

**Appendix E.  
Agency Correspondence**





## United States Department of the Interior



FISH AND WILDLIFE SERVICE  
COLORADO FIELD OFFICE/LAKEWOOD  
P.O. BOX 25486, DENVER FEDERAL CENTER  
DENVER, COLORADO 80225-0486

IN REPLY REFER TO:  
ES/CO: CDOT  
TAILS: 06E24000-2016-I-0456; 65412-2011-F-0658

MAR 10 2016

Carol Parr  
Colorado Department of Transportation  
1420 2<sup>nd</sup> Street  
Greeley, Colorado 80631

Dear Ms. Parr:

On February 29, 2016, the U.S. Fish and Wildlife Service (Service) received your report describing the impacts of reconstructing portions of I-25 and Crossroads Boulevard on the Least Tern (*Sternula antillarum*), Piping Plover (*Charadrius melodus*), Western prairie fringed orchid (*Platanthera praeclara*), the Whooping Crane (*Grus americana*), and the pallid sturgeon (*Scaphirhynchus albus*) (collectively referred to as the Platte River species), as well as on the Preble's meadow jumping mouse (*Zapus hudsonius preblei*), the Ute ladies'-tresses orchid (*Spiranthes diluvialis*), the Colorado butterfly plant (*Gaura neomexicana* ssp. *coloradensis*), and the black-footed ferret (*Mustela nigripes*). The effects of the project were evaluated in the North I-25 Corridor Programmatic Biological Opinion (ES/LK-6-CO-2012-F-001) dated October 13, 2011, and we agreed with your determination that the project is likely to adversely affect the Preble's meadow jumping mouse and the Platte River species, is not likely to adversely affect the Ute ladies'-tresses orchid or the Colorado butterfly plant, and would have no effect on the black-footed ferret. The project will be funded by the Federal Highway Administration (FHWA) and constructed by the Colorado Department of Transportation. Our review was performed consistent with our authority under the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*).

Our 2011 biological opinion contained a Term and Condition requiring you to provide us with project-specific information once specific projects were identified and described so that incremental impacts could be tracked and assessed. At this time, you are proposing to reconstruct 1.5 miles of the existing I-25 mainline and replacing two existing bridges that carry I-25 over Crossroads Boulevard. An additional lane and 5-foot bicycle lanes will be added in each direction on Crossroads Boulevard under I-25 for a distance of approximately 200 feet. The project will also connect two sections of Byrd Drive and upgrade it to provide wider shoulders and new pavement. These improvements support the full I-25 build-out of the FEIS Preferred Alternative and will allow for the future general purpose lane included in the full build-out. Existing land uses in the general area include those associated with the Fort Collins-Loveland

Airport, which is located immediately northwest of the study area. Further, Byrd Drive would traverse vacant land that is bounded on both sides by light industrial and commercial land uses.

The area to be affected is in vacant land and none of the species or their habitat occurs within this portion of the corridor; therefore, no impacts are expected. Further, the area is within the block-clearance zone for the black-footed ferret. The Platte River species however, occur downstream and may be affected by the action, but those effects have been analyzed in our 2012 biological opinion with FHWA, ES/LK -6-CO-12-F- 020.

Given the information in our 2011 and 2012 biological opinions and the location of the proposed project, the Service finds your determination acceptable and agrees that the project will have no impact on the Preble's meadow jumping mouse, the black-footed ferret, the Ute ladies'-tresses orchid, or the Colorado butterfly plant. Effects to the Platte River species will be addressed through implementation of FHWA's 2012 programmatic biological opinion (ES/LK-6-CO-12-F-020). Critical habitat has not been designated in the project area; therefore, none will be affected.

We appreciate your submitting this report to our office for review and comment. If the Service can be of further assistance, please contact Alison Deans Michael of my staff at (303) 236-4758.

Sincerely,

  
Drue L. DeBerry  
Colorado Field Supervisor

ec: CDOT, HQ (Jeff Peterson)  
CDOT, Region 4 (Pat Hickey)  
Michael

Ref: AlisonH:\My Documents\CDOT 2007+\Region 4\North I-25\_PBO\_Crossroads\_Bldv\_reconstruction\North I-25\_Crossroads\_Boulevard\_reconstruction\_concur.docx



**COLORADO**  
Department of Transportation  
Region 4

1420 2<sup>nd</sup> Street  
Greeley, CO 80631  
(970) 350.2153 (Fax) 350.2203

April 5, 2016

Mr. Steve Turner, AIA  
State Historic Preservation Officer  
Colorado Historical Society  
1200 Broadway  
Denver, CO 80202

RE: Determinations of Eligibility and Effects and Section 4(f) *De Minimis* Notification, CDOT Project No. IM 0253-242 (SA# 20575), North I-25 Record of Decision 3: Crossroads Bridge Replacement at I-25 Larimer County

Dear Mr. Turner,

Starting in 2006, historic resource surveys and impact assessments were conducted for proposed transportation improvements to the North I-25 Corridor. As design for the proposed transportation improvements has progressed, specific construction projects along the corridor have moved forward. This letter is in reference to an undertaking associated with the North I-25 Record of Decision (ROD) 3.

The proposed transportation improvements were studied in the North I-25 Final Environmental Impact Statement (FEIS) completed by CDOT in 2011 and were addressed in the North I-25 Section 106 Programmatic Agreement (PA), signed with your agency in December 2011. Pursuant to stipulations in that PA, a reevaluation will occur at the initiation of each construction project.

The information provided here constitutes the reevaluation of eligibility and effects for properties in the Area of Potential Effects (APE) for this ROD 3. CDOT is requesting concurrence on Determinations of National Register of Historic Places (NRHP)-Eligibility and Effects for the project referenced above. The Proposed Action includes the reconstruction of 1.5 miles of the existing I-25 mainline, including the replacement of the northbound and southbound bridges that carry I-25 over Crossroads Boulevard. An additional lane will be constructed in each direction on Crossroads Boulevard under I-25. The project also connects two end points for Byrd Drive; at Goldco Drive just south of Earhart Drive and just north of the intersection of Byrd Drive with Crossroads Boulevard. The attached Project Location Map shows the extent of the project. The project was included in the North I-25 Environmental Impact Statement (EIS).

The Proposed Action is identical to the design developed for the Preferred Alternative in the *North I-25 FEIS* (CDOT, 2011).

#### **Area of Potential Effects**

The Area of Potential Effects (APE) for this project includes the parcels of land adjacent to the right-of-way for I-25. This is the same APE used for the North I-25 EIS.

#### **Methodology and Results**

The project area was evaluated for historic resources that may be located within the APE. A file search was conducted through the Colorado Office of Archaeology and Historic Preservation (OAHP) COMPASS cultural resources database to determine if previously identified historic features exist within the APE.

In addition, a field assessment was undertaken in January 2016 by Gail Keeley of Hermsen Consultants to determine if any other (previously unidentified) historic features occur within the APE.

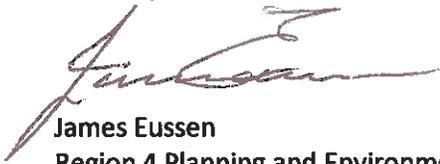
No previously unevaluated properties were identified within the 1.5 mile segment of I-25 involved in this project. A field assessment confirmed that there were no properties or structures at least 50 years old within the APE. The project area has been extensively developed with commercial properties within the last 20 years.

The nearest previously identified historic feature is the Union Pacific Railroad (5LR.1815.2) which crosses I-25 about ¼ mile south of the project area. No direct or indirect impacts to this resource will occur.

Based on this reevaluation, CDOT has determined that there are *no historic properties affected* for this project.

This information has been forwarded concurrently to the Larimer County Planning Department for review; we will inform you of any comments they may elect to submit. If you have questions or require additional information to complete your review, please contact CDOT Region 4 Historian Jason Marmor at 970-350-2153 or via Email at [jason.marmor@state.co.us](mailto:jason.marmor@state.co.us).

Sincerely,



James Eussen  
Region 4 Planning and Environmental Manager

cc: Jason Marmor, Region 4 Historian  
File/Central Files

Attachments: Proposed Project Location map



Proposed Project, North I-25 ROD 3, shown on current aerial imagery showing Crossroads Boulevard Interchange on I-25.





April 15, 2016

James Eussen  
CDOT Region 4 Planning and Cultural Resource Manager  
10601 W. 10<sup>th</sup> Street  
Greeley, CO 80634

Re: Determinations of Eligibility and Effects and Section 4(f) *De Minimis* Notification, CDOT Project No. IM 0253-242 (SA# 20575), North I-25 Record of Decision 3: Crossroads Bridge Replacement at I-25 Larimer County (CHS #70056)

Dear Mr. Eussen:

Thank you for your correspondence dated April 5, 2016 and received on April 8, 2016 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 proposed Area of Potential Effects (APE) for the proposed project.

After review of the scope of work and assessment of adverse effect, we concur with the recommended finding of *no historic properties affected* [36 CFR 800.4(d)(1)] under Section 106 for the following resources.

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

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

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

Sincerely,

Steve Turner, AIA  
State Historic Preservation Officer

