

**US 36 Managed Lane Project:
Federal Boulevard To Interlocken Loop With A
Potential Extension To McCaslin Boulevard**

***Attachment C:
Historic Resources Documentation***

January 25, 2012

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INTRODUCTION

The US 36 Managed Lane Project represents one phase of planned improvements identified as Phase 1 of the Preferred Alternative in the US 36 Record of Decision (ROD). The US 36 Managed Lane Project is a multi-modal, toll integrated project that will include reconstruction of the US 36 mainline pavement from Federal Boulevard to Interlocken Loop, with a potential extension to McCaslin Boulevard. The project will also include widening to accommodate a new buffer-separated Managed Lane in each direction of US 36, replacement of the Wadsworth Parkway, Wadsworth Boulevard, and Lowell Boulevard bridges, construction of retaining walls and sound walls, installation of Intelligent Transportation Systems, and construction of portions of a commuter bikeway.

The purpose of this report is to provide historic resources documentation associated with changes in historic resources and historic resources impacts which have changed from those evaluated in the Final Environmental Impact Statement (FEIS) or ROD. Changes could include new impacts that occur outside of the original US 36 EIS study area for this first phase of planned improvements. Additional changes to the FEIS environmental impacts (design related) have occurred since the release of the ROD in December 2009 because of ongoing design activities and refinements. The quantitative analysis of direct permanent impacts presented in the FEIS was based on conceptual roadway plans and assumed highway configurations while the current level of design for the US 36 Managed Lane Project has advanced to preliminary design. This NEPA re-evaluation is being conducted pursuant to the requirements of 23 CFR 771.129.

HISTORIC PROPERTIES COORDINATION AND DOCUMENTATION

These letter attachments constitute historic properties coordination and documentation.

August 18, 2011, Letter to Edward Nichols—(State Historic Preservation Officer) from CDOT

(See attached letter.)

August 18, 2011, Letter to three Consulting Parties from CDOT

(See attached index and letters.)

August 29, 2011, Letter from SHPO to CDOT

(See attached letter.)

January 17, 2012, Letter from SHPO to CDOT

(See attached letter.)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6, Planning and Environmental
2000 South Holly Street
Denver, CO 80222
(303) 757-9929
(303) 757-9036 FAX



August 18, 2011

Mr. Edward Nichols
State Historic Preservation Officer
1560 Broadway
Suite 400
Denver, CO 80203

SUBJECT: US 36 Highway Corridor Managed Lane Project (Update of Section 106 Determinations of Effect for Historic Properties and Notification of Section 4(f) *De Minimis* for the US 36 Corridor Final Environmental Impact Statement and Record of Decision (CHS Project #41960)

Dear Mr. Nichols:

This letter and enclosed materials constitute a request for SHPO concurrence and consulting party comments on Determinations of Eligibility and Effects for the project referenced above.

Introduction

The US 36 Managed Lane Project represents one phase of planned improvements identified as Phase 1 of the Preferred Alternative in the U.S. 36 Record of Decision. The U.S. 36 Managed Lane Project is a multi-modal, toll integrated project that will include reconstruction of the U.S. 36 mainline pavement from Federal Blvd. to Interlocken Loop as the base project, with a potential extension to McCaslin Blvd. if funds allow.

The purpose of this letter is to present cultural resource impacts which have changed from those evaluated in the FEIS or ROD, and per the US 36 Corridor Programmatic Agreement (specifically, Section 1.c. of the agreement). Changes to design from the Final Environmental Impact Statement (FEIS) have occurred since the release of the Record of Decision (ROD) in December 2009 because of ongoing design activities and refinements. The project will be constructed as a Design/Build project. The quantitative analysis of direct permanent impacts presented in the FEIS was based on conceptual roadway plans and assumed highway configurations while the current level of design for the U.S. 36 Managed Lane Project has progressed to 30 percent.

Ditch Crossings

Allen Ditch, 5AM.1132.3

The crossing of the Allen Ditch west of 80th Ave. is currently in a 173 ft. long 8' X 5' concrete box culvert (CBC). The revised plans show a crossing that will now be 208' long in a new 8' X 5' CBC. When assessed in the FEIS,

the plans showed a 70' extension of the culvert. The current plan (see Attachment A), shows a replacement of the culvert with one that is 35' longer than the existing culvert.

Allen Ditch, 5AM.1132.1

This crossing of the Allen Ditch east of Sheridan is currently in a 151 ft. long 8' X 5' concrete box culvert (CBC). The revised plans show a crossing that will now be 315' long in a new 8' X 5' CBC. When assessed in the FEIS, the plans showed an additional 330' of this segment of the ditch that would be affected. The current plan (Attachment B) shows a replacement of the culvert with one that is 164' longer than the existing culvert.

Allen Ditch, 5AM.1132.4

This crossing of the Allen Ditch east of 80th Ave. is currently in a 203 ft. long 8' X 5' concrete box culvert (CBC). The revised plans show a crossing that will now be 376' long in a new 8' X 5' CBC. When assessed in the FEIS, the plans showed a 120' extension of the culvert. The current plan (Attachment C), shows a replacement of that culvert with one that is 173' longer than the existing culvert.

Allen Ditch, 5JF1762.4:

Impacts to this segment of ditch have not changed because it is not within this phase of improvements (no attachment).

Overall Effect Determination for Allen Ditch 5AM1132:

CDOT and FHWA determined that the improvements will still affect the ditch in three locations and affect the ability of the ditch to convey its historic significance. Therefore, CDOT and FHWA have determined that the replacement of these culverts still supports the original Section 106 determination of Adverse Effect.

Niver Canal, 5JF 3787

The Niver Canal, which is parallel to the Farmer's Highline Canal, has been abandoned (Attachment D). The FEIS showed that the existing 120 ft. culvert under the canal would be extended 190 ft. and it was determined that there would be No Adverse Effect. Since the canal is now abandoned, the current plan is to leave the existing culvert in place. CDOT and FHWA have determined that there will be no impact to the canal, and the Section 106 determination of effect should be changed to No Historic Properties Affected.

Farmers Highline Canal 5JF.250/5JF.250.4

The existing ditch crossing under US36 is in a 14' X 4' CBC that extends a length of 143 ft. The FEIS had showed the ditch crossing to be extended an additional 280 ft. for a total length of 423 ft. It was determined that this action would be a No Adverse Effect. The revised plans (Attachment D) show that instead of extending the 14' X 4' concrete box culvert (CBC), it will be replaced with a 288' long 16' X 6' CBC. This length of culvert is 135' less than was proposed in the design assessed in the FEIS. A shorter segment of the ditch will be impacted by the replacement of the culvert. CDOT and FHWA have determined that the replacement of the CBC supports the original Section 106 determination of No Adverse Effect.

Buildings

3050 Industrial Lane, 5BF.243

This property was not impacted by the design in the FEIS. Recent design necessitated the location of a water quality pond on part of this parcel. Consequently this parcel was surveyed and that survey form is attached.

CDOT and FHWA have determined that the property is not eligible for the NRHP. Since the property is not eligible, the Section 106 determination is No Historic Properties Affected. **Community Ditch (5BF.67.5)** crosses through the east side of this property. There will be no change in impacts to this ditch from the impacts that were shown in the FEIS.

11415 Wadsworth Blvd., 5BF.109

This property had been surveyed in 2004 and officially determined eligible for the NRHP on 2/20/06. There was no direct impact to this property in the plans assessed in the US36 FEIS and CDOT and FHWA determined that the proposed undertaking would result in the Section 106 determination of No Adverse Effect due to the proximity of a retaining wall of the edge of the property that would not prevent the site from conveying its significance.

A new survey form has been prepared for this property and is attached. 5BF.109 was originally found eligible for the NRHP under Criterion C as a good example of a Craftsman-style single family dwelling. Since that time, the dwelling has been clad in vinyl siding causing a loss of integrity. The dwelling has had an addition built on the northwest corner. Building permit records were not available in either Broomfield or Jefferson County to provide a date of that addition. That construction of that addition compromised the integrity of the structure by altering the roofline as shown on the following photo.



Figure1: 11415 Wadsworth Blvd. View to east of addition on rear (west) façade.

A new garage was built adjacent to the north side of the house. The addition, the vinyl siding and the new garage have diminished the integrity of the site in terms of materials, design and setting. Broomfield has other good examples of Craftsman style residences. In particular, there is a very good example of an intact Craftsman-style residence just a few blocks north at 7970 W. 120th Ave. There are no known significant historical associations for this property. It has lost its integrity from the addition, the construction of the large new garage and the cladding of the house in vinyl siding. For these, reasons, CDOT and FHWA have determined that this property is not eligible for the National Register.

The current plan calls for a take of this property. Since the property is not eligible, CDOT and FHWA have determined that the original Section 106 determination of Adverse Effect should be changed to No Historic Properties Affected.

BNSF Railroad, 5JF.519.5

This resource was described as 5JF.519.7 in the FEIS. It had been previously surveyed as 5JF.519.5 and should have been referred to by that number and not by 5JF.519.7. A Re-Visitation form has been prepared for this property and is attached.

The original plan did not show any crossing of the BNSF railroad (5JF.519.5) by a bikeway. The revised plan (Attachment E) does show a crossing of this resource. The crossing would take place 175' southwest of the point where US36 crosses the railroad line. The bikeway would cross the railroad line in an underpass. BNSF underpass design and construction must meet the requirements outlined in the joint BNSF Railway – Union Pacific Railroad Guidelines for Railroad Grade Separation Projects. This includes the proper geometric clearances and dimensions between tracks, operations, and access. The design shall meet the rail live load and impact as specified by the current edition of the American Railway Engineering and Maintenance-of-Way Association (AREMA) Manual, dead load of up to 30 inches of ballast and additional loads as applicable, defined by AREMA.

The integrity of the railroad's setting has been compromised by nearby development. The historic setting for this property was agricultural. Lower Church Lake, part of Westminster's Open Space, is immediately northwest of the ROW for the BNSF railroad line. In recent years, a large commercial development, the Shops at Walnut Creek, has been constructed to the southeast of the railroad line. The RTD US36 & Church Ranch Park N Ride abuts the railroad property on the southeast and the big box store Petsmart, a part of the Shops at Walnut Creek, is directly southeast of the Park N Ride. The setting is now commercial instead of agricultural. The land on the east side of US36 and northeast of the railroad tracks is vacant land that is for sale. The large Westminster Promenade development is on the east side of US 36 with a parking area for a business titled "Fat Cats" immediately south of the railroad tracks on the east side of US36.

Even though the setting around the railroad has changed over the years, this segment of the railroad supports the overall eligibility of the entire railroad which is eligible for the NRHP under Criterion A for its association with the development of railway transportation in Colorado. Railway transportation was key to the settlement of Colorado and the West.



Figure 2: View to the southeast. The bikeway will be an extension of the sidewalk shown here



Figure 3: View to the northwest. The bikeway would go under the railroad tracks slightly to the right of the tree.

The planned bikeway would follow along an existing sidewalk on the northeast side of the Shops at Walnut Creek and the RTD Park N Ride lot as shown in the following photo. That bikeway would continue in the same alignment extending the sidewalk to the northwest and crossing under the BNSF railroad line.

Construction of the bikeway underpass would require a .11 acre permanent easement from the railroad as shown on the attached plan. There would be some change in the setting from the introduction of the planned bikeway underpass. As described above, there have been many other changes to the railroad setting in this area.

The construction of a bikeway underpass that crosses under the railroad will introduce a new visual element into the landscape. However, the BNSF tracks are crossed many times with overpasses and underpasses to convey streets, highways and multi-use paths along the US Corridor. Between Downtown Denver and Longmont there are a total of 30 underpasses and overpasses. There are 16 overpasses for streets and highways, 5 underpasses for streets and highways and 9 underpasses for bikeways and other multi-use paths. An underpass for this bikeway will not be an unusual element for the BNSF setting.

CDOT and FHWA have determined that the construction of an underpass on the BNSF for a bike/pedestrian trail will not alter the qualities that have made this railroad eligible for the NRHP. The proposed undertaking would not change the ability of this rail segment to convey its significance under Criterion A. Therefore, CDOT and FHWA have determined that the revised plan which includes this bikeway underpass would result in No Adverse Effect.

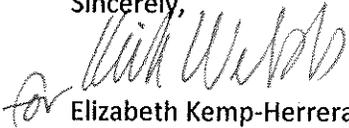
Notification of Section 4(f) De Minimis

The project has been determined to have No Adverse Effect to the BNSF Railroad, pending SHPO concurrence. Based on these findings, FHWA may make a *de minimis finding* for Section 4(f) requirements.

The FHWA and CDOT requests the written concurrence of the SHPO and comments from Section 106 consulting parties based on the information presented above and in the attachments to this letter. SHPO's written concurrence is necessary for the FHWA's compliance with Section 106 of the National Historic Preservation Act (as amended) and with the Advisory Council on Historic Preservation's regulations.

Please provide any comments, questions, or concerns to Dianna Litvak at (303) 757-9461 or at Dianna.litvak@dot.state.co.us.

Sincerely,



Elizabeth Kemp-Herrera
Region 6 Planning and Environmental Manager

cc: David Singer, CDOT Region 6 US 36 Managed Lane project
File

Attachments:

Site Forms
5BF.243
5BF.109
5JF519.5

Design sheets
Allen Ditch (5AM1132.1, 5AM1132.3, and 5AM1132.)
Farmer's Highline Canal (5JF250.4) & Niver Canal
BNSF Railroad (5JF519.5)

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Attachment C: Historic Resource Documentation**

CONSULTING PARTY INDEX

Date	Correspondence
August 18, 2011	Letter to City of Westminster from CDOT re: Determinations of Eligibility and Effects
August 18, 2011	Letter to Jefferson County Historical Commission from CDOT re: Determinations of Eligibility and Effects
August 18, 2011	Letter to City of Broomfield from CDOT re: Determinations of Eligibility and Effects

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 8, Planning and Environmental
2000 South Holly Street
Denver, CO 80222
(303) 757-9929
(303) 757-9036 FAX



August 18, 2011

Mr. Patrick Caldwell
City of Westminster
Historic Landmark Board
4800 W. 92nd Ave.
Westminster, CO 80031

SUBJECT: US 36 Highway Corridor Managed Lane Project (Update of Section 106 Determinations of Effect for Historic Properties and Notification of Section 4(f) *De Minimis* for the US 36 Corridor Final Environmental Impact Statement and Record of Decision (CHS Project #41960)

Dear Mr. Caldwell:

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Figure 1; 11415 Wadsworth Blvd. View to east of addition on rear (west) façade.

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Even though the setting around the railroad has changed over the years, this segment of the railroad supports the overall eligibility of the entire railroad which is eligible for the NRHP under Criterion A for its association with the development of railway transportation in Colorado. Railway transportation was key to the settlement of Colorado and the West.



Figure 2: View to the southeast. The bikeway will be an extension of the sidewalk shown here



Figure 3: View to the northwest. The bikeway would go under the railroad tracks slightly to the right of the tree.

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CDOT and FHWA have determined that the construction of an underpass on the BNSF for a bike/pedestrian trail will not alter the qualities that have made this railroad eligible for the NRHP. The proposed undertaking would not change the ability of this rail segment to convey its significance under Criterion A. Therefore, CDOT and FHWA have determined that the revised plan which includes this bikeway underpass would result in No Adverse Effect.

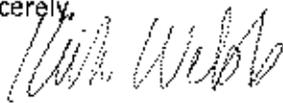
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Please provide any comments, questions, or concerns to Dianna Litvak at (303) 757-9461 or at Dianna.litvak@dot.state.co.us.

Sincerely,

for 

Elizabeth Kemp-Herrera
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(303) 757-9036 FAX



August 18, 2011

Mr. Dennis Dempsey
Jefferson County Historical Commission
100 Jefferson County Parkway
Suite 3550
Golden, CO 80419-3550

SUBJECT: US 36 Highway Corridor Managed Lane Project (Update of Section 106 Determinations of Effect for Historic Properties and Notification of Section 4(f) *De Minimis* for the US 36 Corridor Final Environmental Impact Statement and Record of Decision (CHS Project #41960)

Dear Mr. Dempsey:

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Farmers Highline Canal 5JF.250/5JF.250.4

The existing ditch crossing under US36 is in a 14' X 4' CBC that extends a length of 143 ft. The FEIS had showed the ditch crossing to be extended an additional 280 ft. for a total length of 423 ft. It was determined that this action would be a No Adverse Effect. The revised plans (Attachment D) show that instead of extending the 14' X 4' concrete box culvert (CBC), it will be replaced with a 288' long 16' X 6' CBC. This length of culvert is 135' less than was proposed in the design assessed in the FEIS. A shorter segment of the ditch will be impacted by the replacement of the culvert. CDOT and FHWA have determined that the replacement of the CBC supports the original Section 106 determination of No Adverse Effect.

Buildings

3050 Industrial Lane, 5BF.243

This property was not impacted by the design in the FEIS. Recent design necessitated the location of a water quality pond on part of this parcel. Consequently this parcel was surveyed and that survey form is attached.

CDOT and FHWA have determined that the property is not eligible for the NRHP. Since the property is not eligible, the Section 106 determination is No Historic Properties Affected. **Community Ditch (5BF.67.5)** crosses through the east side of this property. There will be no change in impacts to this ditch from the impacts that were shown in the FEIS.

11415 Wadsworth Blvd., 5BF.109

This property had been surveyed in 2004 and officially determined eligible for the NRHP on 2/20/06. There was no direct impact to this property in the plans assessed in the US36 FEIS and CDOT and FHWA determined that the proposed undertaking would result in the Section 106 determination of No Adverse Effect due to the proximity of a retaining wall of the edge of the property that would not prevent the site from conveying its significance.

A new survey form has been prepared for this property and is attached. 5BF.109 was originally found eligible for the NRHP under Criterion C as a good example of a Craftsman-style single family dwelling. Since that time, the dwelling has been clad in vinyl siding causing a loss of integrity. The dwelling has had an addition built on the northwest corner. Building permit records were not available in either Broomfield or Jefferson County to provide a date of that addition. That construction of that addition compromised the integrity of the structure by altering the roofline as shown on the following photo.



Figure1: 11415 Wadsworth Blvd. View to east of addition on rear (west) façade.

A new garage was built adjacent to the north side of the house. The addition, the vinyl siding and the new garage have diminished the integrity of the site in terms of materials, design and setting. Broomfield has other good examples of Craftsman style residences. In particular, there is a very good example of an intact Craftsman-style residence just a few blocks north at 7970 W. 120th Ave. There are no known significant historical associations for this property. It has lost its integrity from the addition, the construction of the large new garage and the cladding of the house in vinyl siding. For these reasons, CDOT and FHWA have determined that this property is not eligible for the National Register.

The current plan calls for a take of this property. Since the property is not eligible, CDOT and FHWA have determined that the original Section 106 determination of Adverse Effect should be changed to No Historic Properties Affected.

BNSF Railroad, 5JF.519.5

This resource was described as 5JF.519.7 in the FEIS. It had been previously surveyed as 5JF.519.5 and should have been referred to by that number and not by 5JF.519.7. A Re-Visitation form has been prepared for this property and is attached.

The original plan did not show any crossing of the BNSF railroad (5JF.519.5) by a bikeway. The revised plan (Attachment E) does show a crossing of this resource. The crossing would take place 175' southwest of the point where US36 crosses the railroad line. The bikeway would cross the railroad line in an underpass. BNSF underpass design and construction must meet the requirements outlined in the joint BNSF Railway – Union Pacific Railroad Guidelines for Railroad Grade Separation Projects. This includes the proper geometric clearances and dimensions between tracks, operations, and access. The design shall meet the rail live load and impact as specified by the current edition of the American Railway Engineering and Maintenance-of-Way Association (AREMA) Manual, dead load of up to 30 inches of ballast and additional loads as applicable, defined by AREMA.

The integrity of the railroad's setting has been compromised by nearby development. The historic setting for this property was agricultural. Lower Church Lake, part of Westminster's Open Space, is immediately northwest of the ROW for the BNSF railroad line. In recent years, a large commercial development, the Shops at Walnut Creek, has been constructed to the southeast of the railroad line. The RTD US36 & Church Ranch Park N Ride abuts the railroad property on the southeast and the big box store Petsmart, a part of the Shops at Walnut Creek, is directly southeast of the Park N Ride. The setting is now commercial instead of agricultural. The land on the east side of US36 and northeast of the railroad tracks is vacant land that is for sale. The large Westminster Promenade development is on the east side of US 36 with a parking area for a business titled "Fat Cats" immediately south of the railroad tracks on the east side of US36.

Even though the setting around the railroad has changed over the years, this segment of the railroad supports the overall eligibility of the entire railroad which is eligible for the NRHP under Criterion A for its association with the development of railway transportation in Colorado. Railway transportation was key to the settlement of Colorado and the West.



Figure 2: View to the southeast. The bikeway will be an extension of the sidewalk shown here



Figure 3: View to the northwest. The bikeway would go under the railroad tracks slightly to the right of the tree.

The planned bikeway would follow along an existing sidewalk on the northeast side of the Shops at Walnut Creek and the RTD Park N Ride lot as shown in the following photo. That bikeway would continue in the same alignment extending the sidewalk to the northwest and crossing under the BNSF railroad line.

Construction of the bikeway underpass would require a .11 acre permanent easement from the railroad as shown on the attached plan. There would be some change in the setting from the introduction of the planned bikeway underpass. As described above, there have been many other changes to the railroad setting in this area.

The construction of a bikeway underpass that crosses under the railroad will introduce a new visual element into the landscape. However, the BNSF tracks are crossed many times with overpasses and underpasses to convey streets, highways and multi-use paths along the US Corridor. Between Downtown Denver and Longmont there are a total of 30 underpasses and overpasses. There are 16 overpasses for streets and highways, 5 underpasses for streets and highways and 9 underpasses for bikeways and other multi-use paths. An underpass for this bikeway will not be an unusual element for the BNSF setting.

CDOT and FHWA have determined that the construction of an underpass on the BNSF for a bike/pedestrian trail will not alter the qualities that have made this railroad eligible for the NRHP. The proposed undertaking would not change the ability of this rail segment to convey its significance under Criterion A. Therefore, CDOT and FHWA have determined that the revised plan which includes this bikeway underpass would result in No Adverse Effect.

Notification of Section 4(f) De Minimis

The project has been determined to have No Adverse Effect to the BNSF Railroad, pending SHPO concurrence. Based on these findings, FHWA may make a *de minimis finding* for Section 4(f) requirements.

Mr. Dempsey
8/18/2011
Page 6 of 6

The FHWA and CDOT requests the written concurrence of the SHPO and comments from Section 106 consulting parties based on the information presented above and in the attachments to this letter. SHPO's written concurrence is necessary for the FHWA's compliance with Section 106 of the National Historic Preservation Act (as amended) and with the Advisory Council on Historic Preservation's regulations.

Please provide any comments, questions, or concerns to Dianna Litvak at (303) 757-9461 or at Dianna.litvak@dot.state.co.us.

Sincerely,



Elizabeth Kemp-Herrera
Region 6 Planning and Environmental Manager

cc: David Singer, CDOT Region 6 US 36 Managed Lane project
File

Attachments:

Site Forms
5BF.243
5BF.109
5JF519.5

Design sheets
Allen Ditch (SAM1132.1, SAM1132.3, and SAM1132.)
Farmer's Highline Canal (5JF250.4) & Niver Canal
BNSF Railroad (5JF519.5)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6, Planning and Environmental
2000 South Holly Street
Denver, CO 80222
(303) 757-9929
(303) 757-9036 FAX



August 18, 2011

Ms. Jennifer Hoffman
City of Broomfield
Historic Landmark Board
One Descombes Drive
Broomfield, CO 80020

SUBJECT: US 36 Highway Corridor Managed Lane Project (Update of Section 106 Determinations of Effect for Historic Properties and Notification of Section 4(f) *De Minimis* for the US 36 Corridor Final Environmental Impact Statement and Record of Decision (CHS Project #41960)

Dear Ms. Hoffman:

This letter and enclosed materials constitute a request for SHPO concurrence and consulting party comments on Determinations of Eligibility and Effects for the project referenced above.

Introduction

The US 36 Managed Lane Project represents one phase of planned improvements identified as Phase 1 of the Preferred Alternative in the U.S. 36 Record of Decision. The U.S. 36 Managed Lane Project is a multi-modal, toll integrated project that will include reconstruction of the U.S. 36 mainline pavement from Federal Blvd. to Interlocken Loop as the base project, with a potential extension to McCaslin Blvd. if funds allow.

The purpose of this letter is to present cultural resource impacts which have changed from those evaluated in the FEIS or ROD, and per the US 36 Corridor Programmatic Agreement (specifically, Section 1.c. of the agreement). Changes to design from the Final Environmental Impact Statement (FEIS) have occurred since the release of the Record of Decision (ROD) in December 2009 because of ongoing design activities and refinements. The project will be constructed as a Design/Build project. The quantitative analysis of direct permanent impacts presented in the FEIS was based on conceptual roadway plans and assumed highway configurations while the current level of design for the U.S. 36 Managed Lane Project has progressed to 30 percent.

Ditch Crossings

Allen Ditch, 5AM.1132.3

The crossing of the Allen Ditch west of 80th Ave. is currently in a 173 ft. long 8' X 5' concrete box culvert (CBC). The revised plans show a crossing that will now be 208' long in a new 8' X 5' CBC. When assessed in the FEIS,

the plans showed a 70' extension of the culvert. The current plan (see Attachment A), shows a replacement of the culvert with one that is 35' longer than the existing culvert.

Allen Ditch, 5AM.1132.1

This crossing of the Allen Ditch east of Sheridan is currently in a 151 ft. long 8' X 5' concrete box culvert (CBC). The revised plans show a crossing that will now be 315' long in a new 8' X 5' CBC. When assessed in the FEIS, the plans showed an additional 330' of this segment of the ditch that would be affected. The current plan (Attachment B) shows a replacement of the culvert with one that is 164' longer than the existing culvert.

Allen Ditch, 5AM.1132.4

This crossing of the Allen Ditch east of 80th Ave. is currently in a 203 ft. long 8' X 5' concrete box culvert (CBC). The revised plans show a crossing that will now be 376' long in a new 8' X 5' CBC. When assessed in the FEIS, the plans showed a 120' extension of the culvert. The current plan (Attachment C), shows a replacement of that culvert with one that is 173' longer than the existing culvert.

Allen Ditch, 5JF1762.4:

Impacts to this segment of ditch have not changed because it is not within this phase of improvements (no attachment).

Overall Effect Determination for Allen Ditch 5AM1132:

CDOT and FHWA determined that the improvements will still affect the ditch in three locations and affect the ability of the ditch to convey its historic significance. Therefore, CDOT and FHWA have determined that the replacement of these culverts still supports the original Section 106 determination of Adverse Effect.

Niver Canal, 5JF 3787

The Niver Canal, which is parallel to the Farmer's Highline Canal, has been abandoned (Attachment D). The FEIS showed that the existing 120 ft. culvert under the canal would be extended 190 ft. and it was determined that there would be No Adverse Effect. Since the canal is now abandoned, the current plan is to leave the existing culvert in place. CDOT and FHWA have determined that there will be no impact to the canal, and the Section 106 determination of effect should be changed to No Historic Properties Affected.

Farmers Highline Canal 5JF.250/5JF.250.4

The existing ditch crossing under US36 is in a 14' X 4' CBC that extends a length of 143 ft. The FEIS had showed the ditch crossing to be extended an additional 280 ft. for a total length of 423 ft. It was determined that this action would be a No Adverse Effect. The revised plans (Attachment D) show that instead of extending the 14' X 4' concrete box culvert (CBC), it will be replaced with a 288' long 16' X 6' CBC. This length of culvert is 135' less than was proposed in the design assessed in the FEIS. A shorter segment of the ditch will be impacted by the replacement of the culvert. CDOT and FHWA have determined that the replacement of the CBC supports the original Section 106 determination of No Adverse Effect.

Buildings

3050 Industrial Lane, 5BF.243

This property was not impacted by the design in the FEIS. Recent design necessitated the location of a water quality pond on part of this parcel. Consequently this parcel was surveyed and that survey form is attached.

CDOT and FHWA have determined that the property is not eligible for the NRHP. Since the property is not eligible, the Section 106 determination is No Historic Properties Affected. Community Ditch (5BF.67.5) crosses through the east side of this property. There will be no change in impacts to this ditch from the impacts that were shown in the FEIS.

11415 Wadsworth Blvd., 5BF.109

This property had been surveyed in 2004 and officially determined eligible for the NRHP on 2/20/06. There was no direct impact to this property in the plans assessed in the US36 FEIS and CDOT and FHWA determined that the proposed undertaking would result in the Section 106 determination of No Adverse Effect due to the proximity of a retaining wall of the edge of the property that would not prevent the site from conveying its significance.

A new survey form has been prepared for this property and is attached. 5BF.109 was originally found eligible for the NRHP under Criterion C as a good example of a Craftsman-style single family dwelling. Since that time, the dwelling has been clad in vinyl siding causing a loss of integrity. The dwelling has had an addition built on the northwest corner. Building permit records were not available in either Broomfield or Jefferson County to provide a date of that addition. That construction of that addition compromised the integrity of the structure by altering the roofline as shown on the following photo.



Figure 1: 11415 Wadsworth Blvd. View to east of addition on rear (west) façade.

A new garage was built adjacent to the north side of the house. The addition, the vinyl siding and the new garage have diminished the integrity of the site in terms of materials, design and setting. Broomfield has other good examples of Craftsman style residences. In particular, there is a very good example of an intact Craftsman-style residence just a few blocks north at 7970 W. 120th Ave. There are no known significant historical associations for this property. It has lost its integrity from the addition, the construction of the large new garage and the cladding of the house in vinyl siding. For these reasons, CDOT and FHWA have determined that this property is not eligible for the National Register.

The current plan calls for a take of this property. Since the property is not eligible, CDOT and FHWA have determined that the original Section 106 determination of Adverse Effect should be changed to No Historic Properties Affected.

BNSF Railroad, 5JF.519.5

This resource was described as 5JF.519.7 in the FEIS. It had been previously surveyed as 5JF.519.5 and should have been referred to by that number and not by 5JF.519.7. A Re-Visitation form has been prepared for this property and is attached.

The original plan did not show any crossing of the BNSF railroad (5JF.519.5) by a bikeway. The revised plan (Attachment E) does show a crossing of this resource. The crossing would take place 175' southwest of the point where US36 crosses the railroad line. The bikeway would cross the railroad line in an underpass. BNSF underpass design and construction must meet the requirements outlined in the joint BNSF Railway – Union Pacific Railroad Guidelines for Railroad Grade Separation Projects. This includes the proper geometric clearances and dimensions between tracks, operations, and access. The design shall meet the rail live load and impact as specified by the current edition of the American Railway Engineering and Maintenance-of-Way Association (AREMA) Manual, dead load of up to 30 inches of ballast and additional loads as applicable, defined by AREMA.

The integrity of the railroad's setting has been compromised by nearby development. The historic setting for this property was agricultural. Lower Church Lake, part of Westminster's Open Space, is immediately northwest of the ROW for the BNSF railroad line. In recent years, a large commercial development, the Shops at Walnut Creek, has been constructed to the southeast of the railroad line. The RTD US36 & Church Ranch Park N Ride abuts the railroad property on the southeast and the big box store Petsmart, a part of the Shops at Walnut Creek, is directly southeast of the Park N Ride. The setting is now commercial instead of agricultural. The land on the east side of US36 and northeast of the railroad tracks is vacant land that is for sale. The large Westminster Promenade development is on the east side of US 36 with a parking area for a business titled "Fat Cats" immediately south of the railroad tracks on the east side of US36.

Even though the setting around the railroad has changed over the years, this segment of the railroad supports the overall eligibility of the entire railroad which is eligible for the NRHP under Criterion A for its association with the development of railway transportation in Colorado. Railway transportation was key to the settlement of Colorado and the West.



Figure 2: View to the southeast. The bikeway will be an extension of the sidewalk shown here



Figure 3: View to the northwest. The bikeway would go under the railroad tracks slightly to the right of the tree.

The planned bikeway would follow along an existing sidewalk on the northeast side of the Shops at Walnut Creek and the RTD Park N Ride lot as shown in the following photo. That bikeway would continue in the same alignment extending the sidewalk to the northwest and crossing under the BNSF railroad line.

Construction of the bikeway underpass would require a .11 acre permanent easement from the railroad as shown on the attached plan. There would be some change in the setting from the introduction of the planned bikeway underpass. As described above, there have been many other changes to the railroad setting in this area.

The construction of a bikeway underpass that crosses under the railroad will introduce a new visual element into the landscape. However, the BNSF tracks are crossed many times with overpasses and underpasses to convey streets, highways and multi-use paths along the US Corridor. Between Downtown Denver and Longmont there are a total of 30 underpasses and overpasses. There are 16 overpasses for streets and highways, 5 underpasses for streets and highways and 9 underpasses for bikeways and other multi-use paths. An underpass for this bikeway will not be an unusual element for the BNSF setting.

CDOT and FHWA have determined that the construction of an underpass on the BNSF for a bike/pedestrian trail will not alter the qualities that have made this railroad eligible for the NRHP. The proposed undertaking would not change the ability of this rail segment to convey its significance under Criterion A. Therefore, CDOT and FHWA have determined that the revised plan which includes this bikeway underpass would result in No Adverse Effect.

Notification of Section 4(f) De Minimis

The project has been determined to have No Adverse Effect to the BNSF Railroad, pending SHPO concurrence. Based on these findings, FHWA may make a *de minimis finding* for Section 4(f) requirements.

The FHWA and CDOT requests the written concurrence of the SHPO and comments from Section 106 consulting parties based on the information presented above and in the attachments to this letter. SHPO's written concurrence is necessary for the FHWA's compliance with Section 106 of the National Historic Preservation Act (as amended) and with the Advisory Council on Historic Preservation's regulations.

Please provide any comments, questions, or concerns to Dianna Litvak at (303) 757-9461 or at Dianna.litvak@dot.state.co.us.

Sincerely,

for Elizabeth Kemp-Herrera
Elizabeth Kemp-Herrera
Region 6 Planning and Environmental Manager

cc: David Singer, CDOT Region 6 US 36 Managed Lane project
File

Attachments:

Site Forms
5BF.243
5BF.109
5JFS19.5

Design sheets
Allen Ditch (SAM1132.1, SAM1132.3, and SAM1132.)
Farmer's Highline Canal (5JF250.4) & Niver Canal
BNSF Railroad (5JFS19.5)




HISTORY *Colorado*

August 29, 2011

Elizabeth Kemp-Herera
Region 6 Planning and Environmental Manager
Colorado Department of Transportation, Region 6
2000 South Holly Street
Denver, CO 80222

Re: US 36 Highway Corridor Managed Lane Project (CHS #41960)

Dear Ms. Kemp-Herrera:

Thank you for your correspondence dated August 18, 2011 and received by our office on August 22, 2011 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided additional information, we concur with the finding of National Register eligibility for the resources listed below.

- 5BF.243
- 5BF.109
- 5JF.519.5

After review of the provided assessment of adverse effect, we concur with the recommended findings of effect presented in your submission. We acknowledge that FHWA intends to make a *de minimis* determination in respect to the requirements of Section 4(f).

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.

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 Manager, at (303) 866-4678.

Sincerely,



 Edward C. Nichols
State Historic Preservation Officer



HISTORY *Colorado*

January 17, 2012

Elizabeth Kemp-Herera
Region 6 Planning and Environmental Manager
Colorado Department of Transportation, Region 6
2000 South Holly Street
Denver, CO 80222

Re: US 36 Highway Corridor Managed Lane Project (CHS #41960)

Dear Ms. Kemp-Herrera:

Thank you for your additional correspondence dated December 27, 2011 and received by our office on January 3, 2012 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided additional information, we concur with the finding of National Register eligibility for the resource 5JF.3787, including segment 5JF.3787.2. After review of the new scope of work and assessment of adverse effect, we concur with the recommended finding of *no adverse effect* [36 CFR 800.5(b)] under Section 106. We acknowledge that FHWA intends to make a *de minimis* determination in respect to the requirements of Section 4(f).

If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.

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 Manager, at (303) 866-4678.

Sincerely,

Edward C. Nichols
State Historic Preservation Officer

