I-70) between mile marker 179.5 and 191.5. This is within the I-70 Vail Pass Segment (5EA.1826.4/5ST892.5) Historic District, which is eligible for listing to the National Register of Historic Places (NRHP) under Criterion A and C. This district also includes the Vail Pass Recreation Trail, Black Lake No. 1 and Black Lake No.2, and Colorado Department of Transportation (CDOT) facilities associated with this portion of I-70, some of which are contributing to the eligibility of the district. We note that the Area of Potential Effects (APE) includes the entirety of the Vail Pass Segment Historic District, but that no information was provided concerning the specific activities that would be occurring in areas within the APE. While we understand that project activities change and evolve during undertakings such as this, it is difficult to assess effect without a complete understanding of the undertaking and APE.

At present, we also have several questions concerning the adequacy of identification efforts at 5ST.85. We acknowledge that the 2007 survey which was newly submitted to our office for concurrence meets the current standards for cultural resource surveys. However, the site form for 5ST.85 is incomplete and review of past recording efforts at 5ST.85 raises several important questions that must be resolved before eligibility can be properly assessed.

Neither the 2017 nor the 2019 recording of 5ST.85 provide a boundary for the site. In fact, the only boundary on a site form for 5ST.85 was assigned during the initial recording in 1984, when the site was recorded as two lithic concentrations to the north and south of Ten-Mile Creek. Since that time, recorders focused on the area surrounding the I-70 rest area exclusively. Does the site extend to the southern bank of the creek? Or should this area be recorded as a separate site? How far does the site extend in the other directions? Should the northern area which was tested during excavations in 1985 be considered within the site boundaries? Due to the nature of disturbances associated with the construction and use of the rest area, we suggest that subsurface testing may be appropriate in order to address these questions concerning horizontal distribution of the site. Geomorphological testing and studies may also be appropriate to gain a better understanding of the depositional environment and the potential extent of the strata containing cultural deposits. Due to the location of 5ST.85 within and surrounding an interstate rest area and the likelihood that artifacts on the surface have been removed, we feel it is unlikely that pedestrian survey of the area can contribute much information to address these questions.

We *concur* that sites 5EA.54, 5EA.55, 5EA.773, and 5EA.2646 are *not eligible* for listing to the National Register of Historic Places (NRHP). We also *concur* that isolates 5EA.2642, 5EA.2644, 5EA.2645, 5ST.1207, and 5ST.1208 are *not eligible* for listing to the NRHP.

We request the additional information detailed above in order to assess the effect of the undertaking to NRHP eligible site 5ST.85. We also request the opportunity to review a more detailed description of the undertaking prior to commenting on effect. We encourage CDOT to apply the criteria of adverse effect [36 CFR 800.5(a)(1)] to the undertaking, with a particular emphasis on reasonably foreseeable and cumulative effects to site 5ST.85 from continued use of I-70 and the Vail Pass Rest Area.

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

Thank you for the opportunity to comment. If we may be of further assistance, please contact Lindsay Johansson, Section 106 Compliance Manager, at (303) 866-4678 or lindsay.johansson@state.co.us.

Sincerely,



 Steve Turner, AIA
State Historic Preservation Officer

CC: Tom Fuller, Heritage Program Manager, White River National Forest, 900 Grand Avenue,
Glenwood Springs, Colorado 81601



COLORADO
Department of Transportation
Division of Transportation Development

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

November 1, 2019

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

SUBJECT: Eligibility and Effects Determinations (Archaeological Resources), I-70 West Vail Pass Auxiliary Lanes Environmental Assessment, Eagle and Summit Counties (HC #75431)

Dear Mr. Turner:

This letter and the enclosed documents constitute a request for concurrence with determinations of eligibility and effects to archaeological resources for the project referenced above. The study limits include the I-70 corridor from milepost (MP) 179.5 to MP 191.5 in Eagle and Summit Counties, as reflected in Figure 1, below.

PROJECT BACKGROUND

As part of the initial National Environmental Policy Act (NEPA) analysis, in 2011 the Colorado Department of Transportation (CDOT) completed a Tier 1 Environmental Impact Statement (EIS) for the I-70 Mountain Corridor, extending from C-470 to Glenwood Springs. That study recommended the addition of auxiliary lanes in both directions on the west side of Vail Pass from MP 180-190.

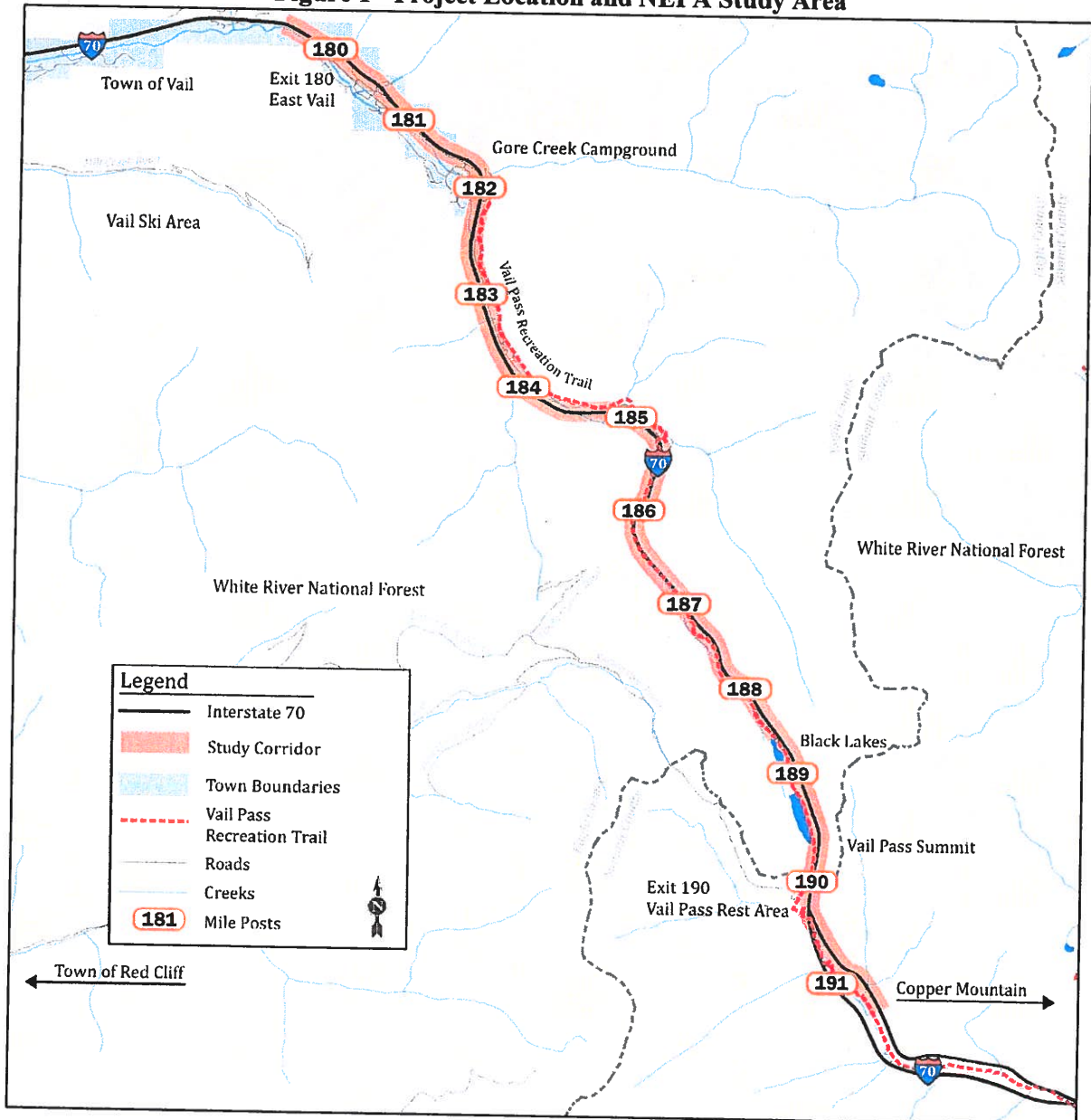
A Tier II NEPA study in the form of an Environmental Assessment (EA) specific to West Vail Pass was initiated in the mid-2000's, but that effort was curtailed prior to completion of the Final EA and associated Decision Document (i.e., a Finding of No Significant Impact [FONSI]). However, a broad array of environmental analyses were conducted at that time, including an archaeological resources field survey of the Area of Potential Effects (APE). The present consultation is therefore admittedly unusual in that we are submitting the survey report completed in 2007 by RMC Consultants, Inc., on behalf of CDOT (enclosed). Both CDOT staff and USDA White River National Forest Archaeologist Tom Fuller have reviewed the document and are confident in its results, recommendations, and overall merit. This compliance strategy was discussed with Lindsay Johannson of your office in advance of our submittal.

AREA OF POTENTIAL EFFECTS

As noted above, the project is located between I-70 MP 179.5 and 191.5, generally between East Vail and a point approximately 1.5 miles east of the Vail Pass summit. An APE was developed to include the following elements (refer to Figure 1 and the attached plan sheets):

- The footprint and associated right-of-way (ROW) of I-70 between MPs 179.5 and 191.5.
- The Vail Pass Recreational Trail between East Vail and the west summit of Vail Pass.
- Black Lake No. 1 and Black Lake No. 2 near the west summit of Vail Pass.

Figure 1 - Project Location and NEPA Study Area



Although the APE for the current iteration of the project has changed slightly since the original survey, the entire study area—including the existing I-70 right-of-way (ROW) and areas bordering it on both sides—was intensively surveyed and evaluated in and prior to 2007 (or steep slopes were determined to not require survey) such that additional inventory is neither necessary nor warranted. The vast majority of the study corridor is located on lands administered by the US Forest Service, and therefore CDOT is working collaboratively with that agency. Mr. Fuller has concurred with our assessment that no further survey within the APE is required, and has encouraged CDOT to facilitate the Section 106 compliance process with your office.

FILE SEARCH RESULTS

Given that the original file search is outdated (refer to pp. 12-13 of the enclosed report), in September 2019, CDOT staff conducted a new search of the COMPASS database at the Office of Archaeology and Historic Preservation. The APE considered for the 2007 survey included the I-70 ROW and adjacent areas from MP 179.1-190.6 (refer to pp. 2-4 of the report), while the current APE is from MP 179.5-191.5 (see enclosed preliminary engineering plans). Therefore, a 0.9-mile segment of ROW from MP 190.6-191.5 was not within the original area considered.

In the years since 2007, the following inventories were conducted within the APE (or otherwise entered into the COMPASS database), each reflecting negative results: EA.FS.NR116 (2006, near MP 183) and MC.FS.R438 (2007, near MP 190.1). One negative survey from the early 1980s is depicted in COMPASS as having been completed in the APE, but does not appear in the original file search: ST.FS.R73 (1981, crossing the ROW just west of MP 191). In addition, the 1999 Adesta Fiber Optic inventory conducted by Centennial Archaeology, Inc. on behalf of CDOT encompassed the entirety of the I-70 ROW within the APE, including the portion between MP 190.6 and 191.5. RMC Consultants surveyed the remainder of the current APE beyond the interstate ROW in 2007, or in some areas determined that steep slopes precluded the presence of intact archaeological remains and did not inventory those areas. Consequently, the current APE has been completely inventoried/evaluated.

FIELD RECONNAISSANCE

CDOT archaeology staff conducted a reconnaissance survey of the corridor on October 17, 2019, re-visiting nearly all sites previously documented in the APE. Two sites (5EA54, 5EA55) could not be relocated due to their having been destroyed during original construction of the interstate, whereas one site (5EA2646) was found and observed to be generally intact. Site 5EA773, located on the extreme fringe of the APE near Black Lake and well beyond the proposed construction area for the project, was not revisited. With one exception (5EA2643), isolated finds were not relocated or revisited.

Site Eligibility and Effects

The 2007 field inventory resulted in the new documentation of one site (5EA2646) and six isolated finds (5EA2642-5EA2645, 5ST1207-5ST1208), as well as the re-visitation of four previously recorded sites (5EA54, 5EA55, 5EA773, and 5ST85). One previously recorded isolated find within the APE (5EA774) was not relocated at that time. As noted above, the report completed subsequent to the 2007 inventory is enclosed, in addition to site forms and Re-Visitation forms (the latter from both 2007 and 2019).

Table 1 - Summary of Eligibility & Effects Determinations

SITE NO.	SITE TYPE	NRHP ELIGIBILITY	EFFECTS
5EA54	Prehistoric open camp	Not eligible (destroyed)	No Historic Properties Affected
5EA55	Prehistoric lithic scatter	Not eligible (destroyed)	No Historic Properties Affected
5EA733	Prehistoric open camp	Not eligible (tested 1991)	No Historic Properties Affected
5EA2642	Prehistoric isolate – lithic flake	Not eligible	No Historic Properties Affected
5EA2643	Historic isolate - wooden fence segment	Not eligible	No Historic Properties Affected
5EA2644	Prehistoric isolate - mano fragments	Not eligible	No Historic Properties Affected
5EA2645	Prehistoric isolate – two lithic flake fragments	Not eligible	No Historic Properties Affected
5EA2646	Historic arborglyphs	Not eligible	No Historic Properties Affected
5ST85	Prehistoric open camp	Eligible	No Historic Properties Affected
5ST1207	Prehistoric isolate – two lithic flakes	Not eligible	No Historic Properties Affected
5ST1208	Prehistoric isolate – lithic flake	Not eligible	No Historic Properties Affected

Mr. Turner
November 1, 2019
Page 4

Vail Pass Camp (5ST85) is the only National Register eligible site within the APE. As reflected on p. 25 of the plan set, the site is located within the boundary of the Rest Area and APE but well beyond the proposed construction limits. With regard to 5ST85 specifically as well as the remaining resources in the APE, the project results in a finding of *No Historic Properties Affected*.

Section 106 Issue Task Force/Consulting Parties

CDOT created a Section 106 Issue Task Force (ITF) for the West Vail Pass project to coordinate and facilitate consulting parties. The final composition of the ITF remains undetermined, but the information contained in this letter will be sent to those who elect to participate (such as CLG's), as well as to the Southern Ute Indian Tribe, the lone consulting tribe for the undertaking. Any comments received will be forwarded to your office.

We request your concurrence with the eligibility and effects determinations for archaeological resources as outlined above and in the enclosed documentation. If you have questions or require additional information in order to complete your review, please contact CDOT Senior Archaeologist Dan Jepson at (303) 757-9631 or daniel.jepson@state.co.us.

Very truly yours,



for Jane Hann, Manager
Environmental Programs Branch

Enclosures: Archaeology survey report
 Engineering plan sheets dated 9/20/19
 Site and Re-visitation forms

cc: D. Cesark, CDOT Region 3 (w/o attachments)
 K. Swanson, David Evans & Assoc. (w/o attachments)
 T. Fuller, White River National Forest



COLORADO
Department of Transportation
Division of Transportation Development

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

November 1, 2019

Ms. Cassandra Atencio, NAGPRA Coordinator
Culture Department
Southern Ute Indian Tribe
P.O. Box 737 MS #88
Ignacio, CO 81137

SUBJECT: Eligibility and Effects Determinations (Archaeological Resources), I-70 West Vail Pass
Auxiliary Lanes Environmental Assessment, Eagle and Summit Counties

Dear Ms. Atencio:

This letter and the enclosed documents constitute a request for comments on determinations of eligibility and effects to archaeological resources for the project referenced above. The study limits include the I-70 corridor from milepost (MP) 179.5 to MP 191.5 in Eagle and Summit Counties, as reflected in Figure 1, below. In August 2018, your tribe expressed interest in becoming a consulting party for the project under Section 106 of the National Historic Preservation Act. Therefore, we are providing you with the opportunity to review and comment on our determinations.

PROJECT BACKGROUND

As part of the initial National Environmental Policy Act (NEPA) analysis, in 2011 the Colorado Department of Transportation (CDOT) completed a Tier 1 Environmental Impact Statement (EIS) for the I-70 Mountain Corridor, extending from C-470 to Glenwood Springs. That study recommended the addition of auxiliary lanes in both directions on the west side of Vail Pass from MP 180-190.

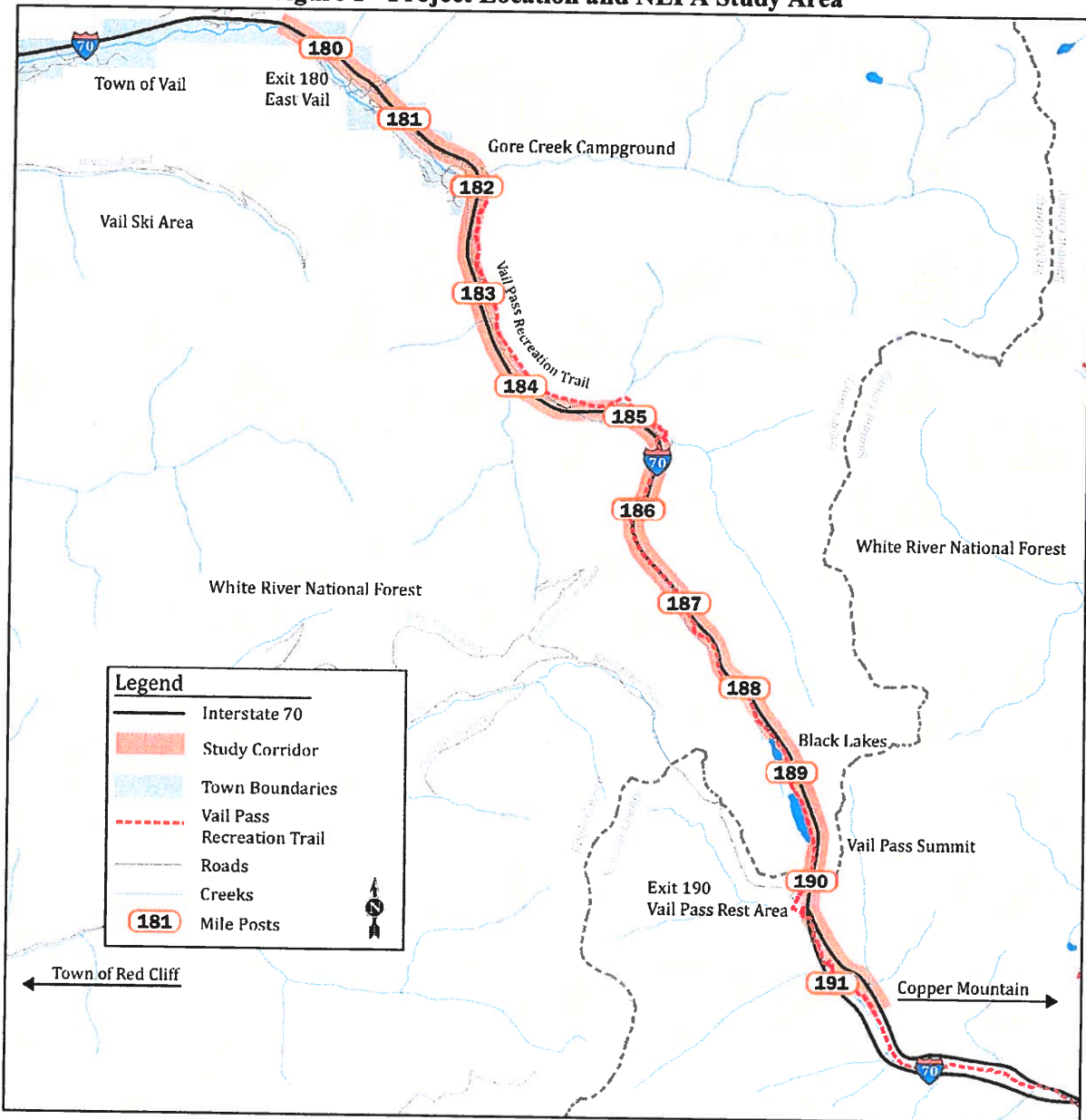
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Figure 1 - Project Location and NEPA Study Area



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FILE SEARCH RESULTS

Given that the original file search is outdated (refer to pp. 12-13 of the enclosed report), in September 2019, CDOT staff conducted a new search of the COMPASS database at the Office of Archaeology and Historic Preservation. The APE considered for the 2007 survey included the I-70 ROW and adjacent areas from MP 179.1-190.6 (refer to pp. 2-4 of the report), while the current APE is from MP 179.5-191.5 (see enclosed preliminary engineering plans). Therefore, a 0.9-mile segment of ROW from MP 190.6-191.5 was not within the original area considered.

In the years since 2007, the following inventories were conducted within the APE (or otherwise entered into the COMPASS database), each reflecting negative results: EA.FS.NR116 (2006, near MP 183) and MC.FS.R438 (2007, near MP 190.1). One negative survey from the early 1980s is depicted in COMPASS as having been completed in the APE, but does not appear in the original file search: ST.FS.R73 (1981, crossing the ROW just west of MP 191). In addition, the 1999 Adesta Fiber Optic inventory conducted by Centennial Archaeology, Inc. on behalf of CDOT encompassed the entirety of the I-70 ROW within the APE, including the portion between MP 190.6 and 191.5. RMC Consultants surveyed the remainder of the current APE beyond the interstate ROW in 2007, or in some areas determined that steep slopes precluded the presence of intact archaeological remains and did not inventory those areas. Consequently, the current APE has been completely inventoried/evaluated.

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Site Eligibility and Effects

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5EA2646	Historic arborglyphs	Not eligible	No Historic Properties Affected
5ST85	Prehistoric open camp	Eligible	No Historic Properties Affected
5ST1207	Prehistoric isolate – two lithic flakes	Not eligible	No Historic Properties Affected
5ST1208	Prehistoric isolate – lithic flake	Not eligible	No Historic Properties Affected

Ms. Atencio
November 1, 2019
Page 4

Vail Pass Camp (5ST85) is the only National Register eligible site within the APE. As reflected on p. 25 of the plan set, the site is located within the boundary of the Rest Area and APE but well beyond the proposed construction limits. With regard to 5ST85 specifically as well as the remaining resources in the APE, the project results in a finding of *No Historic Properties Affected*.

This information was sent concurrently to the State Historic Preservation Officer for review and compliance purposes.

As a consulting Native American tribe, we welcome your comments on this project. If possible, please respond within 30 days of receipt of these materials. If you would like to respond via email, please send your comments to CDOT Senior Archaeologist Dan Jepson at daniel.jepson@state.co.us. Please contact Mr. Jepson at (303) 757-9631 or via email if you have questions or require additional information.

Very truly yours,



for Jane Hann, Manager
Environmental Programs Branch

Enclosures: Archaeology survey report
 Engineering plan sheets dated 9/20/19
 Site and Re-visitation forms

cc: D. Cesark, CDOT Region 3 (w/o attachments)
 K. Swanson, David Evans & Assoc. (w/o attachments)
 T. Fuller, White River National Forest (w/o attachments)



STATE OF
COLORADO

Jepson - CDOT, Daniel <daniel.jepson@state.co.us>

Follow-up: EA I-70 West Vail Pass Auxilliary Lanes

1 message

Briggs, Garrett <gbriggs@southernute-nsn.gov>

Thu, Dec 5, 2019 at 10:52 AM

To: "Jepson - CDOT, Daniel" <daniel.jepson@state.co.us>

Mr. Jepson-

I have received and reviewed the archaeological report that you sent, as well as spoke to Mr. Naranjo. We have no further questions and find No Affect—regarding the sites that were already destroyed and not relocated—and we support the nomination of site 5ST85. Additionally, we are concerned about the surrounding landscape and archaeological sites. So please contact us if any of the undisturbed sites within the area are impacted.

Best,

-Garrett

A handwritten signature in blue ink, appearing to read "Garrett".

NAGPRA Apprentice for the Southern Ute Indian Tribe

Phone: 970-563-2257

Fax: 970-563-1098

TRIBAL MAILING LIST
I-70 West Vail Pass Auxiliary Lanes EA

Tribal Chair (Primary Contact):	Send Copy of Letter and Attachments to:
Governor Eddie Hamilton Cheyenne & Arapaho Business Committee Cheyenne & Arapaho Tribes of Oklahoma P.O. Box 38 Concho, OK 73022	Ms. Virginia Richey, THPO Cheyenne & Arapaho Tribes of Oklahoma 100 Red Moon Circle Concho, OK 73022
Chairman Matthew Komalty Kiowa Business Committee Kiowa Tribe of Oklahoma P.O. Box 369 Carnegie, OK 73015	Ms. Kellie J. Lewis, Acting THPO Kiowa Tribe of Oklahoma P.O. Box 50 Carnegie, OK 73015
Chairwoman Christine Sage Southern Ute Indian Tribe P.O. Box 737, MS #73 Ignacio, CO 81137	Ms. Cassandra Atencio, NAGPRA Coordinator Southern Ute Indian Tribe P.O. Box 737, MS #88 Ignacio, CO 81137
Chairman Harold Cuthair Ute Mountain Ute Tribe P.O. Box 248 Towaoc, CO 81334	Mr. Terry Knight, Sr., THPO Ute Mountain Ute Tribe P.O. Box 468 Towaoc, CO 81334
Chairman Luke Duncan Ute Indian Tribe (Uintah & Ouray Reservation) P.O. Box 190 Ft. Duchesne, UT 84026	Ms. Betsy Chapoose, NAGPRA Representative Ute Indian Tribe (Uintah & Ouray Reservation) P.O. Box 190 Ft. Duchesne, UT 84026
CDOT Region, EPB & Consultant (Send copies of one example letter and the mailing list to):	
Dave Cesark, CDOT Region 3 Planning and Environmental Manager david.cesark@state.co.us	
Dan Jepson, CDOT Environmental Programs Branch, HQ daniel.jepson@state.co.us	
Ms. Kara Swanson, Environmental Manager David Evans and Associates, Inc. 1600 Broadway, Ste. 800 Denver, CO 80202 kswanson@deainc.com	



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

Colorado Division

July 5, 2018

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

Chairwoman Christine Sage
Southern Ute Indian Tribe
P.O. Box 737, MS #73
Ignacio, CO 81137

**SUBJECT: Request for Section 106 Consultation, I-70 West Vail Pass Auxiliary Lanes
Environmental Assessment, Eagle and Summit Counties, Colorado**

Dear Chairwoman Sage:

The Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) are preparing documentation to address the effects of proposed improvements to a 10-mile segment of Interstate 70 in the central Colorado Rocky Mountains (refer to the enclosed map). The project proposes to address safety concerns and operational issues that result in inconsistent and slow travel times along the I-70 corridor on the west side of Vail Pass. One additional travel lane in each direction may be added to portions of the corridor to provide safer and more efficient mobility. Pursuant to the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality (CEQ) implementing regulations (40 CFR 1500-1508), FHWA and CDOT are documenting the potential social, economic and environmental consequences of this action. This portion of I-70 is within the longer corridor that was evaluated under the earlier I-70 Mountain Corridor Programmatic Environmental Impact Statement, but the current project is anticipated to be evaluated as an Environmental Assessment (EA).

FHWA will serve as the lead agency for this undertaking and CDOT staff will facilitate the tribal consultation process. As a consulting party under the Section 106 regulations, you are offered the opportunity to identify concerns about cultural resources and comment on how the project might affect them. Further, if it is found that the project will impact cultural resources that are eligible for inclusion on the National Register of Historic Places (NRHP) and are of religious or cultural significance to your tribe, your role in the consultation process would include participation in resolving how best to avoid, minimize, or mitigate those impacts. It is our hope that by describing the proposed undertaking we can be more effective in protecting areas important to American Indian people.

The project corridor (as reflected on the enclosed map) is located in a generally undeveloped portion of the Rocky Mountains. The entire I-70 right-of-way and adjacent areas within the study limits was intensively surveyed for historic and archaeological resources in 2007 under a previous iteration of the EA project. However, that NEPA action was never completed and therefore additional Section 106 consultation with the State Historic Preservation Officer (SHPO) and consulting parties will be necessary. Tribes that elect to become consulting parties for the undertaking will be kept apprised of future compliance tasks related to historic properties.

Any information you may have regarding places or sites important to your tribe that are located within or near the project area would assist us in our efforts to comprehensively identify and evaluate cultural resources.

We are committed to ensuring that tribal governments are informed of and involved in decisions that may impact places with cultural significance. If you have specific interest in the I-70 West Vail Pass Auxiliary Lanes project, please complete and return the enclosed Consultation Interest Response Form to CDOT Native American consultation liaison Dan Jepson within 30 days via US Mail, fax or email, as listed at the bottom of that sheet. The 30-day period has been established to encourage your participation at this early stage in project development. Failure to respond within that time frame will not prevent your tribe from entering consultation later. However, studies and decision making will proceed and it may be difficult to reconsider previous determinations or findings, unless significant new information is introduced.

If you have questions or concerns about the project or the role of your tribe in the consultation process, please contact Mr. Jepson at (303) 757-9631 or daniel.jepson@state.co.us, or FHWA Colorado Division Environmental Program Manager Stephanie Gibson at (720) 963-3013 or stephanie.gibson@dot.gov.

Thank you for considering this request for consultation.

Sincerely yours,



John M. Cater, P.E.
Division Administrator

Enc: Map showing project area
Consultation Interest Response Form

cc: Stephanie Gibson, FHWA
Joel Barnett, FHWA
Dave Cesark, CDOT Region 3
Kara Swanson, David Evans & Associates
Cassandra Atencio, NAGPRA Coordinator

**FEDERAL HIGHWAY ADMINISTRATION/COLORADO DEPARTMENT OF TRANSPORTATION
SECTION 106 TRIBAL CONSULTATION INTEREST RESPONSE FORM**

PROJECT: I-70 West Vail Pass Auxiliary Lanes Environmental Assessment

The _____ Tribe **[is / is not]** (*circle one*) interested in becoming a consulting party for the Colorado Department of Transportation project referenced above, for the purpose of complying with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800). If your tribe will be a consulting party, please answer the questions below.

Signed: _____
Name and Title

CONSULTING PARTY STATUS [36 CFR §800.2(c)(3)]

Do you know of any specific sites or places to which your tribe attaches religious and cultural significance that may be affected by this project?

Yes No If yes, please explain the general nature of these places and how or why they are significant (use additional pages if necessary). Locational information is not required.

SCOPE OF IDENTIFICATION EFFORTS [36 CFR §800.4(a)(4)]

Do you have information you can provide us that will assist us in identifying sites or places that may be of religious or cultural significance to your tribe?

Yes No If yes, please explain.

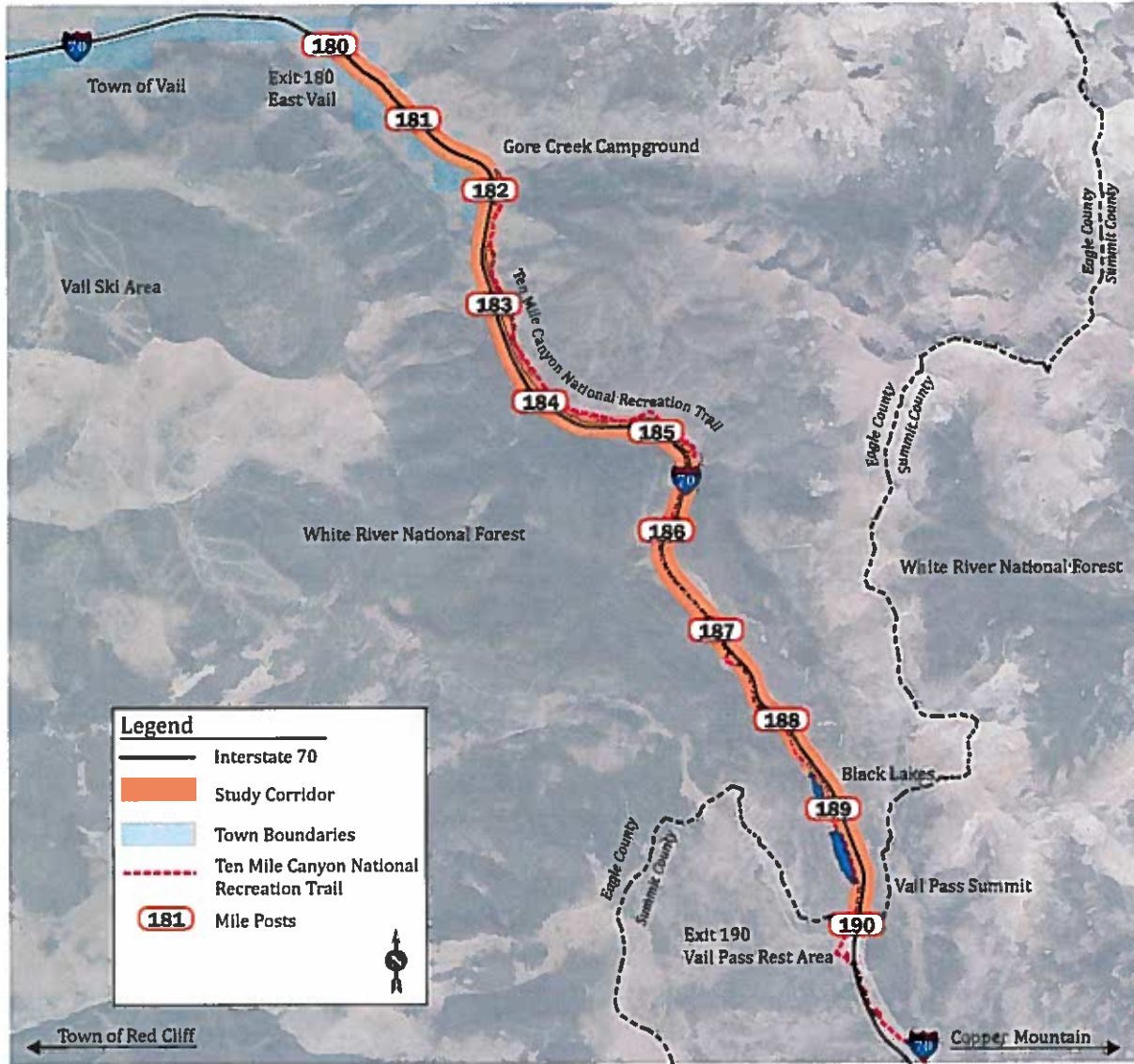
CONFIDENTIALITY OF INFORMATION [36 CFR §800.11(c)]

Is there any information you have provided here, or may provide in the future, that you wish to remain confidential?

Yes No If yes, please explain.

Please complete and return this form within 30 days via US Mail, fax or email to:

Dan Jepson, Section 106 Native American Liaison
Colorado Department of Transportation
Environmental Programs Branch
4201 E. Arkansas Ave., Shumate Bldg.
Denver, CO 80222
FAX: (303) 757-9445
Email: daniel.jepson@state.co.us



Project Location in Colorado

