

5.0 SECTION 4(F) DE MINIMIS IMPACT DOCUMENTATION

Section 4(f) was created when the USDOT was formed in 1966. It was initially codified at Title 49 United States Code (U.S.C.) Section 1653(f) (Section 4(f) of the USDOT Act of 1966). Later that year, Title 23 U.S.C. Section 138 was added.

In 1983, Section 1653(f) was reworded and recodified at Title 49 U.S.C. Section 303. These two statutes have no real practical distinction and are still commonly referred to as “Section 4(f)”. Congress amended Section 4(f) in 2005 when it enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, enacted August 10, 2005) (SAFETEA-LU). Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes the FHWA to approve a project that results in a *de minimis* impact to a Section 4(f) resource without the evaluation of avoidance alternatives typically required in a Section 4(f) Evaluation. Section 6009 amended Title 23 USC Section 138 to state:

“The Secretary shall not approve any program or project (other than any project for a park road or parkway under Section 204 of this title) which requires the use of any publicly owned land from a public park, recreation area, or wildlife and waterfowl refuge of national, State, or local significance as determined by the Federal, State, or local officials having jurisdiction thereof, or any land from an historic site of national, State, or local significance as so determined by such officials unless (1) there is no feasible and prudent alternative to the use of such land, and (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use. The requirements of this section shall be considered to be satisfied and an alternatives analysis not required if the Secretary determines that a transportation program or project will have a *de minimis* impact on the historic site, parks, recreation areas, and wildlife or waterfowl refuges. In making any determination, the Secretary shall consider to be a part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project. With respect to historic sites, the Secretary may make a finding of *de minimis* impact only if the Secretary has determined in accordance with the consultation process required under Section 106 of the National Historic Preservation Act that the transportation program or project will have no adverse effect on the historic site or there will be no historic properties affected by the transportation program or project; the finding has received written concurrence from the State Historic Preservation Officer; and the finding was developed in consultation with the parties consulted under the Section 106 process. With respect to parks, recreation areas, or wildlife or waterfowl refuges, the Secretary may make a finding of *de minimis* impact only if the Secretary has determined, after public notice and opportunity for public review and comment, that the transportation or project will not adversely affect the activities, features, and attributes of the park, recreation area, or wildlife or water refuge eligible for protection under this section and the finding of the Secretary has received concurrence from the officials with jurisdiction over the park, recreation area, or wildlife or waterfowl refuge.”

5.1 Coordination

As discussed in **Section 4.6 Historic and Archaeological Resources**, one historic NRHP-eligible property, the Maple Grove Grange, would be impacted by the Proposed Action. As stated in the *Guidance for Determining De Minimis Impacts to Section 4(f) Resources* (FHWA 2005), SHPO must concur in writing with the Section 106 “no adverse effect” determination and must be informed that the FHWA intends to make a *de minimis* finding based on the Section 106 effect determination. Consulting parties under Section 106 must also be informed of the *de minimis* finding. On June 13, 2006, CDOT submitted to SHPO a letter requesting an eligibility and effects determination for the I-70/32nd Avenue Interchange EA (CDOT 2006a), and indicating FHWA’s intent to make a *de minimis* finding. SHPO concurred with the “no adverse effect” determination on the NRHP-eligible properties, including the NRHP-eligible Maple Grove Grange property, on June 29 2006 (SHPO 2006). FHWA subsequently made a *de minimis* finding with respect to the Maple Grove Grange.

As described in **Section 4.3 Parks and Recreation**, one park and one recreational trail would be impacted by the Proposed Action. CDOT intends to pursue a finding of *de minimis* impact from the FHWA Division Administrator for the Section 4(f) resources of the City of Lakewood Chester Portsmouth Park and the Jefferson County Open Space Clear Creek trail. For a *de minimis* finding, the officials with jurisdiction over a park, recreation area, or wildlife or waterfowl refuge must also provide written concurrence that the project will not adversely effect the activities, features, and attributes that qualify the property for protection under Section 4(f).

On July 25, 2006, CDOT submitted to the City of Lakewood Department of Community Resources Parks and Recreation a letter requesting concurrence for the *de minimis* finding for impacts to the Section 4(f) resource of Chester Portsmouth Park (CDOT 2006b). Preliminary concurrence was received from the City of Lakewood on August 3, 2006 (City of Lakewood 2006). Relocation of the Jefferson County Open Space Clear Creek Trail was negotiated by the property owner, Coors. Preliminary concurrence was received by Coors from Jefferson County on July 27, 2006 (Jefferson County 2006). Copies of this correspondence are included at the end of this section.

FHWA is considering making a *de minimis* finding in accordance with Section 4(f) of the 1966 US Department of Transportation Act as amended. FHWA is soliciting comments on the effects this project would have on the attributes, features, and activities that occur on the Jefferson County Open Space Clear Creek Trail and Chester Portsmouth Park. The Public Hearing and comment period that will be conducted by FHWA and CDOT regarding this EA will serve as the opportunity for public review and comment for these impacts.

There would be no wildlife or waterfowl refuges that would be converted to a transportation use by the Proposed Action.

5.2 Proposed Action

The City of Wheat Ridge has identified the area southwest of the I-70/SH 58 interchange as an urban growth area with potential office, commercial, and retail land use (City of Wheat Ridge 2005). Land use in the area southwest of the I-70/SH 58 interchange will change from an

aggregate mine to retail and commercial use, as identified in the *City of Wheat Ridge Comprehensive Plan*, as amended in 2005 (City of Wheat Ridge 2005). The proposed change in land use, in conjunction with regional growth and the non-standard configuration at the I-70/32nd Avenue interchange, will affect traffic operations at the interchange and on the local arterial streets in the vicinity of the interchange.

To address the issues of traffic congestion due to regional growth and the proposed development, improvements to the following transportation facilities are being considered by FHWA and CDOT as part of the Proposed Action:

▶ **New I-70/32nd Avenue Interchange Hook Ramps**

- Construction of off-set hook ramps at the I-70/32nd Avenue interchange with the westbound hook ramps located north of 32nd Avenue at approximately 35th Avenue and the eastbound hook ramps located at Youngfield Street and 27th Avenue
- Construction of a third bridge over 32nd Avenue for the I-70 westbound ramp traffic
- Closure of the existing westbound I-70 off-ramp that exits to 32nd Avenue. The existing westbound I-70 on-ramp would remain open but access would be limited to eastbound 32nd Avenue traffic only
- Partial reconstruction and restriping of Youngfield Street between 27th Street and approximately 30th Avenue to achieve a 5 lane roadway section

▶ **32nd Avenue Improvements**

- Widening of 32nd Avenue between approximately Alkire Street and approximately Xenon Street and the widening of Youngfield Street between approximately 35th Avenue and 30th Avenue in the vicinity of the I-70/32nd Avenue interchange
- Connection of Cabela Drive with 32nd Avenue west of I-70 (40th Avenue to 32nd Avenue)

▶ **New SH 58/Cabela Drive Interchange**

- Construction of a new diamond interchange on SH 58 west of Eldridge Street and connection of Cabela Drive to this interchange
- Connection of Cabela Drive with 44th Avenue north of the new interchange on SH 58

▶ **I-70/Ward Road Interchange**

- Restriping of the Ward Road and westbound I-70 on-ramp intersection to add an additional southbound left turn lane onto the ramp and widen the ramp to receive this lane
- Addition of a second right-turn lane for the eastbound I-70/Ward Road off-ramp

▶ **Bicycle/Pedestrian Improvements**

- Relocation of the Jefferson County Clear Creek trail in the vicinity of the new SH 58/Cabela Drive interchange

- Replacement of the 32nd Avenue trail detached sidewalk along the south side of 32nd Avenue from Alkire Street to Cabela Drive with an attached sidewalk
- Improvements to pedestrian and school safety along 32nd Avenue
- Construction of an Americans with Disabilities Act (ADA)-compliant pedestrian bridge at 27th Avenue to replace the existing pedestrian bridge at 26th Avenue as part of the eastbound I-70 hook ramps
- Provisions for Clear Creek Trail access through the development site from 32nd Avenue
- Wider sidewalks under I-70 on the south side of 32nd Avenue to better accommodate bicycles and pedestrians

The Proposed Action will impact the following Section 4(f) resources.

5.3 Parks and Recreational Resources

5.3.1 Chester Portsmouth Park

5.3.1.1 Property Description

Chester Portsmouth Park is located on the east side of Youngfield Street north of 27th Avenue. The park consists of a walking path, playground and associated parking lot. The walking path begins at 27th Avenue and extends northwest and ends at the parking lot. The park is owned by the City of Lakewood, and Kathy Hodgson is the Director of the Community Resources Department that oversees parks and recreation in the City of Lakewood.

5.3.1.2 Section 4(f) Use

Proposed reconfiguration of the intersection at Youngfield Street and 27th Avenue would require the acquisition of approximately 0.004 acre from the southwestern corner of Chester Portsmouth Park (see **Figure 5-1**). This right-of-way acquisition is limited to curb/gutter and sidewalk improvements. The impacts would not affect existing recreational uses of the park but would result in Section 4(f) use. Disturbances at the park would consist of the relocation of a small portion of sidewalk to accommodate a right-turn lane along the southeastern corner of the park.

5.3.1.3 Enhancements

Several enhancements or positive effects would result from the implementation of the Proposed Action. Sidewalks along Youngfield and 27th Avenue, adjacent to Chester Portsmouth Park, are not contiguous. The section of the 8 ft. sidewalk that will be removed will be replaced with curb/gutter and an 8 ft. sidewalk. In addition, the Proposed Action improvements will include creating a continuous sidewalk from the Chester Portsmouth Park to the 27th Avenue and Youngfield intersection.

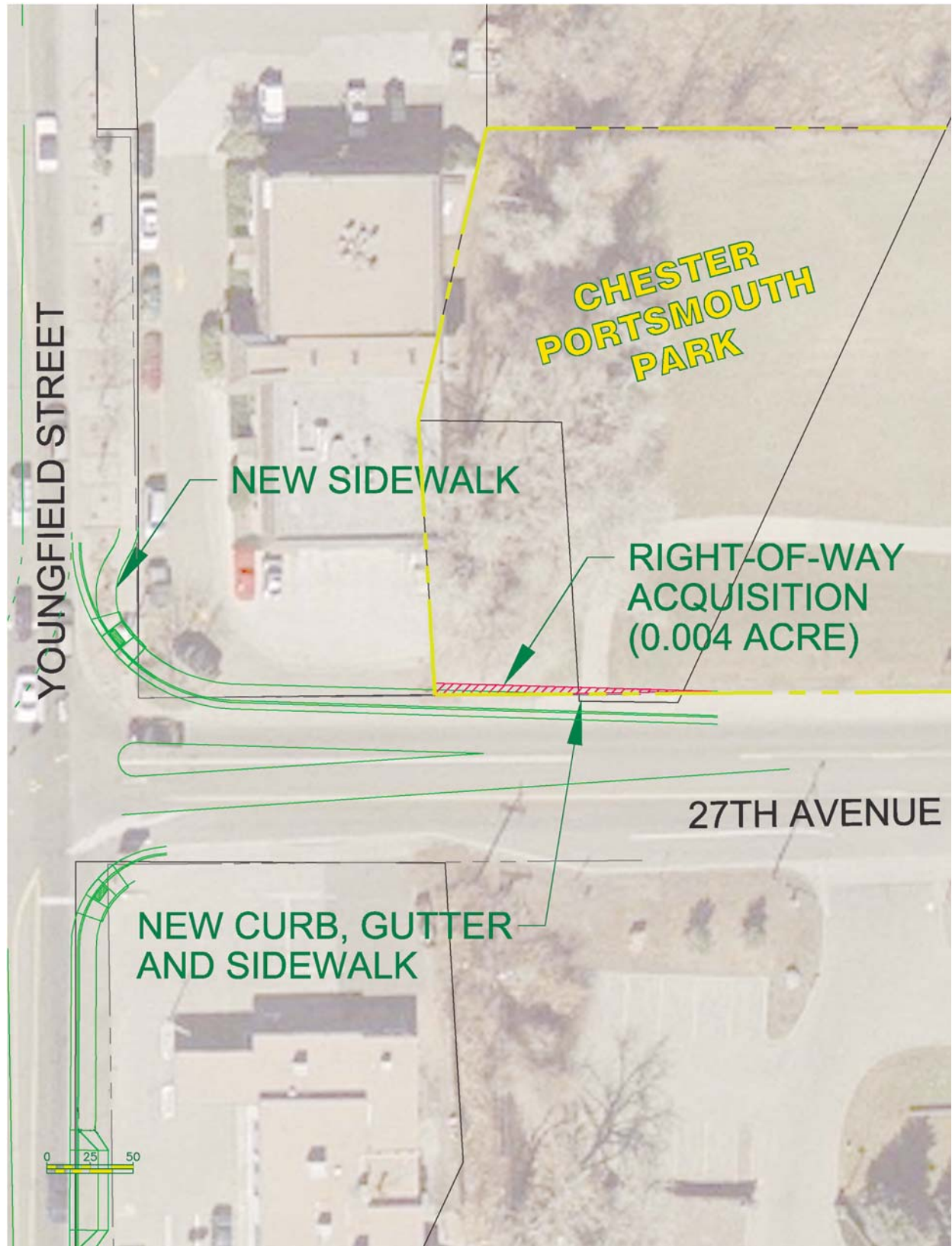


Figure 5-1

Chester Portsmouth Park

Access enhancements to the park will also be provided with the reconstruction and reconfiguration of the Youngfield/27th Avenue intersection and new pedestrian bridge over I-70. The new intersection and pedestrian bridge will be ADA compliant and will provide contiguous sidewalk access to the park from the west side of I-70. The enhanced intersection and sidewalk will create a safer and more accessible route to the park and is viewed as an overall positive effect and enhancement.

5.3.2 Clear Creek Trail

5.3.2.1 Property Description

The Clear Creek Trail begins at the confluence of the South Platte River and Clear Creek near I-25 and 74th Avenue in west Commerce City, and temporarily ends at Washington Street and Clear Creek in Golden. The City of Wheat Ridge manages 5-miles of the Clear Creek trail between Harlan and Youngfield. To the west of Youngfield, the trail is managed by Jefferson County Open Space. The trail is approximately 10 ft. in width for the majority of the trail and extends for over 10-miles.

Clear Creek Trail, west of I-70, exists on a non-exclusive permanent easement across property owned by the Coors Brewing and Adolph Coors Companies (Jefferson County 1992). An easement agreement that was established in May 1992 provides for a public recreational trail over and across property owned by Coors Brewing and Adolph Coors Companies. As stated in the easement agreement, Jefferson County Open Space is responsible for the design, construction, installation, operation, and maintenance of the Clear Creek Trail.

5.3.2.2 Section 4(f) Use

The existing Clear Creek trail would be realigned to provide for the new road connection to the new SH 58/Cabela Drive interchange (see **Figure 5-2**). Approximately 2,400 ft of trail would be reconstructed as part of the Proposed Action. The current alignment of the trail beginning underneath the railroad bridge at SH 58 would be realigned to the south. FHWA and CDOT are working with Jefferson County and the landowner on a mutually-beneficial alignment that would parallel Cabela Drive until it reconnects with Clear Creek Trail west of the new SH 58/Cabela Drive interchange. The trail relocation would result in a Section 4(f) use.

5.3.2.3 Enhancements

Several access improvements and enhancements will be made as a result of and mitigation for the Proposed Action. The new SH 58/Cabela Drive interchange will provide a new sidewalk along Cabela Drive from 44th Avenue to the Clear Creek trail. Also, pedestrian access and safety for users accessing the trail from the north side of SH 58 will be improved. Currently, users on 44th Avenue wanting to access the trail must access it from McIntyre Street. The relocated trail will add approximately 300 feet in length to the trail and will be 10 feet in width throughout. Landscaped buffers will be constructed between the Clear Creek Trail and Cabela Drive.

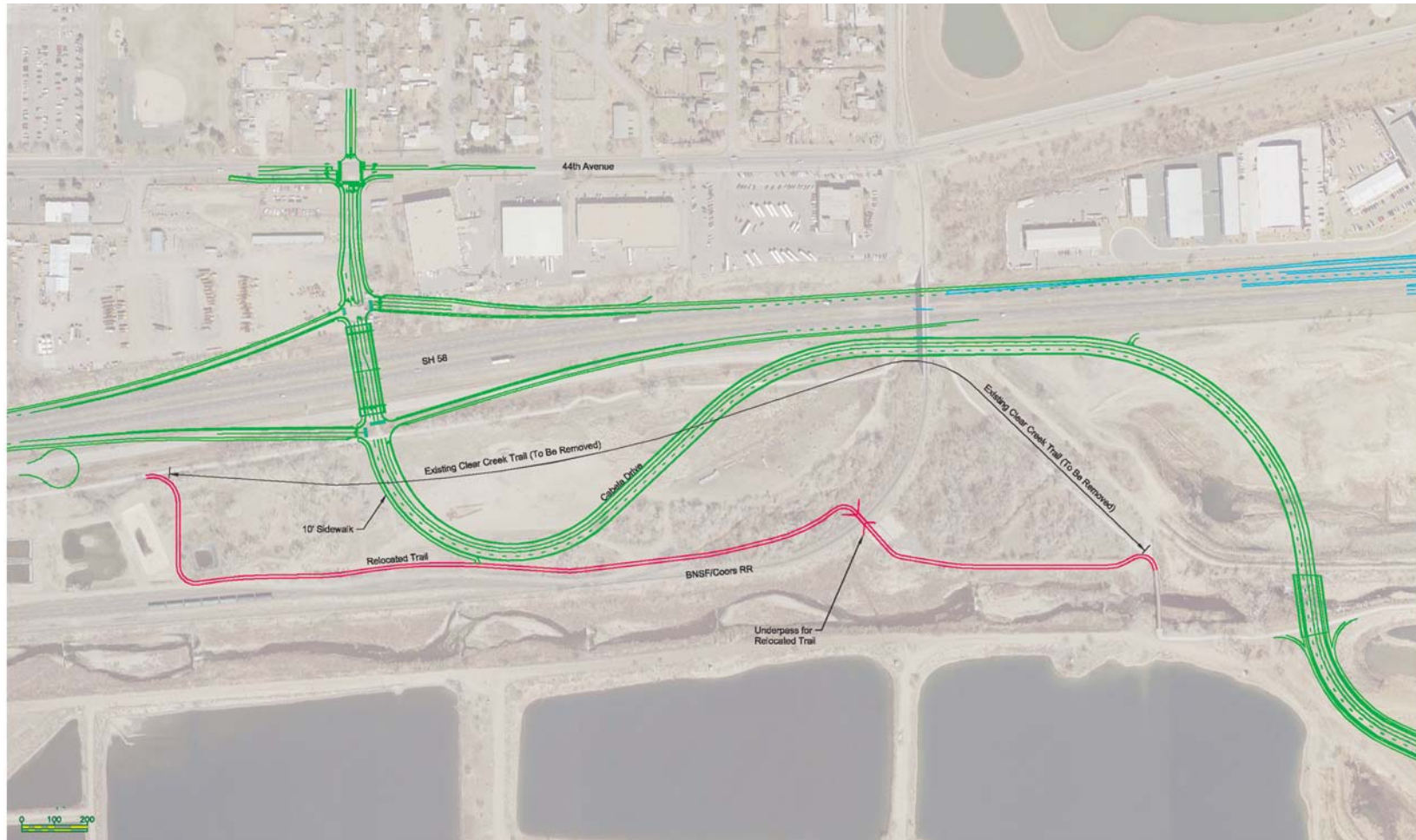


Figure 5-2
Clear Creek Trail

The relocation and reconstruction of the 2,400 ft piece of the Clear Creek Trail would not adversely affect the activities, features and attributes of the overall trail system. The new access constructed as part of the SH 58/Cabela Drive interchange would actually result in a positive effect.

5.4 Historic Properties

5.4.1 Maple Grove Grange

5.4.1.1 Property Description

The Maple Grove Grange building is located at 3130 Youngfield Street in the City of Wheat Ridge and serves the community as a social center.

5.4.1.2 Section 4(f) Use

The Proposed Action includes the widening of Youngfield Street between approximately 35th and 30th Avenue and enlargement of the existing Youngfield Street and 32nd Avenue intersection. The widened southern approach to this intersection will require slight eastward expansion and encroachment upon the western edge of the Maple Grove Grange property, to provide room for a separate right-turn lane. The expansion will encroach on a piece of the property consisting of approximately 15.5 feet wide by 170 feet long along the west boundary (see **Figure 5-3**). Features in the area where the encroachment will occur consist of an unpaved parking lot and do not contribute to what makes the property historically significant.

5.4.1.3 Enhancements

To mitigate for the Proposed Action and to add enhancements to the Grange building access and safety, a curb and gutter sidewalk with driveway entrance will be constructed on the west side of the property.

The reduction of the size of the Grange property and the removal of a narrow strip of gravel-covered land along the edge of Youngfield Street, will not greatly alter the existing setting, nor alter any of the characteristics of the site that convey its significance. These characteristics include the building's location, design and materials. The minor nature of the proposed right-of-way acquisition from the Grange property results in a "no adverse effect" finding under Section 106 and a *de minimis* finding by FHWA.

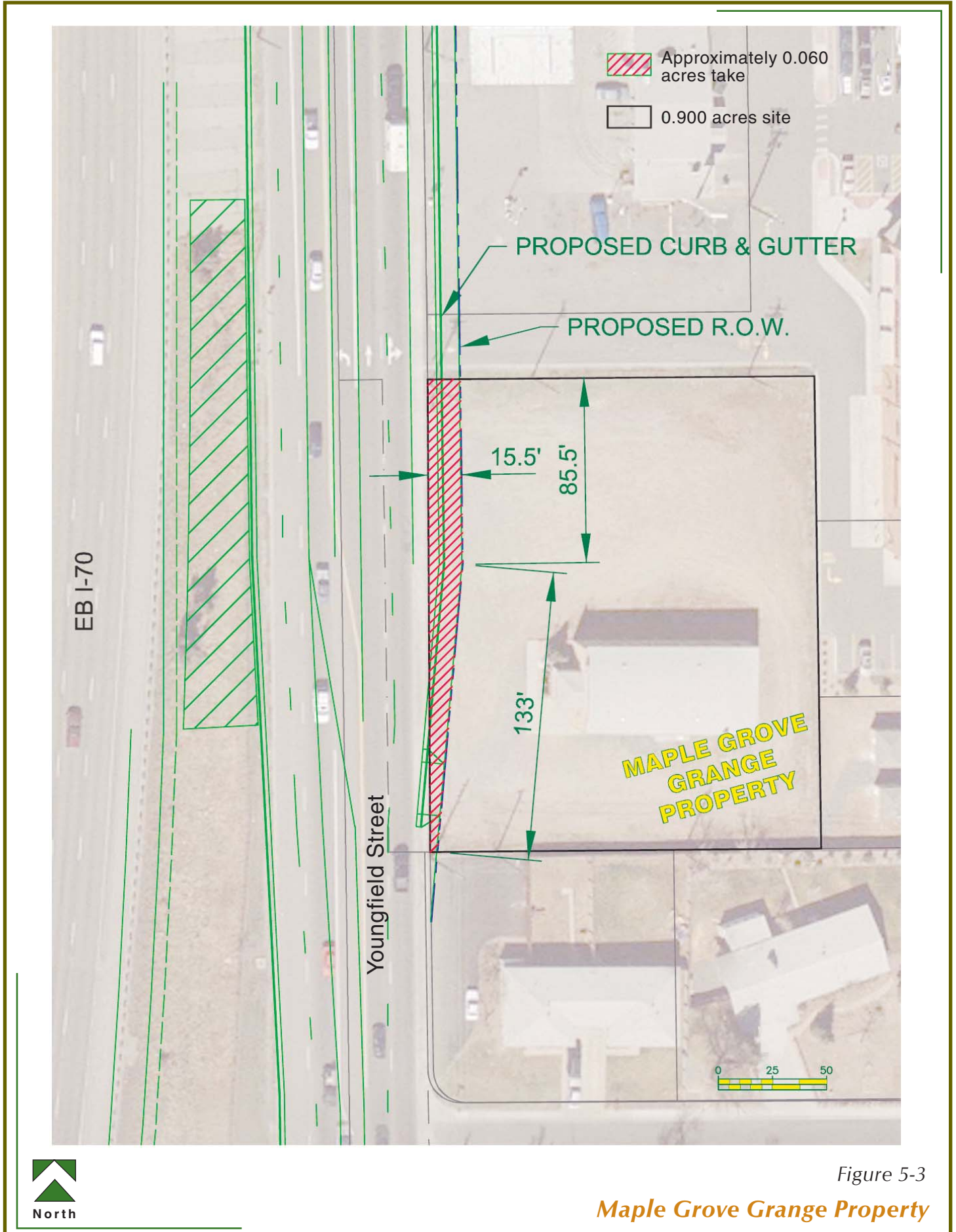


Figure 5-3

Maple Grove Grange Property

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**SECTION 4(f) DE MINIMIS IMPACT DOCUMENTATION
COORDINATION**

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STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6

2000 South Holly Street
Denver, Colorado 80222
(303) 757-9397
(303) 757-9073 FAX



July 25, 2006

Mr. Ross Williams
City of Lakewood
Department of Community Resources
Parks and Recreation
480 South Allison Parkway
Lakewood, Colorado 80225

Subject: Chester Portsmouth Park, I-70/32nd Avenue Interchange Environmental
Assessment: Informing the City of Lakewood of FHWA's intent to make a
Section 4(f) *de minimis* determination

Dear Mr. Williams:

The Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT) are preparing an Environmental Assessment (EA) for proposed improvements to the Interstate 70 (I-70)/32nd Avenue interchange. The proposed improvements include the construction of off-set hook ramps at the I-70/32nd Avenue interchange with the westbound hook ramps located north of 32nd Avenue at approximately 38th Avenue and the eastbound hook ramps located at Youngfield Street and 27th Avenue. Chester Portsmouth Park is located on the east side of Youngfield Street north of 27th Avenue.

The proposed reconfiguration of the intersection at Youngfield Street and 27th Avenue would require the acquisition of approximately 0.006 acre from the southwestern corner of Chester Portsmouth Park (see attached figure). This right-of-way acquisition is limited to curb/gutter and sidewalk improvements. As a result of this "use" of the park, FHWA regulations require a Section 4(f) Evaluation be conducted as part of the EA. An exception to this rule is when the impact to the resource is considered minimal or trivial. The purpose of this document is to inform the City of Lakewood of FHWA's intent to make a Section 4(f) *de minimis* determination concerning the right-of-way acquisition and curb/gutter and sidewalk improvements at Chester Portsmouth Park.

Section 4(f) of the United States Department of Transportation Act of 1966 (the "Act") prevents FHWA from approving projects that require the use of public parks, recreation areas, wildlife refuges or lands of historic significance, unless there is no feasible or prudent alternative to the use of that land. Land included under Section 4(f) is defined as publicly owned, recreation areas of significance. The Chester Portsmouth Park would be considered a Section 4(f) property and the right-of-way acquisition would be considered a transportation use. These findings would require a Section 4(f) Evaluation to analyze the impacts of the transportation use. In this case, however, the impact to the park will not be adverse. This includes consideration of

impact avoidance, minimization, and mitigation or enhancement measures. The park's recreational features and attributes will be fully restored once the project is complete. Therefore, it is FHWA's intent to make a determination that the impacts to the Chester Portsmouth Park will be *de minimis*. This determination will satisfy the Section 4(f) requirements for this project.

Please sign this document at your earliest convenience to acknowledge that the City of Lakewood, as the official with jurisdiction over the Chester Portsmouth Park, has been informed of FHWA's intent to make a *de minimis* determination. This signed acknowledgement is an element that FHWA requires before it can make such a determination. Please return the letter in the enclosed envelope by August 7, 2006.

Thank you in advance for your prompt attention to this matter. If you need further assistance, please contact me at (303) 757-9397.

City of Lakewood

Date

Sincerely,



Jane Hann
Environmental Manager
Colorado Department of Transportation, Region 6

Enclosure

cc: Monica Pavlik, FHWA
Ed Martinez, CDOT
David Singer, CDOT
Tim Paranto, City of Wheat Ridge
Project file

YOUNGFIELD STREET

CHESTER
PORTSMOUTH
PARK

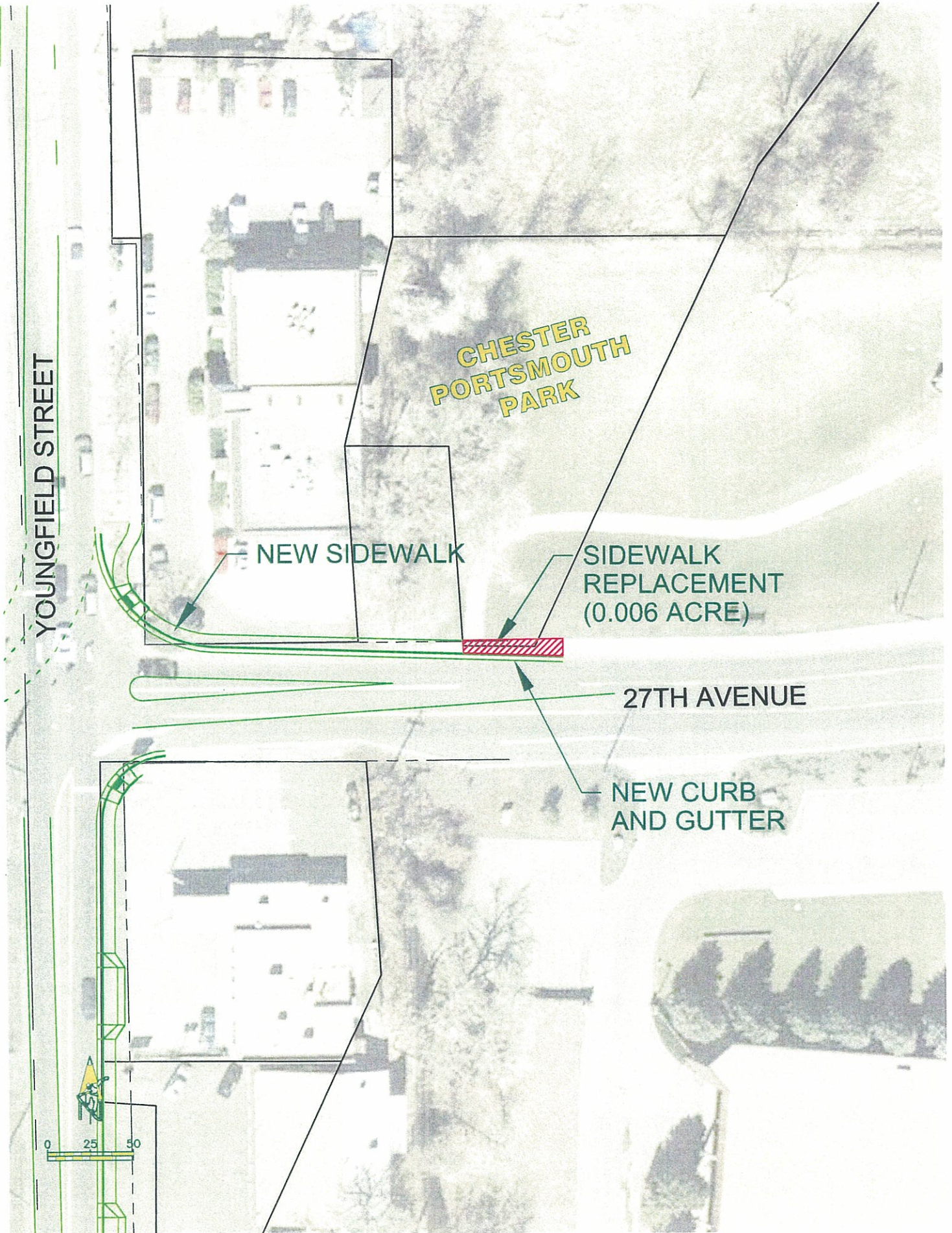
NEW SIDEWALK

SIDEWALK
REPLACEMENT
(0.006 ACRE)

27TH AVENUE

NEW CURB
AND GUTTER

0 25 50





Board of County
Commissioners

Jim Congrove
District No. 1

J. Kevin McCasky
District No. 2

Dave Auburn
District No. 3

July 27, 2006

Mr. Neil Jaquet
Director
Water Resources and Real Estate
Coors Brewing Company
P.O. Box 4030
CC370
Golden, CO 80401-0030

Subject: Notice of Intent to Grant Street Dedications/Clear Creek Trail

Dear Neil:

Thank you for your letter of June 26, 2006 regarding the above noted topic. We really appreciate our cooperative relationship and the solution to minimize trail and road traffic conflicts with the Clear Creek Trail relocations. As you referenced in your letter, paragraph 8(b) of the 1992 Easement Agreement provides that Coors will give the County prior notice if it intends to grant another party a use or property right in the trail property. Any such grant "shall not materially interfere with the rights of the County."

In terms of the first location you describe, where the trail would be grade separated by an underpass under Cabela Drive, County staff agrees that in concept the grant for Cabela Drive will not materially interfere with our trail easement. If, in this first location, the trail must be moved out of its alignment (other than dropping it down beneath Cabela Drive) the Easement Agreement will need to be amended with the new legal description for this trail segment.

In terms of the second location you describe, which consists of realigning a trail segment and crossing beneath a portion of the railroad spur on Coors' property, County staff finds that the proposed trail relocation is acceptable. It will be necessary to amend the Easement Agreement with the new legal description for this realigned trail segment.

Please note that the conceptual findings of County staff expressed in this letter do not bind the County and note that any amendment to the Easement Agreement requires Board of County Commissioners' approval. Once the timing is appropriate, we will work with you and the County Commissioners to process any necessary amendments to the Easement Agreement.



It is our understanding that Wheat Ridge/Cabela's/Coors has asked that these two trail relocations be considered as a Section 4(f) de minimis finding in the I-70/32nd Avenue Environmental Assessment. Please let us know if FHWA will need a formal letter from the County that consents to the de minimis finding.

We look forward to working with you in the design and review process of these relocations. If you have any questions please feel free to contact me.

Sincerely,

A handwritten signature in black ink that reads "Ralph Schell". The signature is written in a cursive style and is enclosed within a hand-drawn, irregular loop that starts at the top left and ends at the bottom left.

Ralph Schell
Director of Open Space

RS/rj

cc: Joy Lucisano, Manager of Acquisitions
Amy Ito, Manager of Planning & Development
Steve Snyder, Assistant County Attorney
Kate Newman, Special Projects Coordinator



08-09-06A09:08 RCVD

City of Lakewood**Department of Community Resources**

480 South Allison Parkway

Civic Center South

Lakewood, Colorado 80226-3127

(303) 987-7800 Fax (303) 987-7821

TDD (303) 987-7599

August 3, 2006

Jane Hann, Environmental Manager
Colorado Department of Transportation, Region 6
2000 South Holly Street
Denver, Colorado 80222

Dear Ms. Hann,

I am in receipt of your proposed 4(f) acknowledgement letter regarding Chester-Portsmouth Park. The City of Lakewood is owner of Chester-Portsmouth Park located at 12555 W. 27th Avenue. There are two items that have not been addressed or discussed in your letter.

The first item is that the exhibit does not accurately show the park property or your project's impact on it. I have attached a map showing the correct property lines. The second item is the City's ownership of the Park has limitations. The City received ownership of the park parcel by way of a Commissioners Deed from Jefferson County. The deed states "if the (City)shall use said property for any purpose other than public open space, park and recreational purposes, said property shall revert to the (County)". Although the impact on the park is small, it could affect our ownership of the site.

The City of Lakewood does not believe the proposed transportation improvements will have a significant physical impact on Chester-Portsmouth Park. The City does however, believe the record of this determination should be correct and address the non-physical impact on the property.

If you have further questions, please feel free to contact me.

Sincerely,

Ross Williams, ASLA, CPRP
Facilities Planner

rew: S:\Planning&Construction Division\Park Planning Section\ROSS\PROJECTS\CHESTER\CDOT 4(f) response.doc
pc: Bruce Peoples, Manager of Planning and Construction

Alternative formats of this document available upon request.



City of Lakewood
Chester-Portsmouth Park



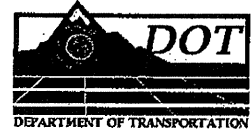
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15214

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9259



September 26, 2006

Mr. David A. Nicol, PE
Division Administrator
FHWA - Colorado Division
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228

SUBJECT: Finding of Section 4(f) *De Minimis* Impact, Interstate 70/32nd Avenue Interchange
Environmental Assessment

Dear Mr. Nicol:

This letter and attached materials constitute a request for review and concurrence on a finding of *de minimis* impact for the project referenced above, which involves improvements to the Interstate 70/32nd Avenue interchange and adjacent roadways/intersections, as well as improvements to State Highway 58 from I-70 to McIntyre Street. The Maple Grove Grange (5JF4327) is within the project area and is eligible to the National Register of Historic Places under Criterion A for its role in the social organization and support of the local agricultural community. Under Criterion C, it is an unmodified example of mid-20th Century grange/meeting hall architecture in Colorado.

Project Effects

The NRHP-eligible Maple Grove Grange is located on the west side of Youngfield Street, a short distance south of the existing Youngfield Street/W. 32nd Avenue intersection. The site occupies a rectangular, approximately 0.9-acre parcel, which includes the grange building surrounded on all sides by a gravel-paved area used for vehicular access and parking (see Figure 3). The building is currently set back approximately 50 ft from the street. The proposed addition of a right turn lane to Youngfield Street as part of the improvement of the existing intersection will require acquisition of a narrow strip of new right-of-way (ROW) along the east side of Youngfield Street. This ROW acquisition will remove a very small strip of land (0.06-acre) from the 218.5-ft long west edge of the historic property. The new ROW will taper out from the southwest corner of the Grange property to a maximum width of 15.5 ft. This ROW acquisition constitutes less than 7% of the existing size of the site. New curb and gutter with two access openings and a new sidewalk would be constructed, as none of these features currently exist. The new sidewalk would improve pedestrian access to the Grange building. Noise modeling results indicate that the proposed action would not increase noise levels at the site compared with the No Action alternative. CDOT and FHWA determined that the loss of a small portion of the gravel pavement in front of the building will not diminish the qualities which render the Maple Grove Grange significant, resulting in a determination of *no adverse effect*.

Finding of *De Minimis* Impact

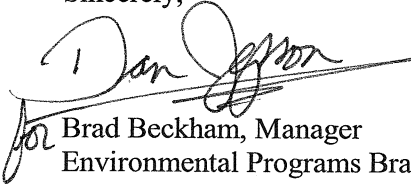
The SHPO concurred with the *no adverse effect* finding for the Maple Grove Grange in correspondence dated June 29, 2006. In correspondence dated June 8, 2006, the City of Wheat Ridge and the Jefferson County Historical Commission were afforded an opportunity to comment on the Section 106 findings and were also notified of the intent to make a *de minimis* finding for this historic resource. We did not receive

a response from either group on these issues within the 30-day review period. Copies of the Section 106 correspondence are attached for your review.

Based on the information presented above and in the attached documentation, the effects of this proposed improvement on 5JF4327 constitute a *de minimis* impact and the requirements of 23 USC 138 and 49 USC 303 have been satisfied. This finding is considered valid unless new information is obtained or the proposed effects change to the extent that consultation under Section 106 must be reinitiated.

If you concur with this finding, please sign below. Please make a copy for your files and return the signed original to CDOT Senior Staff Historian Lisa Schoch at the address above.

Sincerely,

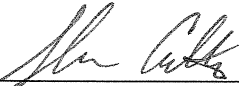

for Brad Beckham, Manager
Environmental Programs Branch

Enclosure:

Section 106 correspondence
Site form for 5JF4327
Figure 3 (effects to 5JF4327)

cc: Jane Hann, CDOT Region 6
File/CF/RF

I concur: _____


David A. Nicol, PE
Administrator, Colorado Division
Federal Highway Administration

9/27/06
(date)