

## **APPENDIX A AGENCY COORDINATION**

### **City of Lakewood**

City of Lakewood. Letter to Ed Martinez, CDOT Region 6 Resident Engineer, from David Baskett, City Traffic Engineer, regarding I-70/32<sup>nd</sup> Ave EA Comments. February 23.

### **State Historic Preservation Officer (SHPO) Colorado Historical Society (CHS) and Section 106 Consulting Parties**

CDOT. 2006. Letter to Georgianna Contiguglia, SHPO CHS from Brad Beckham, CDOT Environmental Programs Branch, regarding determination of eligibility, I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment. February 13.

CDOT. 2006. Letter to Winifred Ferrill, Landmark Preservation Committee, Lakewood Heritage Center, from Brad Beckham, CDOT Environmental Programs Branch, regarding Section 106 Historic Properties Consultation and Determinations of Eligibility, I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment, Jefferson County, Colorado. February 16.

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City of Wheat Ridge. 2006. Letter to Lisa Schoch, Senior Staff Historian CDOT Environmental Programs Branch, from Tim Paranto, City of Wheat Ridge Director of Public Works, regarding request for participation as a consulting party. February 27.

Jefferson County Historical Commission. 2006. Letter to Lisa Schoch, Senior Staff Historian CDOT Environmental Programs Branch, from Lucy Hackett Bambrey, Historic Preservation Committee, regarding Section 106 Historic Properties Consultation and Determinations of Eligibility – I-70/32<sup>nd</sup> Ave Interchange EA. March 21.

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CDOT. 2006. Letter to Timothy Paranto, City of Wheat Ridge Director of Public Works, from Brad Beckham, CDOT Environmental Programs Branch, regarding Determination of Eligibility & Effects and Notification of Section 4(f) *De Minimis* Finding, I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment. June 8.

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SHPO CHS. 2006. Letter to Brad Beckham, CDOT Environmental Programs Branch, from Georgianna Contiguglia, SHPO, regarding I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment, Determination of Eligibility. September 21.

### **Native American Consultation**

FHWA. 2006. Letter to Native American tribal representatives from David Nicol, FHWA Division Administrator, regarding request for Section 106 Consultation, Interstate 70/32<sup>nd</sup> Avenue Environmental Assessment, Jefferson County, Colorado. January 18.

Comanche Tribe. 2006. Letter to David Nicol, FHWA Division Administrator from Fred Nahwooksy, NAGPRA Coordinator, regarding Improvements at and surrounding the Interstate 70/32<sup>nd</sup> Avenue interchange, located in the Denver suburb of Wheatridge, CO. January 30.

Southern Ute. 2006. Letter to David Nicol, FHWA Division Administrator from Neil Cloud, NAGPRA Coordinator, regarding Improvements at and surrounding the Interstate 70/32<sup>nd</sup> Avenue interchange, located in the Denver suburb of Wheatridge, CO. January 31.

### **US Department of Agriculture Natural Resources Conservation Service (NRCS)**

NRCS. 2005. Farmland Conversion Impact Rating for Corridor Type Projects form regarding absence of prime, unique statewide or local important farmland. December 5.

**US Army Corps of Engineers (USACE)**

NRSI. 2006. Letter to Terry McKee, USACE Omaha District, from Steve Johnson, NRSI Senior Ecologist, regarding I-70/32<sup>nd</sup> Avenue Interchange Realignment Environmental Assessment Wetland Jurisdictional Request. March 8.

USACE. 2006. Letter to Steve Johnson, NRSI Senior Ecologist, from Scott Franklin, USACE Chief Denver Regulatory Office, regarding Jurisdictional Determination, I-70/32<sup>nd</sup> Avenue Interchange Project EA, CDOT Project IM 0703-294, Corps File No. 200680132. March 15.

**US Department of Interior Fish and Wildlife Service (USFWS)**

USFWS. 2005. Letter to Steve Johnson, NRSI Senior Ecologist, from Susan C. Linner, USFWS Colorado Field Supervisor, regarding concurrence for site disqualification for the presence of Preble's meadow jumping mouse habitat for the I-70/32<sup>nd</sup> Avenue Interchange study area. November 1.

USFWS. 2005. Letter to Steve Johnson, Senior Ecologist of NRSI, from Susan C. Linner, Colorado Field Supervisor of the USFWS regarding concurrence for the presence/absence of *Spiranthes diluvialis* and *Guara neomexicana* ssp. *Coloradensis* for the Clear Creek area between I-70 and McIntyre St, Jefferson County, Colorado. November 10.

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**City of Lakewood**

City of Lakewood. Letter to Ed Martinez, CDOT Region 6 Resident Engineer, from David Baskett, City Traffic Engineer, regarding I-70/32<sup>nd</sup> Ave EA Comments. February 23.

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# CITY OF LAKEWOOD



## Traffic Engineering Division

480 South Allison Parkway

Lakewood, CO 80226

303-987-7980

Fax 303-987-9452

February 23, 2006

Ed Martinez  
Resident Engineer  
CDOT Region 6  
2000 S. Holly Street  
Denver, CO 80222

Re: I-70/32<sup>nd</sup> Avenue EA Comments

Dear Ed:

The City of Lakewood has received the proposed intersection layout for Youngfield/27<sup>th</sup>/I-70. We have the following comments:

1. The intersection of Youngfield/27<sup>th</sup>/I-70 should be designed to allow all turn and through movements. Restricting eastbound and/or westbound through traffic would simply divert traffic to the parallel streets of 20<sup>th</sup> and/or 32<sup>nd</sup>. Both of these streets are similar in character to 27<sup>th</sup>/26<sup>th</sup>, so restricting these movements would only accomplish moving traffic to another street creating unnecessary out of direction travel.
2. The receiving width for the eastbound dual-left turns onto northbound Youngfield Street needs to be 30-feet in width from the pan line of the gutter to the double yellow centerline.
3. The receiving throat width for the northbound to eastbound right-turn onto 27<sup>th</sup> Avenue should be 15-feet in width (minimum) from the gutter pan line to the double yellow centerline.
4. We suggest re-aligning the off and on-ramps to provide a skewed approach/departure for the west leg. If the off-ramp leg were skewed approx. 10-degrees to the south, the alignment for eastbound through traffic would match better with 27<sup>th</sup> Avenue, and the dual left movement would align better, thus possibly allowing a narrower receiving lane width on Youngfield (possibly 28 feet instead of 30 feet). Likewise, if the on-ramp were skewed slightly to the north, the flow of the westbound through and the northbound left-turn movements would be improved. The eastbound and southbound right-turn movements would have a sharper turn; however, a larger curb-return radius for these two movements would lessen the impact of the skew.
5. We have a general concern that Year 2030 p.m. peak hour turn movement volumes (with Cabela's) may under-represent actual future traffic growth. When comparing the 2030 volumes with existing volumes several movements are projected to have zero traffic growth. These include the southbound left, northbound right, westbound left and

westbound right. It's reasonable to assume that these movements would only experience a small amount of growth, but we do not believe this traffic will experience zero growth.

6. Similarly, the EA shows very little projected traffic growth on Youngfield at year 2030 with Cabela's. The projections show a combined increase for north/south through traffic of just 148 vehicles during the p.m. peak period (1300 vph 2030 vs. 1152 vph existing). This works out to be just ½ percent per year traffic growth. We question whether these traffic projections fully take into account the added traffic from Cabela's, the background traffic growth, and additional development caused by the new interchange at 27<sup>th</sup> and Youngfield.
7. Given the very modest traffic growth projections, we also question whether the intersection is being improved with an adequate number of lanes and adequate storage capacity. The northbound left-turn movement will be very close to, if not over, capacity. Also the northbound through movement will also be near capacity. Both of these movements should include a 2<sup>nd</sup> lane. Attached, is a sketch layout that shows how this might be accomplished without major right-of-way acquisitions.
8. The curb-return radius on the northeast corner appears to be larger than necessary.
9. The width across the west leg (on and off-ramps) of the intersection is quite wide and is not conducive to pedestrian travel. The intersection design should consider right-turn islands on the northwest and southwest quadrants.
10. The sidewalks will need directional curb ramps per City/ADA standards.
11. Youngfield Street currently has bike lanes south of 27<sup>th</sup> Avenue. Future improvements will need to provide a minimum 4-foot bike lane for the northbound and southbound directions.

If you have any questions, please do not hesitate to contact me at 303-987-7981.

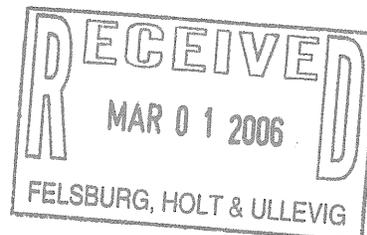
Sincerely,

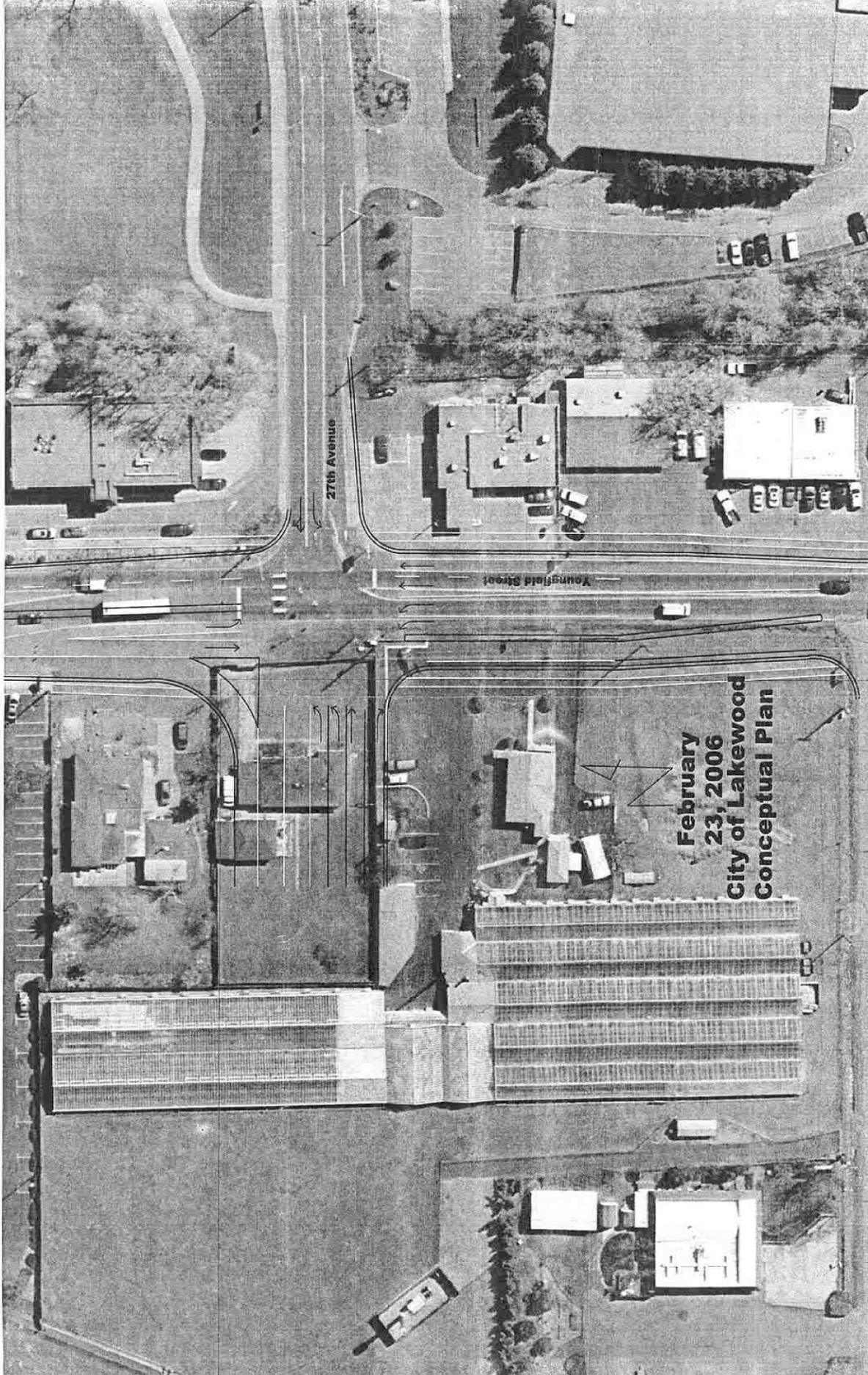


David A. Baskett  
City Traffic Engineer

Attachment

Cc: Dick Plastino  
Karl Buchholz  
Moe Awaznezhad, CDOT  
Bill Beams, FHU  
Tim Paranto, Wheat Ridge  
154 - Baskett





27th Avenue

Youngfield Street

February  
23, 2006  
City of Lakewood  
Conceptual Plan



**State Historic Preservation Officer (SHPO) Colorado Historical Society (CHS) and Section 106 Consulting Parties**

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# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9259  
FAX (303) 757-9445



February 15, 2006

Ms. Georgianna Contiguglia  
State Historic Preservation Officer  
Colorado Historical Society  
1300 Broadway  
Denver, CO 80203

Subject: Determination of Eligibility, I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment

Dear Ms. Contiguglia:

This letter and the attached site forms constitute a request for concurrence on eligibility determinations for the project referenced above, which is an environmental assessment (EA) focused on proposed improvements to the Interstate 70/32<sup>nd</sup> Avenue interchange and adjacent roadways/intersections, as well as improvements to State Highway 58 from I-70 to McIntyre Street. The EA is sponsored by the City of Wheat Ridge and is being completed in coordination with the Colorado Department of Transportation (CDOT).

We recently consulted with your staff regarding the Area of Potential Effects (APE) for the project. At this time, we are requesting your concurrence on eligibility for three properties within the APE: the Salter Property (5JF3803), Maple Grove Grange (5JF4327), and Novacek Carnation Nursery (5JF4322). The survey report and site forms for additional properties will be submitted separately at a later date.

### Eligibility Determinations

**Salter Farm (5JF3803):** The Salter Farm consists of a brick farmhouse and garage, both of which are contributing features, and a shop, four sheds, an outbuilding, chinchilla pen ruins, and a small building foundation, which are non-contributing features. The Federal Highway Administration (FHWA) and CDOT have determined that this property is *eligible* under National Register Criterion C as an unmodified and excellent example of Tudor style brick residential architecture in an agricultural context.

**Maple Grove Grange (5JF4327):** This property is *eligible* under National Register 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-20<sup>th</sup> Century grange/meeting hall architecture in Colorado.

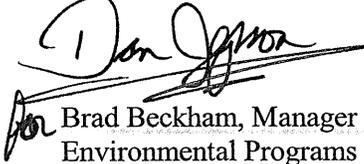
**Novacek's Carnation Nursery (5JF4322):** The Novacek property consists of a greenhouse complex, a dwelling, a garage, and an agricultural shed. Although the nursery site and buildings retain relatively good architectural integrity, the property's historic setting has been greatly altered by surrounding commercial and residential development as well as construction of nearby I-70 in the latter half of the 20<sup>th</sup> century. The nursery property is associated with the commercial carnation growing industry in Jefferson County, an industry which flourished from the late 1940s through the early 1990s. However, because much of the industry's success occurred less than 45 years ago – in the 1960s and 1970s – the Novacek

property is not presently associated with a historically significant pattern of events. Neither the single family dwelling nor the greenhouse complex is an important example of an architectural style or property type. For all of these reasons, the Novacek Carnation Nursery is *not eligible* for the National Register of Historic Places.

We request your concurrence with the determination of eligibility for the three properties identified above. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations. A request for review and comment has also been submitted to the following potential Section 106 consulting parties for the project: City of Wheat Ridge, Wheat Ridge Historical Society, Jefferson County Preservation Commission, Jefferson County Historical Society, the National Trust for Historic Preservation, and Colorado Preservation, Inc. When we receive comments from some or all of these entities, we will forward them to you.

Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

  
Brad Beckham, Manager  
Environmental Programs Branch

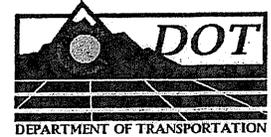
Enclosures: Site forms for 5JF3803, 5FJ4322, and 5JF4327

cc: Monica Pavlik/Ron Speral, FHWA  
Jane Hann, CDOT Region 6  
Thor Gjelsteen/Jason Marmor, FHU  
File/CF/RF

# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



February 16, 2006

Ms. Winifred Ferrill  
Landmark Preservation Committee  
Lakewood Heritage Center  
797 South Wadsworth Blvd.  
Lakewood, CO 80226

**SUBJECT:** Section 106 Historic Properties Consultation and Determinations of Eligibility,  
I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment, Jefferson County, Colorado

Dear Ms. Ferrill:

The transportation project referenced above entails an Environmental Assessment (EA) concerning proposed improvements to the Interstate 70/32<sup>nd</sup> Avenue interchange and adjacent roadways/intersections, as well as improvements to State Highway 58 from I-70 to McIntyre Street. The EA is sponsored by the City of Wheat Ridge, in cooperation with the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT). As with all undertakings funded entirely or in part with federal monies, the project is subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA and CDOT would like to formally offer the Lakewood Landmark Preservation Committee the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Should you choose to participate as a Section 106 consulting party, you are provided the opportunity (via this transmittal) to comment on the Area of Potential Effects (APE) established for the project, as well as three historic properties within the APE: the Salter Farm (5JF3803), the Maple Grove Grange (5JF4327), and the Novacek Carnation Nursery (5JF4322). Descriptions of these properties are provided below under "Eligibility Determinations." The site forms for these properties are enclosed to aid in your review.

### **Description of the Proposed Action**

The I-70/32<sup>nd</sup> Avenue interchange project is located in the western part of the Denver metropolitan area partially within the Cities of Wheat Ridge and Lakewood, and also unincorporated Jefferson County. The Proposed Action consists of a series of elements including:

- ▶ Widening of 32<sup>nd</sup> Avenue and Youngfield Street in the area of I-70
- ▶ Construction of hook ramps at I-70/32<sup>nd</sup> Avenue with westbound hook ramps located north of 32<sup>nd</sup> Avenue and eastbound hook ramps located at Youngfield Street and 27<sup>th</sup> Avenue
- ▶ Construction of a new interchange on SH 58 west of Eldridge Street

- ▶ Connection of the new Cabela Drive with 44<sup>th</sup> Avenue near the new interchange onto SH 58

### **Historic Properties Identification**

As part of our historic survey of the APE, we are identifying previously unrecorded as well as known historic properties. The proposed APE is based upon the nature of the specific improvements, and encompasses a redesigned I-70/32<sup>nd</sup> Avenue interchange, I-70 access ramps at W. 27<sup>th</sup> Avenue, a portion of new roadway called Cabela Drive extending north from Zinnia Drive to access pending development, and a new interchange on SH 58 providing access to and from Cabela Drive and W. 44<sup>th</sup> Avenue at Holman Street. A portion of Cabela Drive will be constructed separately as a local agency project.

We have consulted with the State Historic Preservation Officer (SHPO) regarding the APE for the project, as reflected on the enclosed map. As defined in the Section 106 regulations, the APE is the “geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties” (36 CFR 800.16(d)). If you have any comments or questions about the APE, please inform us in writing.

We are contacting local historical organizations to help identify any historic buildings, districts, sites, objects, or archaeological sites of significance within the APE. Additionally, we are conducting research on properties not previously evaluated for the National Register of Historic Places (NRHP) within the APE to determine their architectural and historical significance. Our assessment of significance will be based on the established NRHP eligibility criteria. Any information you can provide will help ensure that important historical resources are considered and protected.

### **Eligibility Determinations**

As noted above, should you choose to participate as a consulting party, we request any comments you may have on the eligibility of the following three properties (please see the attached site forms for more information). A separate historic and archaeological survey report and additional properties associated with this project will be sent for your review in the near future. We are focusing on these three properties at this stage in project development in order to facilitate the Section 4(f) analysis, another part of the National Environmental Policy Act (NEPA) compliance process.

**Salter Farm (5JF3803):** The Salter Farm consists of a brick farmhouse and garage, both of which are contributing features, and a shop, four sheds, an outbuilding, chinchilla pen ruins, and a small building foundation, which are non-contributing features. FHWA and CDOT have determined that this property is *eligible* under National Register Criterion C as an unmodified and excellent example of Tudor style brick residential architecture in an agricultural context.

**Maple Grove Grange (5JF4327):** This property is *eligible* under National Register 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-20<sup>th</sup> Century grange/meeting hall architecture in Colorado.

**Novacek’s Carnation Nursery (5JF4322):** The Novacek property consists of a greenhouse complex, a dwelling, a garage, and an agricultural shed. Although the nursery site and buildings retain relatively good architectural integrity, the property’s historic setting has been greatly altered by surrounding commercial and residential development as well as construction of nearby I-70 in the latter half of the 20<sup>th</sup> century. The nursery property is associated with the commercial carnation growing industry in Jefferson County, an industry which flourished from the late 1940s through the early 1990s. However, because much of the industry’s success occurred less than 45 years ago – in the 1960s and 1970s – the Novacek

property is not presently associated with a historically significant pattern of events. Neither the single family dwelling nor the greenhouse complex is an important example of an architectural style or property type. For all of these reasons, the Novacek Carnation Nursery is *not eligible* for the National Register of Historic Places.

If you are interested in participating as a consulting party for this project under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Lisa Schoch, CDOT Senior Staff Historian, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this project, as stipulated in the Section 106 regulation. We also request that your response include any comments regarding the APE and the three historic properties referenced above.

If you require additional information or have any questions about the Section 106 process, please contact Ms. Schoch at (303)512-4258.

Very truly yours,

  
for Brad Beckham, Manager  
Environmental Programs Branch

Enclosure: Map of Area of Potential Effects  
Site forms for 5JF3803, 5JF4322, 5JF4327

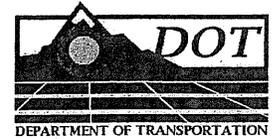
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Thor Gjelsteen/Kevin Maddoux/Jason Marmor, FHU  
Jane Hann, CDOT Region 6  
Carol Legard, FHWA Liaison, Advisory Council on Historic Preservation  
Georgianna Contiguglia, Colorado SHPO  
F/CF/RF



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



February 16, 2006

Mr. Duncan McCollum  
Jefferson County Historical Commission  
Archives and Management  
100 Jefferson County Parkway, Suite 1500  
Golden, CO 80419

**SUBJECT:** Section 106 Historic Properties Consultation and Determinations of Eligibility,  
I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment, Jefferson County, Colorado

Dear Mr. McCollum:

The transportation project referenced above entails an Environmental Assessment (EA) concerning proposed improvements to the Interstate 70/32<sup>nd</sup> Avenue interchange and adjacent roadways/intersections, as well as improvements to State Highway 58 from I-70 to McIntyre Street. The EA is sponsored by the City of Wheat Ridge, in cooperation with the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT). As with all undertakings funded entirely or in part with federal monies, the project is subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA and CDOT would like to formally offer the Jefferson County Historical Commission the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Should you choose to participate as a Section 106 consulting party, you are provided the opportunity (via this transmittal) to comment on the Area of Potential Effects (APE) established for the project, as well as three historic properties within the APE: the Salter Farm (5JF3803), the Maple Grove Grange (5JF4327), and the Novacek Carnation Nursery (5JF4322). Descriptions of these properties are provided below under "Eligibility Determinations." The site forms for these properties are enclosed to aid in your review.

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We have consulted with the State Historic Preservation Officer (SHPO) regarding the APE for the project, as reflected on the enclosed map. As defined in the Section 106 regulations, the APE is the “geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties” (36 CFR 800.16(d)). If you have any comments or questions about the APE, please inform us in writing.

We are contacting local historical organizations to help identify any historic buildings, districts, sites, objects, or archaeological sites of significance within the APE. Additionally, we are conducting research on properties not previously evaluated for the National Register of Historic Places (NRHP) within the APE to determine their architectural and historical significance. Our assessment of significance will be based on the established NRHP eligibility criteria. Any information you can provide will help ensure that important historical resources are considered and protected.

### **Eligibility Determinations**

As noted above, should you choose to participate as a consulting party, we request any comments you may have on the eligibility of the following three properties (please see the attached site forms for more information). A separate historic and archaeological survey report and additional properties associated with this project will be sent for your review in the near future. We are focusing on these three properties at this stage in project development in order to facilitate the Section 4(f) analysis, another part of the National Environmental Policy Act (NEPA) compliance process.

**Salter Farm (5JF3803):** The Salter Farm consists of a brick farmhouse and garage, both of which are contributing features, and a shop, four sheds, an outbuilding, chinchilla pen ruins, and a small building foundation, which are non-contributing features. FHWA and CDOT have determined that this property is *eligible* under National Register Criterion C as an unmodified and excellent example of Tudor style brick residential architecture in an agricultural context.

**Maple Grove Grange (5JF4327):** This property is *eligible* under National Register 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-20<sup>th</sup> Century grange/meeting hall architecture in Colorado.

**Novacek’s Carnation Nursery (5JF4322):** The Novacek property consists of a greenhouse complex, a dwelling, a garage, and an agricultural shed. Although the nursery site and buildings retain relatively good architectural integrity, the property’s historic setting has been greatly altered by surrounding commercial and residential development as well as construction of nearby I-70 in the latter half of the 20<sup>th</sup> century. The nursery property is associated with the commercial carnation growing industry in Jefferson County, an industry which flourished from the late 1940s through the early 1990s. However, because much of the industry’s success occurred less than 45 years ago – in the 1960s and 1970s – the Novacek

property is not presently associated with a historically significant pattern of events. Neither the single family dwelling nor the greenhouse complex is an important example of an architectural style or property type. For all of these reasons, the Novacek Carnation Nursery is *not eligible* for the National Register of Historic Places.

If you are interested in participating as a consulting party for this project under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Lisa Schoch, CDOT Senior Staff Historian, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this project, as stipulated in the Section 106 regulation. We also request that your response include any comments regarding the APE and the three historic properties referenced above.

If you require additional information or have any questions about the Section 106 process, please contact Ms. Schoch at (303)512-4258.

Very truly yours,

  
for Brad Beckham, Manager  
Environmental Programs Branch

Enclosure: Map of Area of Potential Effects  
Site forms for 5JF3803, 5JF4322, 5JF4327

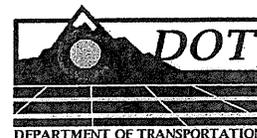
cc: Monica Pavlik/Ron Speral, FHWA Colorado Division  
Thor Gjelsteen/Kevin Maddoux/Jason Marmor, FHU  
Jane Hann, CDOT Region 6  
Carol Legard, FHWA Liaison, Advisory Council on Historic Preservation  
Georgianna Contiguglia, Colorado SHPO  
F/CF/RF



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



February 16, 2006

Rebecca Young  
Jefferson County Historical Society  
P.O. Box 703  
Evergreen, CO 80437

**SUBJECT:** Section 106 Historic Properties Consultation and Determinations of Eligibility,  
I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment, Jefferson County, Colorado

Dear Ms. Young:

The transportation project referenced above entails an Environmental Assessment (EA) concerning proposed improvements to the Interstate 70/32<sup>nd</sup> Avenue interchange and adjacent roadways/intersections, as well as improvements to State Highway 58 from I-70 to McIntyre Street. The EA is sponsored by the City of Wheat Ridge, in cooperation with the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT). As with all undertakings funded entirely or in part with federal monies, the project is subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA and CDOT would like to formally offer the Jefferson County Historical Society the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Should you choose to participate as a Section 106 consulting party, you are provided the opportunity (via this transmittal) to comment on the Area of Potential Effects (APE) established for the project, as well as three historic properties within the APE: the Salter Farm (5JF3803), the Maple Grove Grange (5JF4327), and the Novacek Carnation Nursery (5JF4322). Descriptions of these properties are provided below under "Eligibility Determinations." The site forms for these properties are enclosed to aid in your review.

### **Description of the Proposed Action**

The I-70/32<sup>nd</sup> Avenue interchange project is located in the western part of the Denver metropolitan area partially within the Cities of Wheat Ridge and Lakewood, and also unincorporated Jefferson County. The Proposed Action consists of a series of elements including:

- ▶ Widening of 32<sup>nd</sup> Avenue and Youngfield Street in the area of I-70
- ▶ Construction of hook ramps at I-70/32<sup>nd</sup> Avenue with westbound hook ramps located north of 32<sup>nd</sup> Avenue and eastbound hook ramps located at Youngfield Street and 27<sup>th</sup> Avenue
- ▶ Construction of a new interchange on SH 58 west of Eldridge Street

- ▶ Connection of the new Cabela Drive with 44<sup>th</sup> Avenue near the new interchange onto SH 58

### **Historic Properties Identification**

As part of our historic survey of the APE, we are identifying previously unrecorded as well as known historic properties. The proposed APE is based upon the nature of the specific improvements, and encompasses a redesigned I-70/32<sup>nd</sup> Avenue interchange, I-70 access ramps at W. 27<sup>th</sup> Avenue, a portion of new roadway called Cabela Drive extending north from Zinnia Drive to access pending development, and a new interchange on SH 58 providing access to and from Cabela Drive and W. 44<sup>th</sup> Avenue at Holman Street. A portion of Cabela Drive will be constructed separately as a local agency project.

We have consulted with the State Historic Preservation Officer (SHPO) regarding the APE for the project, as reflected on the enclosed map. As defined in the Section 106 regulations, the APE is the “geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties” (36 CFR 800.16(d)). If you have any comments or questions about the APE, please inform us in writing.

We are contacting local historical organizations to help identify any historic buildings, districts, sites, objects, or archaeological sites of significance within the APE. Additionally, we are conducting research on properties not previously evaluated for the National Register of Historic Places (NRHP) within the APE to determine their architectural and historical significance. Our assessment of significance will be based on the established NRHP eligibility criteria. Any information you can provide will help ensure that important historical resources are considered and protected.

### **Eligibility Determinations**

As noted above, should you choose to participate as a consulting party, we request any comments you may have on the eligibility of the following three properties (please see the attached site forms for more information). A separate historic and archaeological survey report and additional properties associated with this project will be sent for your review in the near future. We are focusing on these three properties at this stage in project development in order to facilitate the Section 4(f) analysis, another part of the National Environmental Policy Act (NEPA) compliance process.

**Salter Farm (5JF3803):** The Salter Farm consists of a brick farmhouse and garage, both of which are contributing features, and a shop, four sheds, an outbuilding, chinchilla pen ruins, and a small building foundation, which are non-contributing features. FHWA and CDOT have determined that this property is *eligible* under National Register Criterion C as an unmodified and excellent example of Tudor style brick residential architecture in an agricultural context.

**Maple Grove Grange (5JF4327):** This property is *eligible* under National Register 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-20<sup>th</sup> Century grange/meeting hall architecture in Colorado.

**Novacek’s Carnation Nursery (5JF4322):** The Novacek property consists of a greenhouse complex, a dwelling, a garage, and an agricultural shed. Although the nursery site and buildings retain relatively good architectural integrity, the property’s historic setting has been greatly altered by surrounding commercial and residential development as well as construction of nearby I-70 in the latter half of the 20<sup>th</sup> century. The nursery property is associated with the commercial carnation growing industry in Jefferson County, an industry which flourished from the late 1940s through the early 1990s. However, because much of the industry’s success occurred less than 45 years ago – in the 1960s and 1970s – the Novacek

property is not presently associated with a historically significant pattern of events. Neither the single family dwelling nor the greenhouse complex is an important example of an architectural style or property type. For all of these reasons, the Novacek Carnation Nursery is *not eligible* for the National Register of Historic Places.

If you are interested in participating as a consulting party for this project under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Lisa Schoch, CDOT Senior Staff Historian, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this project, as stipulated in the Section 106 regulation. We also request that your response include any comments regarding the APE and the three historic properties referenced above.

If you require additional information or have any questions about the Section 106 process, please contact Ms. Schoch at (303)512-4258.

Very truly yours,



Brad Beckham, Manager  
Environmental Programs Branch

Enclosure: Map of Area of Potential Effects  
Site forms for 5JF3803, 5JF4322, 5JF4327

cc: Monica Pavlik/Ron Sperl, FHWA Colorado Division  
Thor Gjelsteen/Kevin Maddoux/Jason Marmor, FHU  
Jane Hann, CDOT Region 6  
Carol Legard, FHWA Liaison, Advisory Council on Historic Preservation  
Georgianna Contiguglia, Colorado SHPO  
F/CF/RF



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



February 16, 2006

Mr. Jim Lindberg  
National Trust for Historic Preservation  
Mountains/Plains Regional Office  
535 16th Street, Suite 750  
Denver, CO 80202

**SUBJECT:** Section 106 Historic Properties Consultation and Determinations of Eligibility,  
I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment, Jefferson County, Colorado

Dear Mr. Lindberg:

The transportation project referenced above entails an Environmental Assessment (EA) concerning proposed improvements to the Interstate 70/32<sup>nd</sup> Avenue interchange and adjacent roadways/intersections, as well as improvements to State Highway 58 from I-70 to McIntyre Street. The EA is sponsored by the City of Wheat Ridge, in cooperation with the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT). As with all undertakings funded entirely or in part with federal monies, the project is subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA and CDOT would like to formally offer the National Trust for Historic Preservation the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Should you choose to participate as a Section 106 consulting party, you are provided the opportunity (via this transmittal) to comment on the Area of Potential Effects (APE) established for the project, as well as three historic properties within the APE: the Salter Farm (5JF3803), the Maple Grove Grange (5JF4327), and the Novacek Carnation Nursery (5JF4322). Descriptions of these properties are provided below under "Eligibility Determinations." The site forms for these properties are enclosed to aid in your review.

### **Description of the Proposed Action**

The I-70/32<sup>nd</sup> Avenue interchange project is located in the western part of the Denver metropolitan area partially within the Cities of Wheat Ridge and Lakewood, and also unincorporated Jefferson County. The Proposed Action consists of a series of elements including:

- ▶ Widening of 32<sup>nd</sup> Avenue and Youngfield Street in the area of I-70
- ▶ Construction of hook ramps at I-70/32<sup>nd</sup> Avenue with westbound hook ramps located north of 32<sup>nd</sup> Avenue and eastbound hook ramps located at Youngfield Street and 27<sup>th</sup> Avenue
- ▶ Construction of a new interchange on SH 58 west of Eldridge Street

- ▶ Connection of the new Cabela Drive with 44<sup>th</sup> Avenue near the new interchange onto SH 58

### **Historic Properties Identification**

As part of our historic survey of the APE, we are identifying previously unrecorded as well as known historic properties. The proposed APE is based upon the nature of the specific improvements, and encompasses a redesigned I-70/32<sup>nd</sup> Avenue interchange, I-70 access ramps at W. 27<sup>th</sup> Avenue, a portion of new roadway called Cabela Drive extending north from Zinnia Drive to access pending development, and a new interchange on SH 58 providing access to and from Cabela Drive and W. 44<sup>th</sup> Avenue at Holman Street. A portion of Cabela Drive will be constructed separately as a local agency project.

We have consulted with the State Historic Preservation Officer (SHPO) regarding the APE for the project, as reflected on the enclosed map. As defined in the Section 106 regulations, the APE is the “geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties” (36 CFR 800.16(d)). If you have any comments or questions about the APE, please inform us in writing.

We are contacting local historical organizations to help identify any historic buildings, districts, sites, objects, or archaeological sites of significance within the APE. Additionally, we are conducting research on properties not previously evaluated for the National Register of Historic Places (NRHP) within the APE to determine their architectural and historical significance. Our assessment of significance will be based on the established NRHP eligibility criteria. Any information you can provide will help ensure that important historical resources are considered and protected.

### **Eligibility Determinations**

As noted above, should you choose to participate as a consulting party, we request any comments you may have on the eligibility of the following three properties (please see the attached site forms for more information). A separate historic and archaeological survey report and additional properties associated with this project will be sent for your review in the near future. We are focusing on these three properties at this stage in project development in order to facilitate the Section 4(f) analysis, another part of the National Environmental Policy Act (NEPA) compliance process.

**Salter Farm (5JF3803):** The Salter Farm consists of a brick farmhouse and garage, both of which are contributing features, and a shop, four sheds, an outbuilding, chinchilla pen ruins, and a small building foundation, which are non-contributing features. FHWA and CDOT have determined that this property is *eligible* under National Register Criterion C as an unmodified and excellent example of Tudor style brick residential architecture in an agricultural context.

**Maple Grove Grange (5JF4327):** This property is *eligible* under National Register 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-20<sup>th</sup> Century grange/meeting hall architecture in Colorado.

**Novacek’s Carnation Nursery (5JF4322):** The Novacek property consists of a greenhouse complex, a dwelling, a garage, and an agricultural shed. Although the nursery site and buildings retain relatively good architectural integrity, the property’s historic setting has been greatly altered by surrounding commercial and residential development as well as construction of nearby I-70 in the latter half of the 20<sup>th</sup> century. The nursery property is associated with the commercial carnation growing industry in Jefferson County, an industry which flourished from the late 1940s through the early 1990s. However, because

much of the industry's success occurred less than 45 years ago – in the 1960s and 1970s – the Novacek property is not presently associated with a historically significant pattern of events. Neither the single family dwelling nor the greenhouse complex is an important example of an architectural style or property type. For all of these reasons, the Novacek Carnation Nursery is *not eligible* for the National Register of Historic Places.

If you are interested in participating as a consulting party for this project under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Lisa Schoch, CDOT Senior Staff Historian, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this project, as stipulated in the Section 106 regulation. We also request that your response include any comments regarding the APE and the three historic properties referenced above.

If you require additional information or have any questions about the Section 106 process, please contact Ms. Schoch at (303)512-4258.

Very truly yours,



Brad Beckham, Manager  
Environmental Programs Branch

Enclosure: Map of Area of Potential Effects  
Site forms for 5JF3803, 5JF4322, 5JF4327

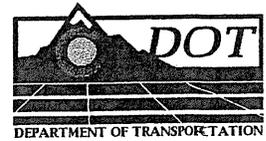
cc: Monica Pavlik/Ron Sperl, FHWA Colorado Division  
Thor Gjelsteen/Kevin Maddoux/Jason Marmor, FHU  
Jane Hann, CDOT Region 6  
Carol Legard, FHWA Liaison, Advisory Council on Historic Preservation  
Georgianna Contiguglia, Colorado SHPO  
F/CF/RF



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



February 16, 2006

Mr. Mark Rodman  
Colorado Preservation, Inc.  
333 W. Colfax Ave., Ste. 300  
Denver, CO 80202

**SUBJECT:** Section 106 Historic Properties Consultation and Determinations of Eligibility,  
I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment, Jefferson County, Colorado

Dear Mr. Rodman:

The transportation project referenced above entails an Environmental Assessment (EA) concerning proposed improvements to the Interstate 70/32<sup>nd</sup> Avenue interchange and adjacent roadways/intersections, as well as improvements to State Highway 58 from I-70 to McIntyre Street. The EA is sponsored by the City of Wheat Ridge, in cooperation with the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT). As with all undertakings funded entirely or in part with federal monies, the project is subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA and CDOT would like to formally offer Colorado Preservation, Inc. the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Should you choose to participate as a Section 106 consulting party, you are provided the opportunity (via this transmittal) to comment on the Area of Potential Effects (APE) established for the project, as well as three historic properties within the APE: the Salter Farm (5JF3803), the Maple Grove Grange (5JF4327), and the Novacek Carnation Nursery (5JF4322). Descriptions of these properties are provided below under "Eligibility Determinations." The site forms for these properties are enclosed to aid in your review.

### **Description of the Proposed Action**

The I-70/32<sup>nd</sup> Avenue interchange project is located in the western part of the Denver metropolitan area partially within the Cities of Wheat Ridge and Lakewood, and also unincorporated Jefferson County. The Proposed Action consists of a series of elements including:

- ▶ Widening of 32<sup>nd</sup> Avenue and Youngfield Street in the area of I-70
- ▶ Construction of hook ramps at I-70/32<sup>nd</sup> Avenue with westbound hook ramps located north of 32<sup>nd</sup> Avenue and eastbound hook ramps located at Youngfield Street and 27<sup>th</sup> Avenue
- ▶ Construction of a new interchange on SH 58 west of Eldridge Street
- ▶ Connection of the new Cabela Drive with 44<sup>th</sup> Avenue near the new interchange onto SH 58

### **Historic Properties Identification**

As part of our historic survey of the APE, we are identifying previously unrecorded as well as known historic properties. The proposed APE is based upon the nature of the specific improvements, and encompasses a redesigned I-70/32<sup>nd</sup> Avenue interchange, I-70 access ramps at W. 27<sup>th</sup> Avenue, a portion of new roadway called Cabela Drive extending north from Zinnia Drive to access pending development, and a new interchange on SH 58 providing access to and from Cabela Drive and W. 44<sup>th</sup> Avenue at Holman Street. A portion of Cabela Drive will be constructed separately as a local agency project.

We have consulted with the State Historic Preservation Officer (SHPO) regarding the APE for the project, as reflected on the enclosed map. As defined in the Section 106 regulations, the APE is the “geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties” (36 CFR 800.16(d)). If you have any comments or questions about the APE, please inform us in writing.

We are contacting local historical organizations to help identify any historic buildings, districts, sites, objects, or archaeological sites of significance within the APE. Additionally, we are conducting research on properties not previously evaluated for the National Register of Historic Places (NRHP) within the APE to determine their architectural and historical significance. Our assessment of significance will be based on the established NRHP eligibility criteria. Any information you can provide will help ensure that important historical resources are considered and protected.

### **Eligibility Determinations**

As noted above, should you choose to participate as a consulting party, we request any comments you may have on the eligibility of the following three properties (please see the attached site forms for more information). A separate historic and archaeological survey report and additional properties associated with this project will be sent for your review in the near future. We are focusing on these three properties at this stage in project development in order to facilitate the Section 4(f) analysis, another part of the National Environmental Policy Act (NEPA) compliance process.

**Salter Farm (5JF3803):** The Salter Farm consists of a brick farmhouse and garage, both of which are contributing features, and a shop, four sheds, an outbuilding, chinchilla pen ruins, and a small building foundation, which are non-contributing features. FHWA and CDOT have determined that this property is *eligible* under National Register Criterion C as an unmodified and excellent example of Tudor style brick residential architecture in an agricultural context.

**Maple Grove Grange (5JF4327):** This property is *eligible* under National Register 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-20<sup>th</sup> Century grange/meeting hall architecture in Colorado.

**Novacek’s Carnation Nursery (5JF4322):** The Novacek property consists of a greenhouse complex, a dwelling, a garage, and an agricultural shed. Although the nursery site and buildings retain relatively good architectural integrity, the property’s historic setting has been greatly altered by surrounding commercial and residential development as well as construction of nearby I-70 in the latter half of the 20<sup>th</sup> century. The nursery property is associated with the commercial carnation growing industry in Jefferson County, an industry which flourished from the late 1940s through the early 1990s. However, because much of the industry’s success occurred less than 45 years ago – in the 1960s and 1970s – the Novacek property is not presently associated with a historically significant pattern of events. Neither the single family dwelling nor the greenhouse complex is an important example of an architectural style or property

type. For all of these reasons, the Novacek Carnation Nursery is *not eligible* for the National Register of Historic Places.

If you are interested in participating as a consulting party for this project under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Lisa Schoch, CDOT Senior Staff Historian, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this project, as stipulated in the Section 106 regulation. We also request that your response include any comments regarding the APE and the three historic properties referenced above.

If you require additional information or have any questions about the Section 106 process, please contact Ms. Schoch at (303)512-4258.

Very truly yours,

  
for Brad Beckham, Manager  
Environmental Programs Branch

Enclosure: Map of Area of Potential Effects  
Site forms for 5JF3803, 5JF4322, 5JF4327

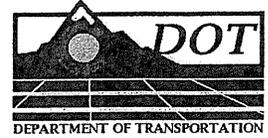
cc: Monica Pavlik/Ron Sperl, FHWA Colorado Division  
Thor Gjelsteen/Kevin Maddoux/Jason Marmor, FHU  
Jane Hann, CDOT Region 6  
Carol Legard, FHWA Liaison, Advisory Council on Historic Preservation  
Georgianna Contiguglia, Colorado SHPO  
F/CF/RF



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



February 16, 2006

Mr. Alan White  
City of Wheat Ridge  
7500 West 29<sup>th</sup> Avenue  
Wheat Ridge, CO 80215

**SUBJECT:** Section 106 Historic Properties Consultation and Determinations of Eligibility,  
I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment, Jefferson County, Colorado

Dear Mr. White:

The transportation project referenced above entails an Environmental Assessment (EA) concerning proposed improvements to the Interstate 70/32<sup>nd</sup> Avenue interchange and adjacent roadways/intersections, as well as improvements to State Highway 58 from I-70 to McIntyre Street. The EA is sponsored by the City of Wheat Ridge, in cooperation with the Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT). As with all undertakings funded entirely or in part with federal monies, the project is subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 U.S.C. 470f) and its implementing regulations (36 CFR 800). We are seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the undertaking's potential effects on historic properties. Toward that end, FHWA and CDOT would like to formally offer the City of Wheat Ridge the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

Should you choose to participate as a Section 106 consulting party, you are provided the opportunity (via this transmittal) to comment on the Area of Potential Effects (APE) established for the project, as well as three historic properties within the APE: the Salter Farm (5JF3803), the Maple Grove Grange (5JF4327), and the Novacek Carnation Nursery (5JF4322). Descriptions of these properties are provided below under "Eligibility Determinations." The site forms for these properties are enclosed to aid in your review.

### **Description of the Proposed Action**

The I-70/32<sup>nd</sup> Avenue interchange project is located in the western part of the Denver metropolitan area partially within the Cities of Wheat Ridge and Lakewood, and also unincorporated Jefferson County. The Proposed Action consists of a series of elements including:

- ▶ Widening of 32<sup>nd</sup> Avenue and Youngfield Street in the area of I-70
- ▶ Construction of hook ramps at I-70/32<sup>nd</sup> Avenue with westbound hook ramps located north of 32<sup>nd</sup> Avenue and eastbound hook ramps located at Youngfield Street and 27<sup>th</sup> Avenue
- ▶ Construction of a new interchange on SH 58 west of Eldridge Street
- ▶ Connection of the new Cabela Drive with 44<sup>th</sup> Avenue near the new interchange onto SH 58

### **Historic Properties Identification**

As part of our historic survey of the APE, we are identifying previously unrecorded as well as known historic properties. The proposed APE is based upon the nature of the specific improvements, and encompasses a redesigned I-70/32<sup>nd</sup> Avenue interchange, I-70 access ramps at W. 27<sup>th</sup> Avenue, a portion of new roadway called Cabela Drive extending north from Zinnia Drive to access pending development, and a new interchange on SH 58 providing access to and from Cabela Drive and W. 44<sup>th</sup> Avenue at Holman Street. A portion of Cabela Drive will be constructed separately as a local agency project.

We have consulted with the State Historic Preservation Officer (SHPO) regarding the APE for the project, as reflected on the enclosed map. As defined in the Section 106 regulations, the APE is the “geographic area within which an undertaking may directly or indirectly cause alterations in the character or use of historic properties” (36 CFR 800.16(d)). If you have any comments or questions about the APE, please inform us in writing.

We are contacting local historical organizations to help identify any historic buildings, districts, sites, objects, or archaeological sites of significance within the APE. Additionally, we are conducting research on properties not previously evaluated for the National Register of Historic Places (NRHP) within the APE to determine their architectural and historical significance. Our assessment of significance will be based on the established NRHP eligibility criteria. Any information you can provide will help ensure that important historical resources are considered and protected.

### **Eligibility Determinations**

As noted above, should you choose to participate as a consulting party, we request any comments you may have on the eligibility of the following three properties (please see the attached site forms for more information). A separate historic and archaeological survey report and additional properties associated with this project will be sent for your review in the near future. We are focusing on these three properties at this stage in project development in order to facilitate the Section 4(f) analysis, another part of the National Environmental Policy Act (NEPA) compliance process.

**Salter Farm (5JF3803):** The Salter Farm consists of a brick farmhouse and garage, both of which are contributing features, and a shop, four sheds, an outbuilding, chinchilla pen ruins, and a small building foundation, which are non-contributing features. FHWA and CDOT have determined that this property is *eligible* under National Register Criterion C as an unmodified and excellent example of Tudor style brick residential architecture in an agricultural context.

**Maple Grove Grange (5JF4327):** This property is *eligible* under National Register 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-20<sup>th</sup> Century grange/meeting hall architecture in Colorado.

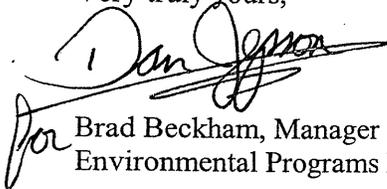
**Novacek’s Carnation Nursery (5JF4322):** The Novacek property consists of a greenhouse complex, a dwelling, a garage, and an agricultural shed. Although the nursery site and buildings retain relatively good architectural integrity, the property’s historic setting has been greatly altered by surrounding commercial and residential development as well as construction of nearby I-70 in the latter half of the 20<sup>th</sup> century. The nursery property is associated with the commercial carnation growing industry in Jefferson County, an industry which flourished from the late 1940s through the early 1990s. However, because much of the industry’s success occurred less than 45 years ago – in the 1960s and 1970s – the Novacek property is not presently associated with a historically significant pattern of events. Neither the single family dwelling nor the greenhouse complex is an important example of an architectural style or property

type. For all of these reasons, the Novacek Carnation Nursery is *not eligible* for the National Register of Historic Places.

If you are interested in participating as a consulting party for this project under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Lisa Schoch, CDOT Senior Staff Historian, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this project, as stipulated in the Section 106 regulation. We also request that your response include any comments regarding the APE and the three historic properties referenced above.

If you require additional information or have any questions about the Section 106 process, please contact Ms. Schoch at (303)512-4258.

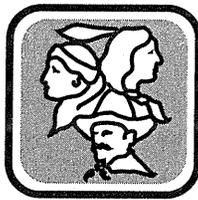
Very truly yours,

  
for Brad Beckham, Manager  
Environmental Programs Branch

Enclosure:      Map of Area of Potential Effects  
                      Site forms for 5JF3803, 5JF4322, 5JF4327

cc:            Monica Pavlik/Ron Sperl, FHWA Colorado Division  
                 Thor Gjelsteen/Kevin Maddoux/Jason Marmor, FHU  
                 Jane Hann, CDOT Region 6  
                 Carol Legard, FHWA Liaison, Advisory Council on Historic Preservation  
                 Georgianna Contiguglia, Colorado SHPO  
                 F/CF/RF





**COLORADO  
HISTORICAL  
SOCIETY**

**The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137**

February 23, 2006

Brad Beckham  
Environmental Programs Branch  
Colorado Department of Transportation  
4201 East Arkansas Avenue  
Denver, CO 80222

Re: I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment, Determination of Eligibility.  
(CHS #47399)

Dear Mr. Beckham,

Thank you for your correspondence dated February 15, 2006 and received by our office on February 16, 2006 regarding the above-mentioned project.

After review of the submitted material, we concur that resources 5JF.3903/Salter Farm and 5JF.4327/Maple Grove Grange No. 154 are eligible for the National Register of Historic Places.

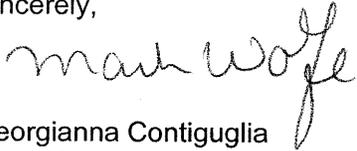
After review of the inventory form for resource 5JF.4322/Novacek's Carnation Nursery, we do not concur that the resource is not eligible due to a loss of setting, as stated in the inventory form. In our opinion, the immediate setting of the property is intact. We recommend that the resource is not eligible for the National Register of Historic Places due to the number of outbuildings built after the period of significance.

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 Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

*For*   
Georgianna Contiguglia  
State Historic Preservation Officer





DEPARTMENT OF PUBLIC WORKS

(303) 235-2861

7500 WEST 29<sup>TH</sup> AVENUE

WHEAT RIDGE, CO 80033

FAX (303) 235-2857

February 27, 2006

Lisa Schoch  
CDOT Senior Staff Historian  
Colorado Department of Transportation  
Environmental Programs Branch  
4201 East Arkansas Avenue  
Denver, Colorado 80222

Dear Lisa:

The City of Wheat Ridge requests participation as a consulting party for the Section 106 Historic Properties Consultation and Determination of Eligibility for the I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment. The City concurs with the Eligibility Determinations found in the February 16, 2006 letter from your offices.

Sincerely,

Timothy Paranto, P.E.  
Director of Public Works

XC: Alan White





*Th Jefferson*

# Jefferson County Historical Commission Golden, Colorado

## 2006 OFFICERS

CHAIR  
VICE CHAIR  
RECORDING SECRETARY

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SALLY WHITE

TREASURER  
CORRESPONDING SECRETARY

LUCY BAMBREY  
RITA PETERSON

March 21, 2006

Ms. Lisa Schoch  
CDOT Senior Staff Historian  
Colorado Department of Transportation  
Environmental Programs Branch  
4201 East Arkansas Ave.  
Denver, CO 80222

SUBJECT: Section 106 Historic Properties Consultation and Determinations of Eligibility – I-70/32<sup>nd</sup> Ave Interchange EA

Dear Ms. Schoch:

This letter is a response to the February 16, 2006 letter to the Jefferson County Historical Commission (JCHC) (received Feb 21, 2006) requesting participation in National Historic Preservation Act Section 106 compliance for the above referenced project.

The JCHC has not identified any historic buildings, districts, sites, objects, or archaeological sites of significance other than those listed in the February 16, 2006 letter within the area of potential effects (APE). In addition, we agree with the determinations of eligibility by FHWA and CDOT of the three properties reported within the APE: Salter Farm (5JF3803) – eligible, Maple Grove Grange (5JF4327) – eligible, and Novacek’s Carnation Nursery (5JF4322) – not eligible.

Thank you for the opportunity to comment. The JCHC is interested in continued participation as a consulting party for this project under Section 106 and the National Environmental Policy Act (NEPA). The JCHC has a demonstrated interest as the commission providing support to the Jefferson County Commissioners and Planning and Zoning Department on historic preservation issues. Please continue to provide updates on the project to:

Duncan McCollum  
Jefferson County Historical Commission  
Archives and Management  
100 Jefferson County Parkway, Suite 1500  
Golden, CO 80419

Sincerely,

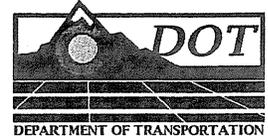
Lucy Hackett Bambrey  
Historic Preservation Committee



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9259  
FAX (303) 757-9445



June 8, 2006

Mr. Duncan McCollum  
Jefferson County Historical Commission  
Archives and Management  
100 Jefferson County Parkway, Suite 1500  
Golden, CO 80419

Subject: Determination of Eligibility & Effects and Notification of Section 4(f) *De Minimis*  
Finding, I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment

Dear Mr. McCollum:

This letter and the attached survey report and site forms constitute a request for comment on eligibility and effect determinations for the project referenced above. The undertaking proposes improvements to the Interstate 70/32<sup>nd</sup> Avenue interchange and adjacent roadways/intersections, as well as improvements to State Highway 58 from I-70 to McIntyre Street. The EA is sponsored by the City of Wheat Ridge and is being completed in coordination with the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA). The intensive-level cultural resources inventory was completed on behalf of CDOT by Felsburg Holt & Ullevig. We have also included a notification of Section 4(f) *de minimis*, which is described in more detail below.

### PREVIOUS SECTION 106 CONSULTATION

We previously consulted with your office regarding the Area of Potential Effects (APE) and eligibility determinations for three properties within the APE: the Salter Farm (5JF3803), the Maple Grove Grange (5JF4327), and Novacek's Carnation Nursery (5JF4322). In correspondence dated March 21, 2006, you agreed with our findings that the Salter Farm and Maple Grove Grange are *eligible* for inclusion on the NRHP, and that Novacek's Carnation Nursery is *not eligible*.

### ELIGIBILITY DETERMINATIONS

At this time, we request your comments on the eligibility determinations for 14 properties identified within the APE, which are listed in the following table. Please refer to the inventory report and site forms for more detailed information regarding each of these resources. Note that we have inserted an errata sheet for the survey report.

Site Number	Address/Name	Property Type	NRHP eligibility
5JF4323	2665 Youngfield Street	Dwelling	Not Eligible
5JF4324	2675 Youngfield Street	Dwelling converted to commercial use	Not Eligible
5JF4325	2680 Youngfield Street	Commercial building	Not Eligible
5JF4326	2800 Youngfield Street	Farm w/house and barn	Eligible
5JF4328	12500 W. 32 <sup>nd</sup> Avenue/ Truelson farmhouse	Dwelling/ farmhouse	Eligible
5JF4329	13050 W. 32 <sup>nd</sup> Avenue	Dwelling (possibly a former farmhouse)	Not Eligible

Site Number	Address/Name	Property Type	NRHP eligibility
5JF4330	4160 Youngfield Street	Dwelling	Not Eligible
5JF4332	14795 W. 44 <sup>th</sup> Avenue	Dwelling converted to commercial use	Not Eligible
5JF4333	4405 Holman Street	Dwelling	Not Eligible
5JF4334	4405 Gladiola Street	Dwelling	Not Eligible
5JF532.4	Rocky Mountain Ditch segment	Irrigation ditch	Not Eligible
5JF2230.3	Swadley Ditch segment	Irrigation ditch	Not Eligible
5JF2229.2	Slough Ditch	Irrigation ditch	Not Eligible
5JF4362.1	Reno-Juchem Ditch	Irrigation ditch	Not Eligible

In addition to the previously discussed Salter Farm and Maple Grove Grange, two properties are assessed as *eligible* for the NRHP:

**5JF4326, 2800 Youngfield Street:** This 5.7-acre agricultural property on the east side of Youngfield Street, which may be the remnant of a larger farm, contains a wood frame Folk Victorian farmhouse built in 1889, a historic gabled wood frame barn, other small outbuildings, and pasture land. It is one of the few remaining early farms in the Applewood area, which, from the 1870s to the 1950s, was well known as a fertile agricultural area producing a wide variety of crops. It retains a cluster of agricultural buildings and pasture that convey its association with this historically significant pattern of events that once formed the basis of the local economy. For these reasons, FHWA and CDOT have determined that the property qualifies for inclusion on the NRHP under Criterion A.

**5JF4328, 12500 W. 32<sup>nd</sup> Avenue - Truelson Farmhouse:** Built in 1899 on what is now the south side of W. 32<sup>nd</sup> Avenue, the Truelson Farmhouse is a very well-preserved example of Late Victorian brick domestic architecture, and exhibits many character-defining traits of the style including Tuscan porch columns, pediment and dentils, patterned wood shingles applied to the gables, carved sandstone trim, an elaborate gabled dormer, and steeply pitched roof. FHWA and CDOT have determined that this property is *eligible* under National Register Criterion C as an excellent local example of this architectural style, as well as under Criterion A for its association with agriculture in Jefferson County.

The remaining 12 properties listed above lack sufficient significance and/or integrity to qualify for inclusion on the NRHP. Please see the individual site forms for these properties for more information.

#### **EFFECTS DETERMINATION**

Four properties meeting the eligibility criteria for listing on the NRHP have been identified within the APE for the I-70/32nd Avenue Interchange project (two as listed in this letter and two from our earlier submittal). The proposed project's effect upon each of these properties was assessed using the Advisory Council on Historic Preservation's "Criteria of Adverse Effect," as detailed in 36 CFR 800.5. The results of this analysis are detailed below.

**Salter Farm (5JF3803):** The Salter Farm site, located at 3475 Youngfield Service Road, is a nearly rectangular property encompassing approximately 2.535 acres (see Figure 1). The site boundary is defined on the north and east by the legal limit of the historic parcel, on the south by the property line separating the lot from a La Quinta Hotel, and on the west by the west edge of Feature 4 (see site form), the westernmost extant historic outbuilding. The site is a remnant of the original farm, which was reduced in size on the east by construction of I-70 and Youngfield Service Road, and on the west by grading and excavation associated with ongoing land development and gravel pit reclamation activities.

The proposed action for this project involves the construction of a portion of Cabela Drive, a four-lane divided roadway, with a north-south alignment directly behind and along the west edge of the Salter Farm. The road will consist of four lanes (two 12-ft lanes in both directions), a 14-ft painted median separating the lanes, a 10-ft pedestrian/bicycle sidewalk on the west, and an 8-ft pedestrian sidewalk on the east side. The design of Cabela Drive was modified to avoid a take of property from the Salter farm by attaching the 8-ft sidewalk directly to the roadway, rather than shifting it to the east as a detached structure. A curving on-ramp from Cabela Drive to southbound I-70 will be constructed a short distance north of the Salter Farm. Although the original design of this ramp was located farther south and required a take of land from the Salter Farm, it was later shifted northward to avoid impacting the historic site. The proposed redesigned ramp now comes close to, but avoids, the northeastern corner of the site. Consequently, no direct impacts will occur to the Salter Farm.

The proposed new roadways (Cabela Drive and the southbound I-70 on-ramp) should not present a visual intrusion to the property that will diminish its significance. The historic setting surrounding the Salter Farm has already been completely transformed from historic agricultural to modern non-agricultural uses. A La Quinta hotel adjoins the farm on the south, Youngfield Service Road and I-70 border the farm's east side, and extensive earth-moving—including past gravel mining and more recent grading and re-contouring—surround the site's west and north sides. Similarly, the property's historic "auditory setting" has been greatly altered by constant traffic carried by nearby I-70. Noise modeling results indicate that the proposed action would increase traffic noise levels at the site by approximately 1 decibel due to the relocated I-70 ramp (vs. the No Action alternative). This is a slight increase that would be imperceptible to the human ear. The changes in visual and auditory setting will not diminish the qualities that make this property architecturally significant. Based on these factors, FHWA and CDOT have determined that the project will result in *no adverse effect* to 5JF3803.

**2800 Youngfield Street (5FJF4326):** As noted above, this 5.7-acre agricultural property on the east side of Youngfield Street may be the remnant of a larger farm; the site boundary corresponds to the legal limits of the remaining farm parcel (see Figure 2). The site is bordered on the west side by Youngfield Street (with an existing sidewalk), on the north by commercial and residential properties, on the east and south by Chester Portsmouth Park, and on the southwest corner by a commercial property.

Proposed improvements in the vicinity of 5JF4326 are limited to restriping of Youngfield Street west of the site. No changes to the existing sidewalk on the west edge of the site are planned, and there will be no direct impacts to the property. The proposed improvements will not cause significant indirect impacts. Visual changes will be minimal. Youngfield Street is already a major arterial street, and noise modeling results indicate that the proposed action would actually result in a very slight (<1 decibel) decrease in traffic noise levels at the site compared with the No Action alternative. As a result of these factors, FHWA and CDOT have determined that the project will result in a finding of *no historic properties affected* with respect to this property.

**Maple Grove Grange (5FJF4327):** 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. 32<sup>nd</sup> 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 Youngfield/32<sup>nd</sup> Avenue 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 (0.06-acre) strip of land 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 have 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*.

**Truelson Farmhouse (5FJF4328)**: The eligible Truelson Farmhouse occupies a rectangular, approximately 0.548-acre parcel on the south side of W. 32<sup>nd</sup> Avenue, bordered on the west by Wright Court. The site boundary corresponds to the legal limits of the lot containing the historic farmhouse and barn (see Figure 4). The latter feature is now hidden by a modern superstructure that was recently built over it.

Proposed improvements in the vicinity of the Truelson farmhouse are limited to widening of the north side of W. 32<sup>nd</sup> Avenue beginning approximately 60 ft east of the historic property, to accommodate a proposed new right turn lane at the W. 32<sup>nd</sup> Avenue/Youngfield Street intersection. Acquisition of additional ROW will be required only from the north side of W. 32<sup>nd</sup> Avenue, and there will be no direct impacts to the Truelson property. The proposed improvements will cause no significant indirect impacts, since the site is completely surrounded by modern residential and commercial development and thus has already lost its historic agricultural setting. West 32<sup>nd</sup> Avenue is a major local transportation route, providing access to the Applewood Shopping Center as well as Youngfield Street and the I-70/W. 32<sup>nd</sup> Avenue interchange. Noise modeling results indicate that future noise levels at this location would be virtually unchanged from existing conditions (an imperceptible 1 decibel difference). Both the No Action and proposed action noise levels in the vicinity of this property would equal the threshold for noise mitigation consideration as outlined in the CDOT noise guidelines, but the proposed action would not result in any change in traffic noise levels at the site compared with the No Action alternative. On the basis of the above, FHWA and CDOT have determined that the project will result in a finding of *no historic properties affected* for 5JF4328.

## **SECTION 4(F) AND *DE MINIMIS***

### **Background**

In addition to Section 106 of the National Historic Preservation Act (NHPA), FHWA must comply with Section 4(f), which is codified at both 49 U.S.C § 303 and 23 U.S.C. § 138. Until recently Section 4(f) required that any time a proposed federally-approved or federally-funded highway project would result in any “use” of land designated as a Section 4(f) resource, which includes listed or eligible historic properties under the NHPA, FHWA must perform an evaluation (“Avoidance Analysis”) to determine whether there is a “feasible and prudent” alternative that would avoid the Section 4(f) resource.<sup>1</sup>

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<sup>1</sup> As currently codified, the pertinent language of Section 4(f) reads as follows:

[T]he Secretary shall not approve any program or project . . . which requires the use of 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.

With regard to this project, FHWA has determined that the impact to the Salter Farm (5JF3803) and the Maple Grove Grange (5JF4327), while causing *no adverse effect* for purposes of the NHPA, may nonetheless be “a use” for purposes of Section 4(f).

However, Congress recently amended Section 4(f) 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 FHWA to approve a project that uses Section 4(f) lands that are part of a historic property without preparation of an Avoidance Analysis, if it makes a finding that such uses would have “de minimis” impacts upon the Section 4(f) resource, with the concurrence of the relevant SHPO.

More specifically, with regard to Section 4(f) resources that are historic properties (like those that would be affected by the proposed CDOT undertaking), Section 6009(a)(1) of SAFETEA-LU adds the following language to Section 4(f):<sup>2</sup>

(b) De Minimis Impacts. --

(1) REQUIREMENTS.--

(A) REQUIREMENTS FOR HISTORIC SITES.--The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

\*\*\*\*\*

(C) CRITERIA.--In making any determination under this subsection, the Secretary shall consider to be 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.

(2) HISTORIC SITES.--With respect to historic sites, the Secretary may make a finding of de minimis impact only if--

(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that--

(i) the transportation program or project will have no adverse effect on the historic site; or

---

23 U.S.C. § 138; 49 U.S.C. § 303 (c). This analysis would usually be required under what is referred to as the first prong of Section 4(f). A de minimis determination does not relieve FHWA of its responsibility under the second prong to “minimize harm” to the historic sites.

<sup>2</sup> This provision will be codified as 23 U.S.C. § 138(b). Section 6009(a)(2) of SAFETEA-LU adds identical language at 49 U.S.C. § 303(d).

(ii) there will be no historic properties affected by the transportation program or project;

(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

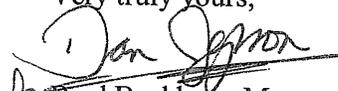
On December 13, 2005, FHWA issued its "Guidance for Determining *De Minimis* Impacts to Section 4(f) Resources" which indicates that a finding of de minimis can be made when the Section 106 process results in a *no adverse effect* or *no historic properties affected* determination, when the SHPO is informed of FHWA's intent to make a de minimis impact finding based on their written concurrence in the Section 106 determination, and when FHWA has considered the views of any consulting parties participating in the Section 106 process. This new provision of Section 4(f) and the associated guidance are, in part, the basis of this letter, and of FHWA's determination and notification of de minimis impacts to the Jefferson County Historical Commission with respect to the proposed project. At this time we are notifying the Section 106 consulting parties per Section 6009(b)(2)(C).

#### Notification of *De Minimis* Finding

The project has been determined to have *no adverse effect* on properties 5JF3803 and 5JF4327, as indicated above. As part of the Section 106 consultation process, the State Historic Preservation Officer (SHPO) was also afforded the opportunity to concur on eligibility and effects determinations in correspondence dated May 24, 2006. We have also notified the SHPO of the *de minimis* finding. This Section 106 request and Section 4(f) *de minimis* notification was also sent to the City of Wheat Ridge for review.

As a local historic commission with a potential interest in these historic resources, we welcome your comments regarding the Section 106 determinations and the Section 4(f) *de minimis* finding outlined in this letter. Should you elect to respond, we request that you do so within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

  
Brad Beckham, Manager  
Environmental Programs Branch

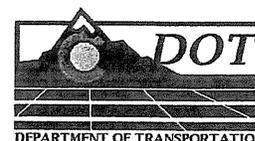
Enclosures:      Figures 1 – 4  
                         Cultural Resources Survey Report  
                         Inventory forms for 14 historic properties

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

# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9259  
FAX (303) 757-9445



June 8, 2006

Mr. Timothy Paranto  
Director of Public Works  
City of Wheat Ridge  
7500 West 29<sup>th</sup> Avenue  
Wheat Ridge, CO 80033

Subject: Determination of Eligibility & Effects and Notification of Section 4(f) *De Minimis*  
Finding, I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment

Dear Mr. Paranto:

This letter and the attached survey report and site forms constitute a request for comment on eligibility and effect determinations for the project referenced above. The undertaking proposes improvements to the Interstate 70/32<sup>nd</sup> Avenue interchange and adjacent roadways/intersections, as well as improvements to State Highway 58 from I-70 to McIntyre Street. The EA is sponsored by the City of Wheat Ridge and is being completed in coordination with the Colorado Department of Transportation (CDOT) and Federal Highway Administration (FHWA). The intensive-level cultural resources inventory was completed on behalf of CDOT by Felsburg Holt & Ullevig. We have also included a notification of Section 4(f) *de minimis*, which will be described in more detail below.

### PREVIOUS SECTION 106 CONSULTATION

We previously consulted with your office regarding the Area of Potential Effects (APE) and eligibility determinations for three properties within the APE: the Salter Farm (5JF3803), the Maple Grove Grange (5JF4327), and Novacek's Carnation Nursery (5JF4322). In correspondence dated February 27, 2006, you agreed with our findings that the Salter Farm and Maple Grove Grange are *eligible* for inclusion on the NRHP, and that Novacek's Carnation Nursery is *not eligible*.

### ELIGIBILITY DETERMINATIONS

At this time, we request your comments on the eligibility determinations for 14 properties identified within the APE, which are listed in the following table. Please refer to the inventory report and site forms for more detailed information regarding each of these resources. Note that we have inserted an errata sheet for the survey report.

Site Number	Address/Name	Property Type	NRHP eligibility
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5JF4325	2680 Youngfield Street	Commercial building	Not Eligible
5JF4326	2800 Youngfield Street	Farm w/house and barn	Eligible
5JF4328	12500 W. 32 <sup>nd</sup> Avenue/ Truelson farmhouse	Dwelling/ farmhouse	Eligible
5JF4329	13050 W. 32 <sup>nd</sup> Avenue	Dwelling (possibly a former farmhouse)	Not Eligible

Site Number	Address/Name	Property Type	NRHP eligibility
5JF4330	4160 Youngfield Street	Dwelling	Not Eligible
5JF4332	14795 W. 44 <sup>th</sup> Avenue	Dwelling converted to commercial use	Not Eligible
5JF4333	4405 Holman Street	Dwelling	Not Eligible
5JF4334	4405 Gladiola Street	Dwelling	Not Eligible
5JF532.4	Rocky Mountain Ditch segment	Irrigation ditch	Not Eligible
5JF2230.3	Swadley Ditch segment	Irrigation ditch	Not Eligible
5JF2229.2	Slough Ditch	Irrigation ditch	Not Eligible
5JF4362.1	Reno-Juchem Ditch	Irrigation ditch	Not Eligible

In addition to the previously discussed Salter Farm and Maple Grove Grange, two properties are assessed as *eligible* for the NRHP:

**5JF4326, 2800 Youngfield Street:** This 5.7-acre agricultural property on the east side of Youngfield Street, which may be the remnant of a larger farm, contains a wood frame Folk Victorian farmhouse built in 1889, a historic gabled wood frame barn, other small outbuildings, and pasture land. It is one of the few remaining early farms in the Applewood area, which, from the 1870s to the 1950s, was well known as a fertile agricultural area producing a wide variety of crops. It retains a cluster of agricultural buildings and pasture that convey its association with this historically significant pattern of events that once formed the basis of the local economy. For these reasons, FHWA and CDOT have determined that the property qualifies for inclusion on the NRHP under Criterion A.

**5JF4328, 12500 W. 32<sup>nd</sup> Avenue - Truelson Farmhouse:** Built in 1899 on what is now the south side of W. 32<sup>nd</sup> Avenue, the Truelson Farmhouse is a very well-preserved example of Late Victorian brick domestic architecture, and exhibits many character-defining traits of the style including Tuscan porch columns, pediment and dentils, patterned wood shingles applied to the gables, carved sandstone trim, an elaborate gabled dormer, and steeply pitched roof. FHWA and CDOT have determined that this property is *eligible* under National Register Criterion C as an excellent local example of this architectural style, as well as under Criterion A for its association with agriculture in Jefferson County.

The remaining 12 properties listed above lack sufficient significance and/or integrity to qualify for inclusion on the NRHP. Please see the individual site forms for these properties for more information.

#### **EFFECTS DETERMINATION**

Four properties meeting the eligibility criteria for listing on the NRHP have been identified within the APE for the I-70/32nd Avenue Interchange project (two as listed in this letter and two from our earlier submittal). The proposed project's effect upon each of these properties was assessed using the Advisory Council on Historic Preservation's "Criteria of Adverse Effect," as detailed in 36 CFR 800.5. The results of this analysis are detailed below.

**Salter Farm (5FJF3803):** The Salter Farm site, located at 3475 Youngfield Service Road, is a nearly rectangular property encompassing approximately 2.535 acres (see Figure 1). The site boundary is defined on the north and east by the legal limit of the historic parcel, on the south by the property line separating the lot from a La Quinta Hotel, and on the west by the west edge of Feature 4 (see site form), the westernmost extant historic outbuilding. The site is a remnant of the original farm, which was reduced in size on the east by construction of I-70 and Youngfield Service Road, and on the west by grading and excavation associated with ongoing land development and gravel pit reclamation activities.

The proposed action for this project involves the construction of a portion of Cabela Drive, a four-lane divided roadway, with a north-south alignment directly behind and along the west edge of the Salter Farm. The road will consist of four lanes (two 12-ft lanes in both directions), a 14-ft painted median separating the lanes, a 10-ft pedestrian/bicycle sidewalk on the west, and an 8-ft pedestrian sidewalk on the east side. The design of Cabela Drive was modified to avoid a take of property from the Salter farm by attaching the 8-ft sidewalk directly to the roadway, rather than shifting it to the east as a detached structure. A curving on-ramp from Cabela Drive to southbound I-70 will be constructed a short distance north of the Salter Farm. Although the original design of this ramp was located farther south and required a take of land from the Salter Farm, it was later shifted northward to avoid impacting the historic site. The proposed redesigned ramp now comes close to, but avoids, the northeastern corner of the site. Consequently, no direct impacts will occur to the Salter Farm.

The proposed new roadways (Cabela Drive and the southbound I-70 on-ramp) should not present a visual intrusion to the property that will diminish its significance. The historic setting surrounding the Salter Farm has already been completely transformed from historic agricultural to modern non-agricultural uses. A La Quinta hotel adjoins the farm on the south, Youngfield Service Road and I-70 border the farm's east side, and extensive earth-moving—including past gravel mining and more recent grading and re-contouring—surround the site's west and north sides. Similarly, the property's historic "auditory setting" has been greatly altered by constant traffic carried by nearby I-70. Noise modeling results indicate that the proposed action would increase traffic noise levels at the site by approximately 1 decibel due to the relocated I-70 ramp (vs. the No Action alternative). This is a slight increase that would be imperceptible to the human ear. The changes in visual and auditory setting will not diminish the qualities that make this property architecturally significant. Based on these factors, FHWA and CDOT have determined that the project will result in *no adverse effect* to 5JF3803.

**2800 Youngfield Street (5FJF4326):** A noted above, this 5.7-acre agricultural property on the east side of Youngfield Street may be the remnant of a larger farm; the site boundary corresponds to the legal limits of the remaining farm parcel (see Figure 2). The site is bordered on the west side by Youngfield Street (with an existing sidewalk), on the north by commercial and residential properties, on the east and south by Chester Portsmouth Park, and on the southwest corner by a commercial property.

Proposed improvements in the vicinity of 5JF4326 are limited to restriping of Youngfield Street west of the site. No changes to the existing sidewalk on the west edge of the site are planned, and there will be no direct impacts to the property. The proposed improvements will not cause significant indirect impacts. Visual changes will be minimal. Youngfield Street is already a major arterial street, and noise modeling results indicate that the proposed action would actually result in a very slight (<1 decibel) decrease in traffic noise levels at the site compared with the No Action alternative. As a result of these factors, FHWA and CDOT have determined that the project will result in a finding of *no historic properties affected* with respect to this property.

**Maple Grove Grange (5FJF4327):** 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. 32<sup>nd</sup> 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 Youngfield/32<sup>nd</sup> Avenue 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 (0.06-acre) strip of land 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 have 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*.

**Truelson Farmhouse (5FJF4328)**: The eligible Truelson Farmhouse occupies a rectangular, approximately 0.548-acre parcel on the south side of W. 32<sup>nd</sup> Avenue, bordered on the west by Wright Court. The site boundary corresponds to the legal limits of the lot containing the historic farmhouse and barn (see Figure 4). The latter feature is now hidden by a modern superstructure that was recently built over it.

Proposed improvements in the vicinity of the Truelson farmhouse are limited to widening of the north side of W. 32<sup>nd</sup> Avenue beginning approximately 60 ft east of the historic property, to accommodate a proposed new right turn lane at the W. 32<sup>nd</sup> Avenue/Youngfield Street intersection. Acquisition of additional ROW will be required only from the north side of W. 32<sup>nd</sup> Avenue, and there will be no direct impacts to the Truelson property. The proposed improvements will cause no significant indirect impacts, since the site is completely surrounded by modern residential and commercial development and thus has already lost its historic agricultural setting. West 32<sup>nd</sup> Avenue is a major local transportation route, providing access to the Applewood Shopping Center as well as Youngfield Street and the I-70/W. 32<sup>nd</sup> Avenue interchange. Noise modeling results indicate that future noise levels at this location would be virtually unchanged from existing conditions (an imperceptible 1 decibel difference). Both the No Action and proposed action noise levels in the vicinity of this property would equal the threshold for noise mitigation consideration as outlined in the CDOT noise guidelines, but the proposed action would not result in any change in traffic noise levels at the site compared with the No Action alternative. On the basis of the above, FHWA and CDOT have determined that the project will result in a finding of *no historic properties affected* for 5JF4328.

#### **SECTION 4(F) AND *DE MINIMIS***

##### **Background**

In addition to Section 106 of the National Historic Preservation Act (NHPA), FHWA must comply with Section 4(f), which is codified at both 49 U.S.C § 303 and 23 U.S.C. § 138. Until recently Section 4(f) required that any time a proposed federally-approved or federally-funded highway project would result in any “use” of land designated as a Section 4(f) resource, which includes listed or eligible historic properties under the NHPA, FHWA must perform an evaluation (“Avoidance Analysis”) to determine whether there is a “feasible and prudent” alternative that would avoid the Section 4(f) resource.<sup>1</sup>

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<sup>1</sup> As currently codified, the pertinent language of Section 4(f) reads as follows:

[T]he Secretary shall not approve any program or project . . . which requires the use of 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.

With regard to this project, FHWA has determined that the impact to the Salter Farm (5JF3803) and the Maple Grove Grange (5JF4327), while causing *no adverse effect* for purposes of the NHPA, may nonetheless be “a use” for purposes of Section 4(f).

However, Congress recently amended Section 4(f) 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 FHWA to approve a project that uses Section 4(f) lands that are part of a historic property without preparation of an Avoidance Analysis, if it makes a finding that such uses would have “de minimis” impacts upon the Section 4(f) resource, with the concurrence of the relevant SHPO.

More specifically, with regard to Section 4(f) resources that are historic properties (like those that would be affected by the proposed CDOT undertaking), Section 6009(a)(1) of SAFETEA-LU adds the following language to Section 4(f):<sup>2</sup>

(b) De Minimis Impacts. --

(1) REQUIREMENTS.--

(A) REQUIREMENTS FOR HISTORIC SITES.--The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

\*\*\*\*\*

(C) CRITERIA.--In making any determination under this subsection, the Secretary shall consider to be 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.

(2) HISTORIC SITES.--With respect to historic sites, the Secretary may make a finding of de minimis impact only if--

(A) the Secretary has determined, in accordance with the consultation process required under section 106 of the National Historic Preservation Act (16 U.S.C. 470f), that--

(i) the transportation program or project will have no adverse effect on the historic site; or

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23 U.S.C. § 138; 49 U.S.C. § 303 (c). This analysis would usually be required under what is referred to as the first prong of Section 4(f). A de minimis determination does not relieve FHWA of its responsibility under the second prong to “minimize harm” to the historic sites.

<sup>2</sup> This provision will be codified as 23 U.S.C. § 138(b). Section 6009(a)(2) of SAFETEA-LU adds identical language at 49 U.S.C. § 303(d).

(ii) there will be no historic properties affected by the transportation program or project;

(B) the finding of the Secretary has received written concurrence from the applicable State historic preservation officer or tribal historic preservation officer (and from the Advisory Council on Historic Preservation if the Council is participating in the consultation process); and

(C) the finding of the Secretary has been developed in consultation with parties consulting as part of the process referred to in subparagraph (A).

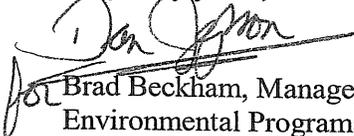
On December 13, 2005, FHWA issued its "Guidance for Determining *De Minimis* Impacts to Section 4(f) Resources" which indicates that a finding of de minimis can be made when the Section 106 process results in a *no adverse effect* or *no historic properties affected* determination, when the SHPO is informed of FHWA's intent to make a de minimis impact finding based on their written concurrence in the Section 106 determination, and when FHWA has considered the views of any consulting parties participating in the Section 106 process. This new provision of Section 4(f) and the associated guidance are, in part, the basis of this letter, and of FHWA's determination and notification of de minimis impacts to the City of Wheat Ridge with respect to the proposed project. At this time we are notifying the Section 106 consulting parties per Section 6009(b)(2)(C).

#### **Notification of *De Minimis* Finding**

The project has been determined to have *no adverse effect* on properties 5JF3803 and 5JF4327, as indicated above. As part of the Section 106 consultation process, the State Historic Preservation Officer (SHPO) was also afforded the opportunity to concur on eligibility and effects determinations in correspondence dated May 24, 2006. We have also notified the SHPO of the *de minimis* finding. This Section 106 request and Section 4(f) *de minimis* notification was also sent to the Jefferson County Historical Commission for review.

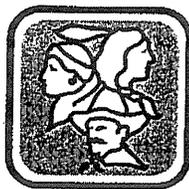
As a local government with a potential interest in these historic resources, we welcome your comments regarding the Section 106 determinations and the Section 4(f) de minimis finding outlined in this letter. Should you elect to respond, we request that you do so within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

  
for Brad Beckham, Manager  
Environmental Programs Branch

Enclosures:      Figures 1 – 4  
                         Cultural Resources Survey Report  
                         Inventory forms for 14 historic properties

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



COLORADO  
HISTORICAL  
SOCIETY

The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137

June 29, 2006

Brad Beckham  
Environmental Programs Branch  
Colorado Department of Transportation  
4201 East Arkansas Avenue  
Denver, CO 80222

Re: I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment, Determination of Eligibility.  
(CHS #47399)

Dear Mr. Beckham,

Thank you for your correspondence dated June 13, 2006 and received by our office on that same date regarding the above-mentioned project.

After review of the submitted materials, we concur with the finding of eligible for the National Register of Historic Places (NRHP) for the resources listed below.

- **5JF.4326/2800 Youngfield Street.** In our opinion, the property is also significant under National Register Criterion C as a good representative of a Queen Anne-type residence with Folk Victorian-style elements.
- **5JF.4328/12500 W. 32<sup>nd</sup> Avenue.**

After review of the submitted materials, we concur with the finding of not eligible for the NRHP for the resources listed below.

- **5JF.4329/13050 W. 32<sup>nd</sup> Avenue.** We concur that this property has suffered a significant loss of integrity and that the resource is outside the period of significance for the post-World War II historic district, if one was to be determined in the area.
- **5JF.4332/14795 W. 44<sup>th</sup> Avenue.** After review of the survey and clarification provided by the review of Item 34 and Item 45 of the inventory form for 5JF.4333, we concur that this resource is not eligible for the NRHP and not located within a potential historic district.
- **5JF.4333/4405 Holman Street.**
- **5JF.4334/4405 Gladiola Street**
- **5JR.2230.3/Swadley Ditch segment.** We concur that the entire ditch is not eligible to the NRHP due to a significant loss of integrity. According to the inventory form, the

ditch has been re-aligned and has lost integrity of design, materials, and workmanship.

- **5JF.2229.2/Slough Ditch segment.** We concur that the entire ditch is not eligible to the NRHP due to a significant loss of integrity. According to the inventory form, the ditch has been re-aligned and has lost integrity of design, materials, and workmanship. However, we do not agree that "historical obscurity" is a reason for the resource not being eligible. Many historic cultural resources may not have an official history or written documentation regarding their history. A resource should not be considered as not significant or not eligible just because there is no written history.

After review of the submitted materials, we do not concur with the finding of not eligible for the National Register of Historic Places (NRHP) for the resources listed below.

- **5JF.532.4/Rocky Mountain Ditch segment.** The inventory form states that the entire ditch is not eligible due to a loss of setting. No other aspect of integrity was evaluated on the inventory form. In our opinion, the aspects of location, materials, and workmanship are important aspects of integrity for a ditch. Setting is an important aspect of integrity for a ditch as well, but a loss of setting alone does not necessarily make the ditch not eligible. In Denver County, the Rocky Mountain Ditch has been officially determined to be eligible by the SHPO and a segment within Jefferson County has officially been determined by the SHPO to retain enough integrity to support the overall eligibility of the Rocky Mountain Ditch. Therefore, we do not concur that the entire Rocky Mountain Ditch is not eligible. In our opinion, the overall ditch is significant under National Register Criterion A for agriculture and eligible for the NRHP. The ditch may also be eligible under National Register Criterion C for engineering.

In regards to the surveyed segment of the Rocky Mountain Ditch/resource 5JF.532.4, we agree that the segment lacks historic integrity due to the construction of I-70 and the culvert/piping of the ditch under Youngfield Street. However, the entire ditch remains eligible for the NRHP.

After review of the submitted materials, we need additional information for the resources listed below in order to evaluate the NRHP eligibility.

- **5JF.4323/2665 Youngfield Street.** Item 31/Historical Background, states that this property as well as the residence next door resource 5JF.4323/2675 Youngfield Street were possibly built by the same developer/builder within a neighborhood associated with post-World War II urban development. Item 45 on the inventory form states that there is no potential for a historic district. Please confirm that the resource is not located within a post-World War II subdivision that could be considered a historic district.
- **5JF.4324/2675 Youngfield Street.** Again, we request a clarification on whether or not the resource is located within a post-World War II subdivision historic district. However, we concur that this resource has suffered a significant loss of integrity due to alterations and additions. If a historic district was determined for the area, this resource would be considered not contributing. We concur that the property is not individually eligible for the NRHP.

- **5JF.4325/2680 Youngfield Street.** After review of the topographic maps, this property appears to be located very close to the resources 5JF.4323 and 5JF.4324. Again, we request a clarification on whether or not the resource is located within a post-World War II subdivision historic district.
- **5JF.4330/4160 Youngfield Street.** The photographs for this property show similar properties adjacent to the surveyed property. Item 42 states that the resource is isolated, but as stated, there appears to be similar buildings of type and age next to this property in the photographs. Please confirm if there is a potential for a historic district in this area.
- **5JF.4362.1/Reno-Juchem Ditch segment.** The inventory form states that the original use of the ditch for agricultural irrigation has changed to reservoir supply canal. Was this a significant change in use? Was the creation of the reservoirs on Mt. Olivet Cemetery a significant event for the local area?

In regards to the proposed findings of effects, we concur with the findings under Section 106 for the resources listed below:

No Historic Properties Affected:

- Resource 5JF.4326/2800 Youngfield Street
- Resource 5JF.4328/Truelson Farmhouse

No Adverse Effect:

- Resource 5JF.3803/Salter Farm
- Resource 5JF.4327/Maple Grove Grange

Once we receive the additional information discussed above for the remaining cultural resources, we will be able to complete our consultation regarding National Register eligibility and effects.

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.

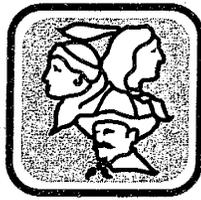
If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,



Georgianna Contiguglia  
State Historic Preservation Officer





**COLORADO  
HISTORICAL  
SOCIETY**

**The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137**

September 21, 2006

Brad Beckham  
Environmental Programs Branch  
Colorado Department of Transportation  
4201 East Arkansas Avenue  
Denver, CO 80222

Re: I-70/32<sup>nd</sup> Avenue Interchange Environmental Assessment, Determination of Eligibility.  
(CHS #47399)

Dear Mr. Beckham,

Thank you for your additional information correspondence dated September 8, 2006 and received by our office on September 11, 2006 regarding the above-mentioned project.

After review of the information provided, we concur that the resources listed below are not eligible for the National Register of Historic Places.

- 5JF.4323/2665 Youngfield Street
- 5JF.4324/2675 Youngfield Street
- 5JF.4325/2680 Youngfield Street
- 5JF.4330/4160 Youngfield Street
- 5JF.4362/Reno-Juchem Ditch. The Management Data Form and Linear Component Form make the justification that the entire linear resource is not eligible. In our opinion, no point number should be assigned to the survey forms since ultimately the evaluation is to the entire linear resource and not for a segment.

We also concur that the surveyed segment (5JF.532.4/Rocky Mountain Ditch) does not support the overall eligibility of the entire linear resource.

After review of the finding of effects, we concur with the proposed findings of effect for the above-listed resources.

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 Amy Pallante, our Section 106 Compliance Coordinator, at (303) 866-4678.

Sincerely,

*for*  
*Maiah Wolfe*

Georgianna Contiguglia  
State Historic Preservation Officer



**Native American Consultation**

FHWA. 2006. Letter to Native American tribal representatives from David Nicol, FHWA Division Administrator, regarding request for Section 106 Consultation, Interstate 70/32<sup>nd</sup> Avenue Environmental Assessment, Jefferson County, Colorado. January 18.

Comanche Tribe. 2006. Letter to David Nicol, FHWA Division Administrator from Fred Nahwooksy, NAGPRA Coordinator, regarding Improvements at and surrounding the Interstate 70/32<sup>nd</sup> Avenue interchange, located in the Denver suburb of Wheatridge, CO. January 30.

Southern Ute. 2006. Letter to David Nicol, FHWA Division Administrator from Neil Cloud, NAGPRA Coordinator, regarding Improvements at and surrounding the Interstate 70/32<sup>nd</sup> Avenue interchange, located in the Denver suburb of Wheatridge, CO. January 31.

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U.S. Department  
of Transportation

**Federal Highway  
Administration**

12300 W. Dakota Ave., Ste. 180  
Lakewood, CO 80228

January 18, 2006

Colorado Federal Aid Division

Mr. Nathan Tselee, Chairman  
Apache Tribe of Oklahoma  
P.O. Box 1220  
Anadarko, OK 73005

Dear Mr. Tselee:

Subject: Request for Section 106 Consultation; Interstate 70/32<sup>nd</sup> Avenue  
Environmental Assessment, Jefferson County, Colorado

The Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) are preparing an Environmental Assessment (EA) that will address the effects of proposed improvements at and surrounding the Interstate 70/32<sup>nd</sup> Avenue interchange, located in the Denver suburb of Wheatridge, Colorado. Due to a proposed retail center near the I-70/32<sup>nd</sup> Avenue interchange, the EA will address transportation improvements necessary to limit congestion and ensure adequate mobility on the highway system and adjacent roadways. 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. Please refer to the enclosed maps for specific locational information.

The agencies are seeking the participation of regional Native American tribal governments in cultural resources consultation for the undertaking, as described in Section 106 of the National Historic Preservation Act, and implementing regulations 36 CFR 800 et seq. As a consulting party, 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 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. If you have interest in this undertaking and in cultural resources that may be of religious or cultural significance to your tribe, we invite you to be a consulting party.



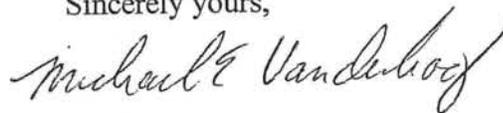
As shown by the blue dashed line on the enclosed aerial photograph, the project area is irregular and encompasses portions of I-70 and State Highways 58 and 72 (Ward Road). The area is largely developed and/or has been extensively disturbed; the retail venture referenced above is planned for the areas marked "Proposed Development" on the photo. The Area of Potential Effect (APE) that will be developed for cultural resource studies, as defined by 36 CFR 800.16(d), will likely exceed the lateral extent of proposed direct construction impacts. A comprehensive survey and assessment of historic properties in the APE will be conducted as part of the environmental documentation. Tribes that elect to become consulting parties for the undertaking will be notified of the results of the survey and asked to comment on our eligibility and effects determinations. 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.

The greater Denver metropolitan area is home to a number of American Indian people. If you are aware of members of your tribe living in proximity to the study area, who would be interested in participating in the NEPA consultation process on some level, please notify us so that we may facilitate that interaction.

We are committed to ensuring that tribal governments are informed of and involved in decisions that may impact places with cultural significance. If you are interested in becoming a consulting party for the I-70/32<sup>nd</sup> Avenue EA, please complete and return the enclosed Consultation Interest Response Form to CDOT Native American consultation liaison Dan Jepson **within 60 days** at the address or facsimile number listed at the bottom of that sheet. Mr. Jepson can also be reached via Email at [daniel.jepson@dot.state.co.us](mailto:daniel.jepson@dot.state.co.us), or by telephone at (303) 757-9631. The 60-day period has been established to encourage your participation at this early stage in project development. Failure to respond within this time frame will not prevent your tribe from becoming a consulting party at a later date. However, studies and decision-making will proceed and it may become difficult to reconsider previous determinations or findings, unless significant new information is introduced.

Thank you for considering this request for consultation.

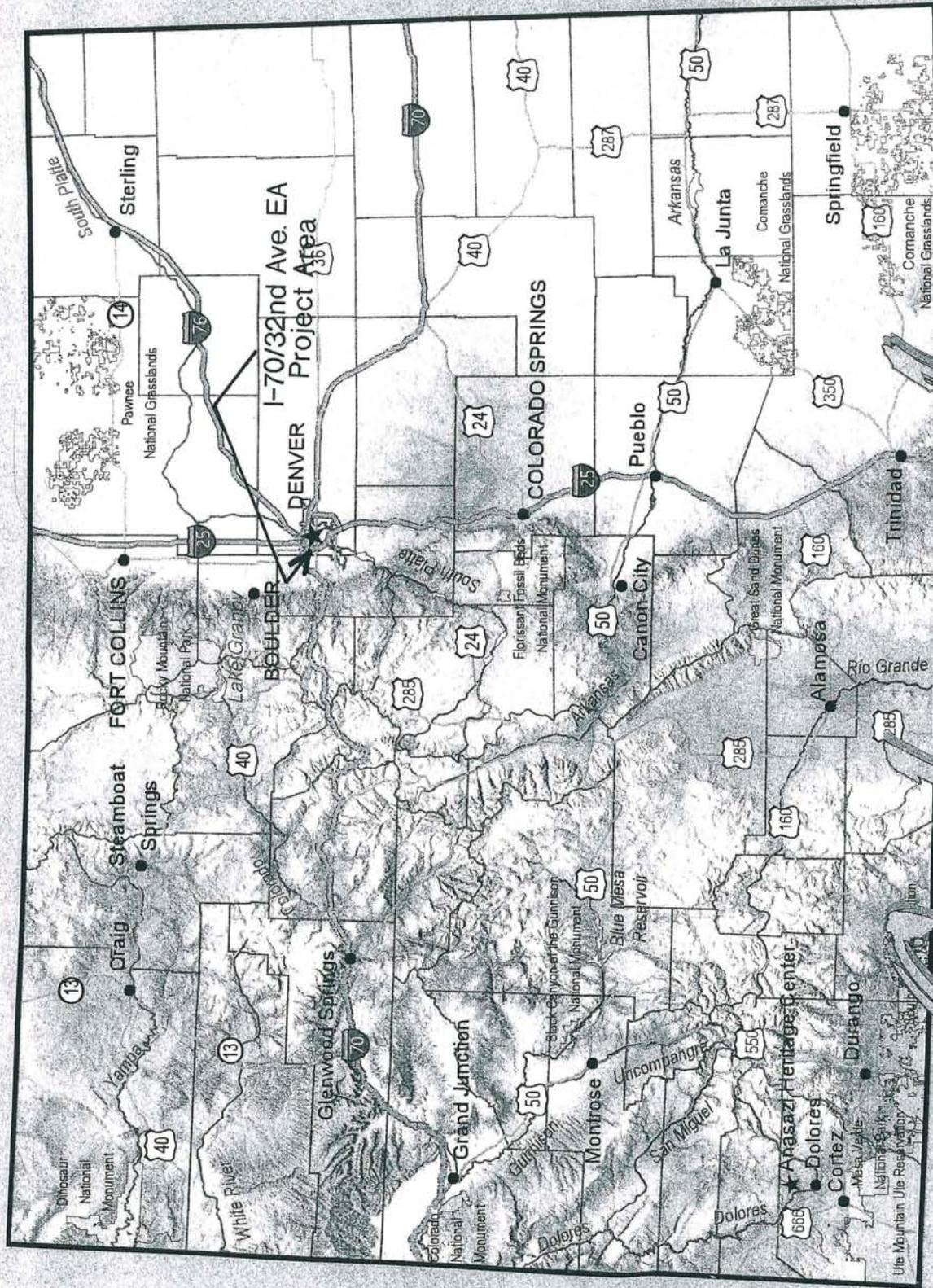
Sincerely yours,



for David A. Nicol, P.E.  
Division Administrator

Enclosures

cc: T. Knight, NAGPRA Representative  
K. Maddoux, FHU  
J. Hann, CDOT Region 6  
D. Jepson, CDOT Env. Programs  
R. Sperial, FHWA



Colorado

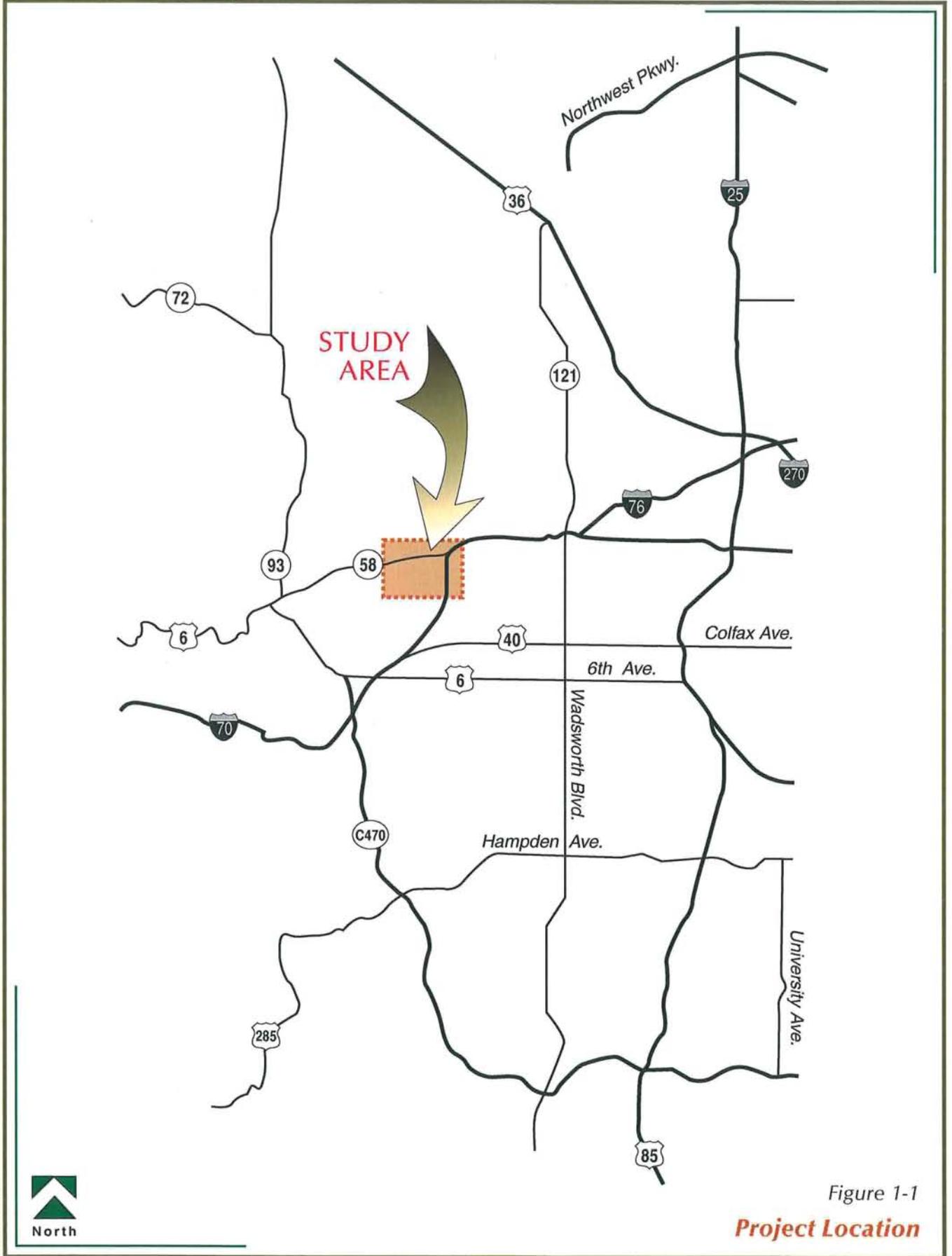
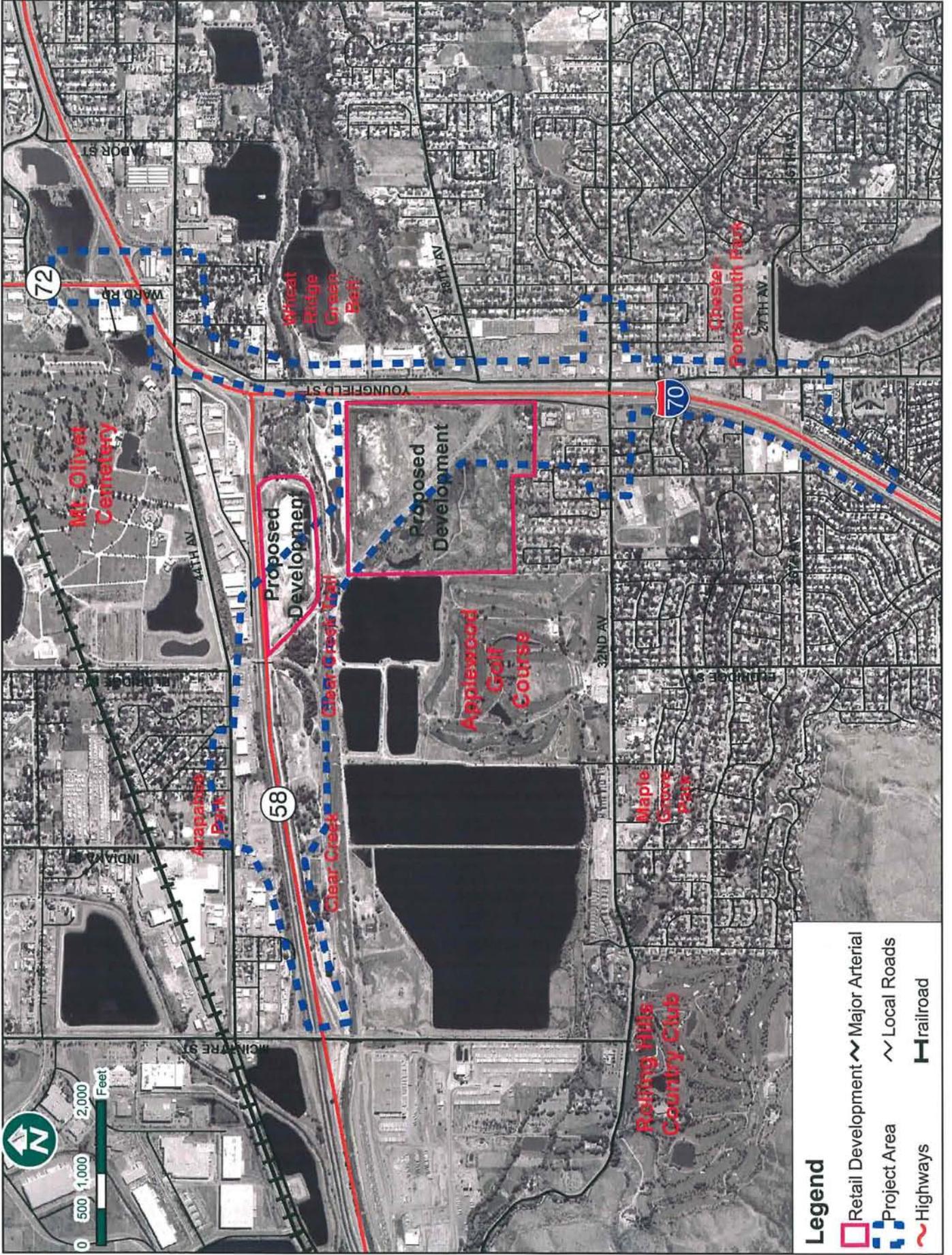


Figure 1-1

**Project Location**



North



72

70

58

70

WARD RD

WARD RD

44TH AV

INDIANA ST

INDIANA ST

MCINTYRE ST

WARD RD

WARD RD

WARD RD

44TH AV

INDIANA ST

INDIANA ST

MCINTYRE ST

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Proposed Development

Proposed Development

Appletwood Golf Course

Clear Creek Trail

Great Ridge Green Park

Portsmouth Park

Maple Grove Park

Rolling Hills Country Club

Mt. Olivet Cemetery

Arapahoe Park

WARD ST

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

**PROJECT:** Interstate 70/32<sup>nd</sup> Avenue 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 60 days via US Mail or fax to:**

Dan Jepson, Section 106 Native American Liaison  
Colorado Department of Transportation  
Environmental Programs Branch  
4201 E. Arkansas Ave.  
Denver, CO 80222  
FAX: (303)757-9445

MR. NATHAN TSELEE, CHAIRMAN  
APACHE TRIBE OF OKLAHOMA  
P.O. BOX 1220  
ANADARKO, OK 73005

MS. MAXINE NATCHEES  
CHAIRWOMAN, UINTAH & OURAY  
TRIBAL BUSINESS COMMITTEE  
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FORT DUCHESNE, UT 84026

MR. CLEMENT FROST, CHAIRMAN  
SOUTHERN UTE INDIAN TRIBE  
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CONCHO, OK 73022

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MR. WALLACE COFFEY  
CHAIRMAN, COMANCHE TRIBAL  
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MR. CHARLES W. MURPHY  
CHAIRMAN, STANDING  
ROCK SIOUX TRIBAL COUNCIL  
P.O. BOX D  
FORT YATES, ND 58538

MR. CHARLES COLOMBE, PRESIDENT  
ROSEBUD SIOUX TRIBE  
P.O. BOX 430  
ROSEBUD, SD 57570

MR. DUANE BIG EAGLE, SR.,  
CHAIRMAN  
CROW CREEK SIOUX TRIBAL COUNCIL  
P.O. BOX 658  
FORT THOMPSON, SD 57325

MR. JOHN YELLOWBIRD  
PRESIDENT  
OGLALA SIOUX TRIBAL COUNCIL  
P.O. BOX H  
PINE RIDGE, SD 57770

**Original Letters Mailed  
to all of the above**

MR. HAMMOND MOTAH, DIRECTOR  
ENVIRONMENTAL PROGRAM  
APACHE TRIBE OF OKLAHOMA  
P.O. BOX 1220  
ANADARKO, OK 73005

MR WILLIAM L PEDRO  
NAGPRA REPRESENTATIVE  
CHEYENNE & ARAPAHO TRIBES  
OF OKLAHOMA  
PO BOX 41  
CONCHO OK 73022

MR. WILLIAM C'HAIR  
LANGUAGE & CULTURE COMMISSION  
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P.O. BOX 9184  
ARAPAHOE, WY 82510

MR TERRY G KNIGHT  
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TIM MENTZ  
STANDING ROCK SIOUX TRIBE  
CULTURAL RESOURCE PLANNER  
PO BOX D  
FT YATES, ND 58538

MS BETSY CHAPOOSE, DIRECTOR  
CULTURAL RIGHTS & PROTECTION  
OFFICE  
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FT DUCHESNE UT 84026

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CANTON, OK 73724

MR. CONRAD FISHER  
TRIBAL HISTORIC PRESERVATION OFFICER  
NORTHERN CHEYENNE TRIBE  
P.O. BOX 128  
LAME DEER, MT 59043

REVEREND GEORGE DAINGKAU  
NAGPRA REPRESENTATIVE  
KIOWA TRIBE OF OKLAHOMA  
118 N STEPHENS  
HOBART OK 73015

TERRY GRAY  
(ROSEBUD SIOUX)  
NAGPRA COORDINATOR  
SINTE GLESKA UNIVERSITY  
BOX 105  
MISSION, SD 57555

MR NEIL CLOUD  
NAGPRA REPRESENTATIVE  
CULTURE PRESERVATION OFFICE  
SOUTHERN UTE INDIAN TRIBE  
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IGNACIO, CO 81137

MR GORDON YELLOWMAN  
NHPA/TRANSPORTATION PLANNER  
CHEYENNE & ARAPAHO TRIBES/OKLA  
ROADS CONSTRUCTION PROGRAM  
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MS. DONNA PETERSON  
CULTURAL PRESERVATION  
ADMINISTRATOR  
CHEYENNE RIVER SIOUX TRIBE  
P.O. BOX 590  
EAGLE BUTTE, SD 57625

MR. FRED NAWOOKSY, NAGPRA  
COORDINATOR  
COMANCHE NATION OF OKLAHOMA  
P.O. BOX 908  
LAWTON, OK 73502



January 30, 2006

David Nicol, Division Administrator  
US Department of Transportation  
Federal Highway Administration  
12300 W Dakota Ave, Ste 180  
Lakewood, CO 80228

Re: Improvements at and surrounding the Interstate 70/32<sup>nd</sup> Avenue interchange, located in the Denver suburb of Wheatridge, CO

Dear Mr. Nicol:

Thank you for your letter of January 18<sup>th</sup> regarding the above referenced project.

At this time, the Comanche Nation has no immediate concerns or issues regarding the project; however, please keep us informed of the project progress. We also would like to receive any archaeological reports and findings for the project area.

If in the process of the project human remains or archaeological items are discovered, we request that you immediately cease the project work and notify us so that we may discuss appropriate disposition with you and the other Tribal Nations that may be affected by such discoveries.

We look forward to your reports as activities proceed.

Sincerely,

Fred Nahwooksy, NAGPRA Coordinator





Date: 01-31-06

Re: SURROUNDING THE INTERSTATE 70/82  
AVENUE INTERCHANGE, LOCATED IN THE  
DENVER SUBURBS OF WESTSIDE COLORADO

Dear DAVID A. AUCOL, P.E., DIVISION ADMINISTRATOR.

I have reviewed your Consultation Request under Section 106 of the National Historic Preservation Act regarding the proposed communications tower construction project referenced above and offer the following response as indicated by the box that is checked and my initials.

- NO INTEREST \_\_\_\_\_ (Initials of duly authorized Tribal official)  
I have determined that there is not a likelihood of eligible properties of religious and cultural significant to the Southern Ute Indian Tribe in the proposed construction area.
- REQUEST ADDITIONAL INFORMATION \_\_\_\_\_ (Initials of duly authorized Tribal official)  
I require the following additional information in order to provide a finding of effect for this Proposed undertaking: \_\_\_\_\_
- NO EFFECT NC (Initials of duly authorized Tribal official)  
I have determined that there are no properties of religious and cultural significance to the Southern Ute Indian Tribe that are listed on the National Register within the area of potential or that the proposed project will have no effect on any such properties that may be present.
- NO ADVERSE EFFECT \_\_\_\_\_ (Initial of duly authorized Tribal official)  
I have identified properties of cultural and religious significance within the area of effect that I believe are eligible for listing in the National Register, for which that would be no adverse effect as a result of the proposed construction project.
- ADVERSE EFFECT \_\_\_\_\_ (Initial of duly authorized Tribal official)  
I have identified properties of cultural and religious significance within the area of potential Effect that are eligible for listing in the National Register. I believe the proposed construction Project would cause and adverse effect on these properties.

Sincerely,

*Neil B. Cloud*

Neil B. Cloud  
NAGPRA Coordinator



**US Department of Agriculture Natural Resources Conservation Service (NRCS)**

NRCS. 2005. Farmland Conversion Impact Rating for Corridor Type Projects form regarding absence of prime, unique statewide or local important farmland. December 5.

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U.S. DEPARTMENT OF AGRICULTURE  
Natural Resources Conservation Service

NRCS-CPA-106  
(Rev. 1-91)

**FARMLAND CONVERSION IMPACT RATING  
FOR CORRIDOR TYPE PROJECTS**

<b>PART I (To be completed by Federal Agency)</b>		3. Date of Land Evaluation Request <b>12/5/05</b>	4. Sheet 1 of <b>1</b>
1. Name of Project <b>I-70/32nd Avenue Interchange</b>		5. Federal Agency Involved <b>FHWA, CDOT</b>	
2. Type of Project <b>Roadway/Highway Improvement</b>		6. County and State <b>Jefferson County Colorado</b>	
<b>PART II (To be completed by NRCS)</b>		1. Date Request Received by NRCS <b>12/5/05</b>	2. Person Completing Form <b>Edward M. Spence</b>
3. Does the corridor contain prime, unique statewide or local important farmland? (If no, the FPPA does not apply - Do not complete additional parts of this form). YES <input type="checkbox"/> NO <input checked="" type="checkbox"/>		4. Acres Irrigated   Average Farm Size	
5. Major Crop(s)	6. Farmable Land in Government Jurisdiction: Acres: %		7. Amount of Farmland As Defined in FPPA Acres: %
8. Name Of Land Evaluation System Used	9. Name of Local Site Assessment System	10. Date Land Evaluation Returned by NRCS <b>12/14/05</b>	

<b>PART III (To be completed by Federal Agency)</b>	<b>Alternative Corridor For Segment</b>			
	Corridor A	Corridor B	Corridor C	Corridor D
A. Total Acres To Be Converted Directly				
B. Total Acres To Be Converted Indirectly, Or To Receive Services				
C. Total Acres In Corridor	0	0	0	0

<b>PART IV (To be completed by NRCS) Land Evaluation Information</b>				
A. Total Acres Prime And Unique Farmland				
B. Total Acres Statewide And Local Important Farmland				
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted				
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value				

**PART V (To be completed by NRCS) Land Evaluation Information Criterion Relative value of Farmland to Be Serviced or Converted (Scale of 0 - 100 Points)**

<b>PART VI (To be completed by Federal Agency) Corridor Assessment Criteria (These criteria are explained in 7 CFR 658.5(c))</b>	Maximum Points				
1. Area In Nonurban Use	15				
2. Perimeter in Nonurban Use	10				
3. Percent Of Corridor Being Farmed	20				
4. Protection Provided By State And Local Government	20				
5. Size of Present Farm Unit Compared To Average	10				
6. Creation Of Nonfarmable Farmland	25				
7. Availability Of Farm Support Services	5				
8. On-Farm Investments	20				
9. Effects Of Conversion On Farm Support Services	25				
10. Compatibility With Existing Agricultural Use	10				
<b>TOTAL CORRIDOR ASSESSMENT POINTS</b>	<b>160</b>	0	0	0	0

<b>PART VII (To be completed by Federal Agency)</b>					
Relative Value Of Farmland (From Part V)	100				
Total Corridor Assessment (From Part VI above or a local site assessment)	160	0	0	0	0
<b>TOTAL POINTS (Total of above 2 lines)</b>	<b>260</b>	0	0	0	0

1. Corridor Selected:	2. Total Acres of Farmlands to be Converted by Project:	3. Date Of Selection:	4. Was A Local Site Assessment Used? YES <input type="checkbox"/> NO <input type="checkbox"/>
5. Reason For Selection:			

Signature of Person Completing this Part: Edward M. Spence DATE: 12/14/05  
NOTE: Complete a form for each segment with more than one Alternate Corridor



**US Army Corps of Engineers (USACE)**

NRSI. 2006. Letter to Terry McKee, USACE Omaha District, from Steve Johnson, NRSI Senior Ecologist, regarding I-70/32<sup>nd</sup> Avenue Interchange Realignment Environmental Assessment Wetland Jurisdictional Request. March 8.

USACE. 2006. Letter to Steve Johnson, NRSI Senior Ecologist, from Scott Franklin, USACE Chief Denver Regulatory Office, regarding Jurisdictional Determination, I-70/32<sup>nd</sup> Avenue Interchange Project EA, CDOT Project IM 0703-294, Corps File No. 200680132. March 15.

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# **Natural Resource Services, Inc.**

P.O. Box 19332, Boulder, Colorado 80308-2332  
965 Wadsworth Avenue, Albany, Georgia 31721

March 8, 2006

Steve C. Johnson, Principal  
Phone: (303) 915-3211  
(800) 242-9466  
Fax: (720) 652-4792  
E-mail: [nrsi@nrsiservices.com](mailto:nrsi@nrsiservices.com)  
Web Site: [www.nrsiservices.com](http://www.nrsiservices.com)

Mr Terry McKee  
U.S. Army Corps of Engineers  
Omaha District  
Denver Regulatory Office  
9307 South Platte Canyon Road  
Littleton, CO 80128-6901

RE: I-70/32<sup>nd</sup> Avenue Interchange Realignment Environmental Assessment  
Wetland Jurisdictional Request

Dear Mr. McKee:

This letter shall serve as a Jurisdictional Determination request for wetlands associated with the proposed I-70/32<sup>nd</sup> Avenue Interchange Project (CDOT Project No. IM 0703-294). An Environmental Assessment (EA) is now being completed for the project by Felsburg Holt & Ullevig. A copy of the Wetland Delineation Report for the project is enclosed. I have also enclosed an addendum to the report which describes, in detail, two irrigation ditches within the Project Area. Many of the wetlands identified within the site are associated with these ditches, and especially the Juchem Ditch which receives runoff from roadway ditches associated with State Highway 58. It is our belief that the wetlands associated with these two ditches are non-jurisdictional as are a number of isolated wetlands identified within the Project Area.

The proposed project consists of the realignment of the I-70/32<sup>nd</sup> Avenue Interchange in the city of Wheat Ridge to provide improved access to a large new outdoor sports retail outlet to be built by Cabela's. Part of the realignment includes the construction of an access road (Cabela Drive) to the west of I-70 which will connect State Highway 58 with 32<sup>nd</sup> Avenue. The Proposed Alternative for the project would entail the construction of a new diamond interchange where Cabela Drive would cross SH 58. A complete description of the proposed project is provided in the enclosed report.

As agent for Felsburg Holt & Ullevig (FHU), we are requesting a Jurisdictional Determination by the Corps of Engineers under Section 404 of the Clean Water Act for wetlands which have been determined to exist within the project area. This will enable FHU and CDOT to determine Section 404 permitting requirements and CDOT mitigation requirements as part of the overall permitting process for the project.

If you can recall, you and I had a brief discussion about the jurisdictional status of the Bayou and Juchem Ditches on September 19, 2005 during a site visit you made to another NRSI project in southwestern Weld County. I recall that at that time you advised that the two Ditches were probably non-jurisdictional if no water made it

**Specializing in:**

- Environmental Assessments
- NEPA Assessments
- Project Planning
- Site Analysis and Inventories
- Wetland Permitting and Mitigation Assistance
- Endangered Species Assessments and Permitting Assistance
- Wildlife Surveys and Management Planning
- Noxious Weed Plans and Management
- Wildfire Mitigation Plans
- Lake and Fisheries Management
- Project Design and Construction
- Phase I Environmental Site Audits
- Site and Project Mapping (GIS, GPS, and AutoCAD)

back into a tributary of Waters of the U.S. from the ditches. I believe, to the best of my knowledge, that that is the case with most of the wetlands along SH 58 within the I-70/32<sup>nd</sup> Avenue Interchange Project site. Within the report, I have attempted to describe in detail the hydrology for all delineated wetlands within the site. If you have any questions, or need any clarification related to the report, please don't hesitate to contact me at 303.915.3211 or email at [stevej@nrsiservices.com](mailto:stevej@nrsiservices.com).

Sincerely,



Steve C. Johnson, PWS

Senior Ecologist

Enclosures (2)

cc. ✓ Kevin Maddoux, Felsburg Holt & Ullevig

Jim Paulmeno, CDOT Project Manager

Jane Hann, CDOT

John Chesser, CDOT

## ADDENDUM 1

to the

### **Wetland Delineation Report for the I-70/32<sup>nd</sup> Avenue Interchange Project EA**

#### Irrigation Ditch Descriptions

Two historic irrigation ditches occur within the I-70/32<sup>nd</sup> Avenue Interchange Project Study Area (see attached **Figure 2-13** by Felsburg Holt & Ullevig). These are the Bayou Ditch, sometimes known as the Bayau Ditch or the Slough Ditch, and the Juchem Ditch, sometimes known as the Juchem-Reno Ditch or the Reno-Juchem Ditch. Both of these ditches divert water from the north side of Clear Creek in a northeasterly direction. Brief descriptions of each of these ditches and their status under Section 404 of the Clean Water Act, as estimated by Natural Resource Services, Inc. using best professional judgment, are provided below.

#### Bayou (Bayau) Ditch:

The Bayou Ditch is an historic irrigation ditch which diverts water from the north bank of Clear Creek at a point approximately 3600 feet west of Interstate Highway 70 (I-70). A check dam constructed across the Clear Creek channel along with associated concrete diversion and gate structures enable significant water diversion into the Bayou Ditch to occur.

From the diversion point (39° 46' 22"N x 105° 9' 21"W), water flows northeasterly through the Bayou Ditch. Some water is redirected back into Clear Creek through a side ditch located just west of I-70 and just southwest of the I-70/State Highway 58 (SH 58) Interchange. The bulk of the water flowing in the ditch continues beneath I-70 immediately south of the I-70/SH 58 Interchange, however, and crosses beneath Youngfield Street on the east side of I-70. The ditch splits into two ditches just southeast of the intersection of Youngfield Street and 44<sup>th</sup> Avenue at 39° 46' 41"N x 105° 8' 24"W. The north fork, sometimes known as the Swadley Ditch, flows northward and crosses beneath I-70 and then beneath Ward Road at 39° 46' 55"N x 105° 8' 16"W. After crossing beneath Ward Road, the north fork travels generally eastward approximately 6300 feet to a point at 39° 47' 18"N x 105° 7' 8"W where it terminates (USGS 7.5' topo quad Golden, Colorado was used as a reference). *No connection with any tributary of Waters of the U.S. could be identified.*

The south fork of the Bayou Ditch travels in a generally northeast direction approximately 18,400 feet to the point of termination at 39° 47' 39"N x 105° 4' 57"W (USGS 7.5' topo quad Golden, Colorado). *As was the case with the north fork, no connection with any tributary of Waters of the U.S. could be identified.*

#### Juchem-Reno Ditch:

The Juchem Ditch is also an historic irrigation ditch which diverts water from the north bank of Clear Creek. It begins at a check dam constructed across Clear Creek at a point approximately 4500 feet west of I-70 and located at 39° 46' 21"N x 105° 9' 34"W. The Juchem Ditch flows in a northeast direction for a short distance and crosses northward beneath the Coors



I-70/32<sup>nd</sup> Avenue Interchange  
Environmental Assessment  
Wetland Delineation Report

Railroad siding berm. It then continues to flow northeast paralleling the west side of the railroad berm to a culvert beneath SH 58. Water from SH 58 stormwater drainage ditches enters the Juchem Ditch just south of the SH 58 frontage road. Water in the Juchem Ditch then flows north beneath SH 58. Water from some roadway ditches on the north side of SH 58 then flows into the Juchem Ditch at the point where the ditch exits the north end of the culvert beneath SH 58. The Juchem Ditch, now known as the Juchem-Reno Ditch, continues to flow northeastward and into a very large retention pond located immediately south of the Mount Olivet Cemetery and immediately north of 44<sup>th</sup> Avenue. The retention pond is located at 39° 46' 48"N x 105° 8' 46"W. *No apparent outlet from the retention pond to Waters of the U.S. could be identified.*







DEPARTMENT OF THE ARMY  
CORPS OF ENGINEERS, OMAHA DISTRICT  
DENVER REGULATORY OFFICE, 9307 SOUTH WADSWORTH BOULEVARD  
LITTLETON, COLORADO 80128-6901

March 15, 2006

Mr. Steve Johnson  
NRSI  
PO Box 19332  
Boulder, CO 80308-2332

**RE: Jurisdictional Determination, I-70/32<sup>nd</sup> Avenue Interchange Project EA, CDOT Project IM  
0703-294  
Corps File No. 200680132**

Dear Mr. Johnson:

Mr. Terry McKee of my office has reviewed this project on behalf of the applicant during his March 15, 2006 site visit. This project is located in the SE ¼ Section 24, T3S, R70W; NE ¼ Section 25, T2S, R70W; S ½ Section 19, T3S, R69W; SW ¼ Section 20, T3S, R69W and N ½ Section 30, T2S, R69W, all in Jefferson County, Colorado. This review was in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activities associated with a dredged and fill project, into waters of the United States. Waters of the United States include ephemeral, intermittent and perennial streams, their surface connected wetlands and adjacent wetlands and certain lakes, ponds, irrigation and drainage ditches that have a nexus to interstate commerce.

Under the authority of the Clean Water Act, **an approved jurisdictional determination** has determined that Clear Creek, Wetlands B-1, C-1 through C-7 and Wetland N-1 are waters of the U.S. If a proposed activity requires work in these waters, a proponent of the project should notify this office for Department of the Army permits.

Approved jurisdictional determination: Based upon the ruling by the Supreme Court in the matter of Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178 (January 9, 2001), the Department of the Army's (DA) regulatory authority over isolated, non-navigable, intrastate waters has been eliminated if the sole nexus to interstate commerce was use of the waters by migratory birds. It is apparent under the ruling above that the DA does not have the authority to regulate work in isolated Wetlands A-2, A-3, A-4, D-1, E-1, E-2 F-1, G-1, H-1, I-1, I-2, I-3, I-4, I-5, J-1, J-2, J-3, J-4, K-1, K-2, K-3, k-4, L-1 or M-1. These areas are not waters of the U.S. and therefore non-jurisdictional. No Department of the Army permit or other authorization by my office is required for work in these areas.

Although a DA Permit will not be required for work in isolated Wetlands A-2, A-3, A-4, D-1, E-1, E-2 F-1, G-1, H-1, I-1, I-2, I-3, I-4, I-5, J-1, J-2, J-3, J-4, K-1, K-2, K-3, k-4, L-1 or M-1, this does not eliminate the requirement that other applicable federal, state, and local permits be obtained as needed.

The attached Jurisdictional Determination form provides the basis of jurisdiction for Clear Creek, Wetlands B-1, C-1 through C-7 and Wetland N-1; isolated Wetlands A-2, A-3, A-4, D-1, E-1, E-2, F-1, G-1, H-1, I-1, I-2, I-3, I-4, I-5, J-1, J-2, J-3, J-4, K-1, K-2, K-3, K-4, L-1 and M-1. This jurisdictional determination is valid for a period of five years from the date of this letter unless new information warrants revision of the determination.

This letter contains an approved jurisdictional determination for your subject site. If you object to the determination, you may request an administrative appeal under Corps regulations at 33 CFR Part 331. Enclosed you will find a Notification of Appeal Process (NAP) fact sheet and Request for Appeal (RFA) form. If you request to appeal this determination you must submit a completed RFA form to the Northwestern Division Office at the following address:

Mores Bergman, Appeal Review Officer  
US Army Corps of Engineers  
Northwestern Division  
12565 West Center Road  
Omaha, Nebraska 68144-3869  
Telephone (402) 697-2533 Fax Number (402) 697-2538

In order for an RFA to be accepted by the Corps, the Corps must determine that it is complete, that it meets the criteria for appeal under 33 CFR part 331.5, and that it has been received by the Division Office within 60 days of the date of the NAP. Should you decide to submit an RFA form, it must be received at the above address by May 15, 2006.

I should inform you that if an Individual Department of the permit is required for a project, mitigation for non-jurisdictional aquatic areas may be required.

If you have any questions call Mr. Terry McKee at (303) 979-4120 and reference Corps File No. 200680132.

Sincerely,



J. Scott Franklin  
Chief, Denver Regulatory Office

DISTRICT OFFICE: **Omaha District Denver Regulatory Office**

FILE NUMBER: **200680132**

PROJECT LOCATION INFORMATION:

State: **Colorado**

County: **Jefferson**

Center coordinates of site (latitude/longitude): **39 46 28 105 09 41**

Approximate size of area (parcel) reviewed, including uplands: **70** acres.

Name of nearest waterway: **Clear Creek**

Name of watershed: **Clear**

JURISDICTIONAL DETERMINATION

Completed: Desktop determination

Date:

Site visit(s)

Date(s): **March 15, 2006**

Jurisdictional Determination (JD):

Preliminary JD - Based on available information,  *there appear to be* (or)  *there appear to be no* "waters of the United States" and/or "navigable waters of the United States" on the project site. A preliminary JD is not appealable (Reference 33 CFR part 331).

Approved JD - An approved JD is an appealable action (Reference 33 CFR part 331).

Check all that apply:

*There are* "navigable waters of the United States" (as defined by 33 CFR part 329 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: \_\_\_\_\_.

*There are* "waters of the United States" (as defined by 33 CFR part 328 and associated guidance) within the reviewed area. Approximate size of jurisdictional area: **2** acres \_\_\_\_\_.

*There are* "isolated, non-navigable, intra-state waters or wetlands" within the reviewed area.

Decision supported by SWANCC/Migratory Bird Rule Information Sheet for Determination of No Jurisdiction.

BASIS OF JURISDICTIONAL DETERMINATION:

A. Waters defined under 33 CFR part 329 as "navigable waters of the United States":

The presence of waters that are subject to the ebb and flow of the tide and/or are presently used, or have been used in the past, or may be susceptible for use to transport interstate or foreign commerce.

B. Waters defined under 33 CFR part 328.3(a) as "waters of the United States":

(1) The presence of waters, which are currently used, or were used in the past, or may be susceptible to use in interstate or foreign commerce, including all waters which are subject to the ebb and flow of the tide.

(2) The presence of interstate waters including interstate wetlands<sup>1</sup>.

(3) The presence of other waters such as intrastate lakes, rivers, streams (including intermittent streams), mudflats, sandflats, wetlands, sloughs, prairie potholes, wet meadows, playa lakes, or natural ponds, the use, degradation or destruction of which could affect interstate commerce including any such waters (check all that apply):

(i) which are or could be used by interstate or foreign travelers for recreational or other purposes.

(ii) from which fish or shellfish are or could be taken and sold in interstate or foreign commerce.

(iii) which are or could be used for industrial purposes by industries in interstate commerce.

(4) Impoundments of waters otherwise defined as waters of the US.

(5) The presence of a tributary to a water identified in (1) - (4) above.

(6) The presence of territorial seas.

(7) The presence of wetlands adjacent<sup>2</sup> to other waters of the US, except for those wetlands adjacent to other wetlands.

**Rationale for the Basis of Jurisdictional Determination (applies to any boxes checked above).** *If the jurisdictional water or wetland is not itself a navigable water of the United States, describe connection(s) to the downstream navigable waters. If B(1) or B(3) is used as the Basis of Jurisdiction, document navigability and/or interstate commerce connection (i.e., discuss site conditions, including why the waterbody is navigable and/or how the destruction of the waterbody could affect interstate or foreign commerce). If B(2, 4, 5 or 6) is used as the Basis of Jurisdiction, document the rationale used to make the determination. If B(7) is used as the Basis of Jurisdiction, document the rationale used to make adjacency determination:*

**Wetlands B-1, C-1, C-2, C-3, C-4, C-5, C-6 and C-7 are riparian and contiguous to Clear Creek that flows to the South Platte River, which is an interstate waters. Wetland N-1 flows to and is tributary to a Colorado Division of Wildlife lake that is an intrastate lake, waters of the U.S. because it is open to the public for boating navigation.**

Lateral Extent of Jurisdiction: (Reference: 33 CFR parts 328 and 329)

Ordinary High Water Mark of Clear Creek indicated by:

clear, natural line impressed on the bank

the presence of litter and debris

changes in the character of soil

destruction of terrestrial vegetation

shelving

other:

High Tide Line indicated by:

oil or scum line along shore objects

fine shell or debris deposits (foreshore)

physical markings/characteristics

tidal gages

other:

Mean High Water Mark indicated by:

survey to available datum;  physical markings;  vegetation lines/changes in vegetation types.

Wetland boundaries, as shown on the attached wetland delineation map and/or in a delineation report prepared by: **Steve Johnson**

**Basis For Not Asserting Jurisdiction:**

- The reviewed area consists entirely of uplands.
- Unable to confirm the presence of waters in 33 CFR part 328(a)(1, 2, or 4-7).
- Headquarters declined to approve jurisdiction on the basis of 33 CFR part 328.3(a)(3).
- The Corps has made a case-specific determination that the following waters present on the site are not Waters of the United States:
- Waste treatment systems, including treatment ponds or lagoons, pursuant to 33 CFR part 328.3.
- Artificially irrigated areas, which would revert to upland if the irrigation ceased.
- Artificial lakes and ponds created by excavating and/or diking dry land to collect and retain water and which are used exclusively for such purposes as stock watering, irrigation, settling basins, or rice growing.
- Artificial reflecting or swimming pools or other small ornamental bodies of water created by excavating and/or diking dry land to retain water for primarily aesthetic reasons.
- Water-filled depressions created in dry land incidental to construction activity and pits excavated in dry land for the purpose of obtaining fill, sand, or gravel unless and until the construction or excavation operation is abandoned and the resulting body of water meets the definition of waters of the United States found at 33 CFR 328.3(a).
- Isolated, intrastate wetland with no nexus to interstate commerce.
- Prior converted cropland, as determined by the Natural Resources Conservation Service. Explain rationale:
- Non-tidal drainage or irrigation ditches excavated on dry land. Explain rationale: **Juchem Irrigation Ditch, Juchem-Reno Irrigation Ditch and Bayou Ditch: This portion of these irrigation ditches do not convey flows intercepted from a natural tributary to an interstate waters. (November 13, 1986 Federal Register, Part 328 (a) Non-tidal drainage and irrigation ditches excavated on dry land). The Corps of Engineers generally does not consider an irrigation ditch waters of the U.S. except on a case-by-case basis. In this case there is no interception of a tributary upstream or within this project that replaces the flow of a tributary via the irrigation ditch to a waters of the U.S.**
- Other (explain): **Isolated Wetlands A-2, A-3, A-4, D-1, F-1, G-1, H-1, I-1, I-2, I-3, I-4, I-5, J-1, J-2, J-3, J-4, K-1, K-2, K-3, k-4, L-1 and M-1 are neither adjacent to nor surface connected to waters of the U.S. They are isolated. Wetland E-1 and E-2 are roadside ditches, not being natural tributaries, empties into the non-jurisdictional Juchem Ditch.**

**DATA REVIEWED FOR JURISDICTIONAL DETERMINATION (mark all that apply):**

- Maps, plans, plots or plat submitted by or on behalf of the applicant.
- Data sheets prepared/submitted by or on behalf of the applicant.
- This office concurs with the delineation report, dated January 31, 2006 \_\_\_\_\_, prepared by (company): NRSI
- This office does not concur with the delineation report, dated \_\_\_\_\_, prepared by (company):
- Data sheets prepared by the Corps.
- Corps' navigable waters' studies:
- U.S. Geological Survey Hydrologic Atlas:
- U.S. Geological Survey 7.5 Minute Topographic maps: Golden
- U.S. Geological Survey 7.5 Minute Historic quadrangles:
- U.S. Geological Survey 15 Minute Historic quadrangles:
- USDA Natural Resources Conservation Service Soil Survey:
- National wetlands inventory maps:
- State/Local wetland inventory maps:
- FEMA/FIRM maps (Map Name & Date):
- 100-year Floodplain Elevation is: \_\_\_\_\_ (NGVD)
- Aerial Photographs (Name & Date): Wetland Delineation Report January 31, 2006
- Other photographs (Date): January 31, 2006
- Advanced Identification Wetland maps:
- Site visit/determination conducted on: March 14, 2006
- Applicable/supporting case law:
- Other information (please specify):

<sup>1</sup>Wetlands are identified and delineated using the methods and criteria established in the Corps Wetland Delineation Manual (87 Manual) (i.e., occurrence of hydrophytic vegetation, hydric soils and wetland hydrology).

<sup>2</sup>The term "adjacent" means bordering, contiguous, or neighboring. Wetlands separated from other waters of the U.S. by man-made dikes or barriers, natural river berms, beach dunes, and the like are also adjacent.

**NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL**

Applicant: CDOT	File Number: 200680132	Date: Mar 15, 2006
Attached is:	See Section below	
	INITIAL PROFFERED PERMIT (Standard Permit or Letter of permission)	A
	PROFFERED PERMIT (Standard Permit or Letter of permission)	B
	PERMIT DENIAL	C
X	APPROVED JURISDICTIONAL DETERMINATION	D
	PRELIMINARY JURISDICTIONAL DETERMINATION	E

**SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at <http://usace.army.mil/inet/functions/cw/cecwo/reg> or Corps regulations at 33 CFR Part 331.**

**A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **OBJECT:** If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.

**B: PROFFERED PERMIT: You may accept or appeal the permit**

- **ACCEPT:** If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- **APPEAL:** If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.**

**D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.**

- **ACCEPT:** You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice, means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- **APPEAL:** If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.

**E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.**

**SECTION II - REQUEST FOR APPEAL or OBJECTIONS TO AN INITIAL PROFFERED PERMIT**

**REASONS FOR APPEAL OR OBJECTIONS:** (Describe your reasons for appealing the decision or your objections to an initial proffered permit in clear concise statements. You may attach additional information to this form to clarify where your reasons or objections are addressed in the administrative record.)

**ADDITIONAL INFORMATION:** The appeal is limited to a review of the administrative record, the Corps memorandum for the record of the appeal conference or meeting, and any supplemental information that the review officer has determined is needed to clarify the administrative record. Neither the appellant nor the Corps may add new information or analyses to the record. However, you may provide additional information to clarify the location of information that is already in the administrative record.

**POINT OF CONTACT FOR QUESTIONS OR INFORMATION:**

If you have questions regarding this decision and/or the appeal process you may contact:

Timothy T. Carey  
Chief, Denver Regulatory Office  
9307 South Wadsworth Boulevard  
Littleton, CO 80128  
(303) 979-4120

If you only have questions regarding the appeal process you may also contact:

US Army Corps of Engineers  
Northwestern Division  
Attn: Mores Bergman, Appeal Officer  
12565 West Center Road  
Omaha, Nebraska 68144-3869  
Telephone (402) 697-2533

**RIGHT OF ENTRY:** Your signature below grants the right of entry to Corps of Engineers personnel, and any government consultants, to conduct investigations of the project site during the course of the appeal process. You will be provided a 15 day notice of any site investigation, and will have the opportunity to participate in all site investigations.

**US Department of Interior Fish and Wildlife Service (USFWS)**

USFWS. 2005. Letter to Steve Johnson, NRSI Senior Ecologist, from Susan C. Linner, USFWS Colorado Field Supervisor, regarding concurrence for site disqualification for the presence of Preble's meadow jumping mouse habitat for the I-70/32<sup>nd</sup> Avenue Interchange study area. November 1.

USFWS. 2005. Letter to Steve Johnson, Senior Ecologist of NRSI, from Susan C. Linner, Colorado Field Supervisor of the USFWS regarding concurrence for the presence/absence of *Spiranthes diluvialis* and *Guara neomexicana* ssp. *coloradensis* for the Clear Creek area between I-70 and McIntyre St, Jefferson County, Colorado. November 10.

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# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Ecological Services  
Colorado Field Office  
755 Parfet Street, Suite 361  
Lakewood, Colorado 80215

IN REPLY REFER TO:  
ES/CO: T&E/PMJM/other  
Mail Stop 65412

NOV - 1 2005

Steve C. Johnson  
Senior Ecologist  
Natural Resource Services  
P.O. Box 19332  
Boulder, Colorado, 80308-2332

Dear Steve Johnson:

This responds to your report of October 14, 2005 requesting site disqualification under the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*). The Service has reviewed the Preble's Meadow Jumping Mouse habitat evaluation for the I-70/32nd Avenue Interchange Study Area, City of Wheatridge, Jefferson County, Colorado.

Based on the information provided, the Service finds the report acceptable and agrees that a population of Preble's is not likely to be present within the subject area. The Service concludes that a project on this site should not have adverse affects to Preble's or Preble's habitat. Thus, this site is disqualified for consideration under provisions of the ESA.

Please note that this clearance is valid for one year from the date of this letter. Should additional information regarding listed or proposed species become available, this determination may be reconsidered under the ESA. If the project has not commenced within one year, please contact the Colorado Field Office to request a clearance extension.

If we can be of further assistance, please contact Adam Misztal of my staff at (303) 275-2377 or at email [adam\\_misztal@fws.gov](mailto:adam_misztal@fws.gov).

Sincerely,

  
Susan C. Linner  
Colorado Field Supervisor

cc: Misztal  
H:\Exclusion-NRS-Wheatridge.wpd





# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Ecological Services  
Colorado Field Office  
755 Parfet Street, Suite 361  
Lakewood, Colorado 80215

IN REPLY REFER TO:  
ES/CO: T&E/*Spiranthes*/Jefferson County  
Mail Stop 65412

NOV 10 2005

Steve Johnson  
Natural Resources Services, Inc.  
P.O. Box 19332  
Boulder, Colorado 80308-2332

Dear Mr. Johnson,

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed your Ute ladies'-tresses orchid, *Spiranthes diluvialis* (orchid) and Colorado butterfly plant, *Gaura neomexicana* ssp. *coloradensis* (butterfly plant) survey report dated October 19, 2005, and received October 24, 2005. This report regards the **Clear Creek between I-70 and McIntyre Street** area in Jefferson County, Colorado. The Colorado Department of Transportation (CDOT) is proposing to construct a multi-lane access road (tentatively named Cabela's Drive) and associated interchanges to connect 32<sup>nd</sup> Avenue just west of I-70 with State Highway 58 on the north. This activity will affect potential orchid and butterfly plant habitat.

Given your survey of the area, the Service finds the report acceptable and agrees that neither the orchid nor the butterfly plant are present within the surveyed area. Thus, the Service concurs with the determination that the impacts resulting from the proposed project are not likely to adversely affect the continued existence of these species.

Please note that this clearance is valid for one year from the date of this letter. Should project plans change or if additional information on listed or proposed species becomes available, this determination may be reconsidered under the ESA. If the proposed project has not commenced within one year, please contact the Colorado Field Office to request an extension.

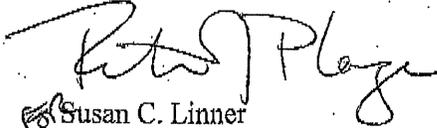
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Mr. Johnson, Cabela's Drive and Associated Interchanges

Page 2

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) 275-2370.

Sincerely,



Susan C. Linner  
Colorado Field Supervisor

pc: FWS, GJ (Ellen Mayo)  
CDOT (Jane Hann, Jeff Peterson)  
Michael