

**Appendix E.**  
***Section 4(f) Technical Memorandum (HDR, 2015)***





120TH AVENUE TO SH 7



## Section 4(f) Technical Memorandum



RECORD OF DECISION 2

*FINAL* September 28, 2015



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## 1.0 INTRODUCTION

### 1.1 Purpose of Document

This Section 4(f) Technical Memorandum documents changes in laws, regulations, and guidance; changes in the resource base; and changes in impacts associated with implementing improvements to I-25 between 120th Avenue and SH 7.

The 2011 *North I-25 Final Environmental Impact Statement* (2011 FEIS) (CDOT, 2011) detailed the existing and proposed parks, recreation, open space, trail, and historic resources known to be in the North I-25 study area. Updated municipal and county comprehensive and/or master plans and websites—as well as new or revisited historic property surveys—have been reviewed for the Record of Decision<sup>2</sup> (ROD2). Uses of the Section 4(f) properties were described in the *North I-25 Revised Section 4(f) Evaluation* (CDOT, 2011). Two park and recreation facilities within 750 feet of North I-25 in the ROD2 study area are discussed in this document.

Several historic/archeological resources were reviewed in the ROD2 study area. Only two properties were found to be eligible to the NHRP. A newly surveyed property, the Fonay Barn, was found eligible for the NRHP. A segment of the Bull Canal (5AM.457.9) was previously assessed as officially eligible to the NRHP in 2007, but was reassessed as non-supporting of the overall eligibility of the Bull Canal in this document.

The properties evaluated in this technical memorandum and in the ROD2 include:

- Regional Trail Connection to Big Dry Creek Trail System
- Willowbrook Park (and trail)
- Fonay Barn (5AM.3128)
- Bull Canal (5AM.457.9)

The only new resource is the Fonay Barn. All other properties were assessed in the 2011 FEIS and Revised Section 4(f) Evaluation.

### 1.2 Description of the ROD2 Selected Alternative

Subsequent to the *North I-25 Record of Decision1* (ROD1) (CDOT, 2011), CDOT has secured funding for a portion of the 2011 FEIS Preferred Alternative from 120th Avenue to SH 7. The ROD2 updates the findings in the 2011 FEIS and documents the environmental analyses for all improvements that are a part of the ROD2 Selected Alternative. The ROD2 Selected Alternative is shown in Figure 1 and is described as follows:

The ROD2 Selected Alternative for the North I-25 segment from 120th Avenue to SH 7 would consist of adding one buffer-separated Express Lane in each direction of I-25 from just south of 120th Avenue to just south of SH 7 (see Figure 2). The buffer-separated lanes would be separated from the existing general purpose lanes by a painted 4-foot strip. The new Express Lanes would tie into the Express Lanes that are currently under construction just south of 120th Avenue. The widening of I-25 would occur to the outside because the existing cross section does not include a median. A concrete barrier would separate the northbound and southbound lanes. Interchange configurations, water quality

features, drainage improvements, retaining walls, and express bus station configurations are all planned to be identical to the design developed for the Preferred Alternative in the 2011 FEIS and ROD1.

## 2.0 CHANGES IN LAWS, REGULATIONS, AND GUIDANCE

Parks, recreation areas, wildlife and waterfowl refuges, and historic resources (under certain conditions defined in 23 CFR 774.11) are afforded protection under Section 4(f). The following change in guidance as it relates to Section 4(f) has occurred since 2011:

- The Section 4(f) Policy Paper was released on July 20, 2012:  
<http://environment.fhwa.dot.gov/4f/4fpolicy.asp>

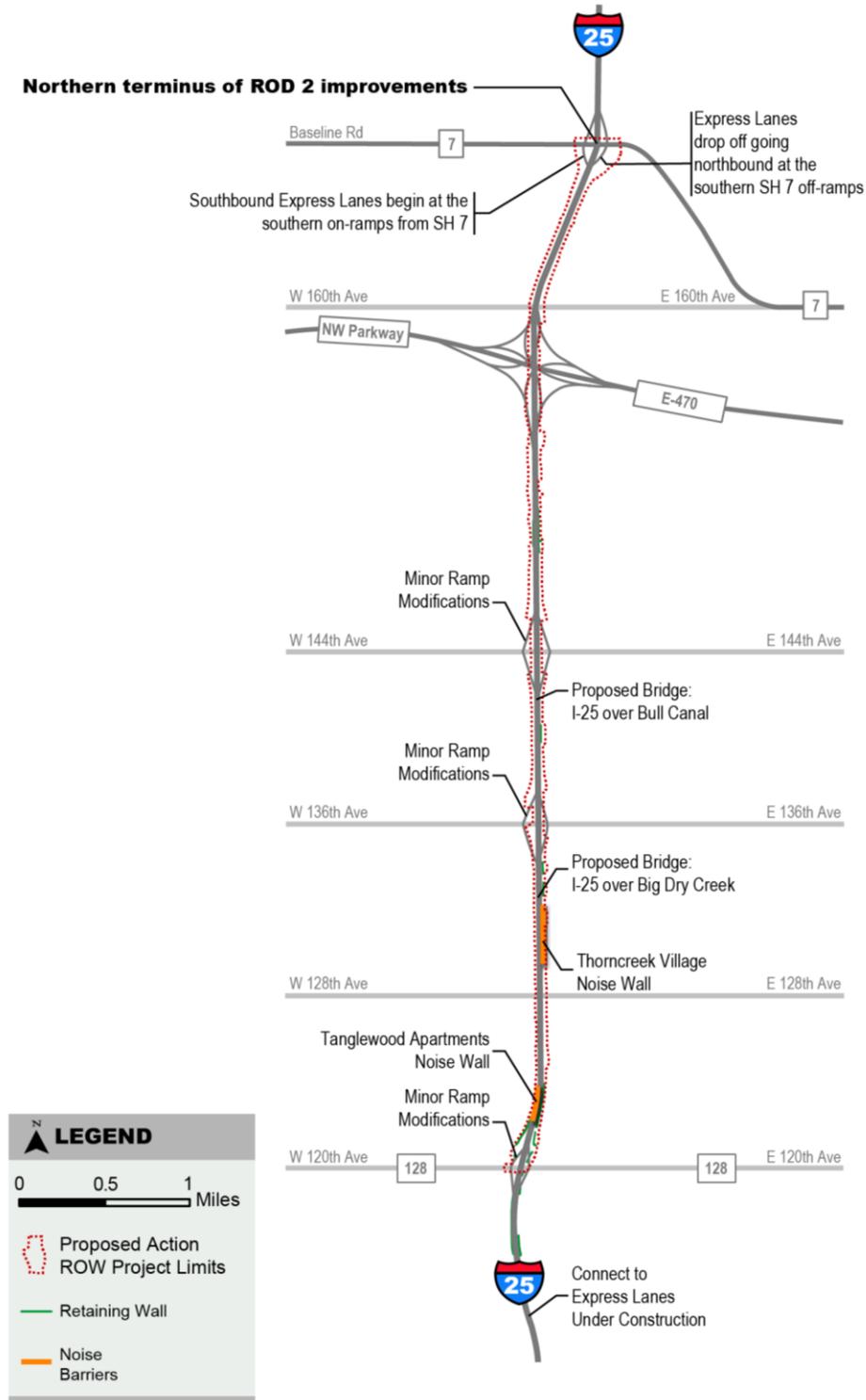
This 2012 *Section 4(f) Policy Paper* includes guidance for all of the recent changes promulgated in the Section 4(f) laws and regulations.

The following are changes in laws, regulations, and guidance related to bicycle and pedestrian facilities that have occurred since 2011:

- CDOT Policy Directive 1602.1, Bike and Pedestrian, as adopted on January 4, 2013, and documented in chapter 14 of the *CDOT Roadway Design Guide*.
- 23 USC 104 (Federal funds), 23 USC 109 (existing routes), 23 USC 134 and 135 (planning for all modes), 23 USC 217 (due consideration for bike/ped), 23 USC 402 (highway safety), 23 USC 652 (bike/ped accommodation in projects)
- 43-1-104 (CDOT Bike/Ped staff), 42-1-109 (education outreach), 42-2-1412 (bicycles subject to same rights and responsibilities as motor vehicles)

With regard to construction, CDOT Policy Directive 1602.1 states that in high use areas or routes for bicyclists or pedestrians [as shown in the published Colorado Bicycling Map (CDOT, 2010) or identified by a local jurisdiction], reasonable accommodations for continued use during construction will be made, or reasonable detour routes (adequate in capacity, roadway surface, travel distance from beginning to end of detour to accommodate detoured traffic) will be provided and appropriately signed.

Figure 1. Location of ROD2 Selected Alternative in the ROD2 Study Area



## 3.0 EXISTING CONDITIONS

### 3.1 Summary of 2011 FEIS Properties

The *North I-25 EIS Revised Section 4(f) Evaluation* (CDOT, 2011) contains information documenting the following recreational and historic Section 4(f) properties along the 120th Avenue to SH 7 stretch of I-25:

- Big Dry Creek Trail; also known as Thornton trails #2 (now referred to as the Regional Trail Connection to Big Dry Creek Trail System)
- Willowbrook Park (including a trail)
- Bull Canal/Standley Ditch (5WL.1966, 5BF.72, 5BF.76, 5AM.457, 5AM.457.2)
- Thornton Municipal Golf Course (no changes to this resource)

### 3.2 Updated since the 2011 FEIS: Parks and Trails

All park and trail resources were considered in the 2011 FEIS and Revised Section 4(f) Evaluation.

#### 3.2.1 Regional Trail Connection to Big Dry Creek Trail System

Adams County, the City and County of Broomfield, and the City of Thornton describe a future Regional Trail Connection to the Big Dry Creek trail system in their park and open space master plans, a trail that was referenced as Thornton #2 in the 2011 FEIS. The regional trail connection would begin east of I-25 near 136th Avenue and Washington Street and go under I-25 through an existing underpass (which will be replaced) to connect to Westminster's existing Big Dry Creek trail system west of I-25.

The 2012 *Adams County Open Space, Parks & Trails Master Plan* designates Big Dry Creek Trail System as High Priority for completion within 3 years. The Plan states a 1.8-mile missing trail link from east of I-25 to the existing nine-mile-portions of the Big Dry Creek trail in Westminster (to the southwest, through an existing underpass under I-25 at approximately 133rd Avenue). This is expected to be complete as early as 2015.

#### 3.2.2 Willowbrook Park and Trail

Willowbrook Park has been a part of the city of Westminster since 1986 and is due west of I-25 at 12300 Bannock Street. A 1/8-mile multi-use trail currently exists in the 8.24-acre park. The park and trail were identified in the 2011 FEIS. The city's current online Trails Map shows a gravel trail in the eastern area of the park. Willowbrook Park was assessed as a Section 4(f) property in the 2011 FEIS and Revised Section 4(f) Evaluation.

Table 1 describes updates to parks and recreational 4(f) resources since the conclusion of the 2011 FEIS. The resources listed on the table are limited to within the ROD2 study area (750 feet on each side of I-25 between SH 7 and 120th Avenue). These recreational facilities are owned and managed by the City of Thornton, City and County of Broomfield, City of Westminster, and Adams County, as indicated in Table 1.

**Table 1. Updates to Section 4(f) Parks and Recreation Resources (since the 2011 FEIS)**

<sup>a</sup> 2005 City & County of Broomfield Open Space, Trails, Parks and Recreation Master Plan and/or Broomfield’s online 2012 map for Existing and Planned Trail Surfaces.

<sup>b</sup> 2012 Adams County Open Space, Parks and Trails Master Plan.

<sup>c</sup> 2012 City of Thornton Parks and Open Space Master Plan.

<sup>d</sup> 2010-2014 City of Westminster Parks and Recreation Master Plan; also the Explore Westminster section of city’s Web site.

Park or Recreation Resource	Year Acquired/ Established	Size	Facilities	Purpose per Management Plan
Regional Trail Connection to Big Dry Creek Trail System  <b>Change in identification:</b> This future regional trail connection was identified as <u>Thornton #2</u> in the 2011 FEIS and in the <i>Technical Memorandum: Bicycle and Pedestrian Facilities</i> (Jacobs, 2011)	Future Trail connection	1.8 miles	Potential facilities will feature a regional trail connection (perhaps completed by 2015; see column to right) for Broomfield, Adams County and Thornton beginning east of I-25 near 136th Avenue, and going under I-25 south of 136th Avenue (through an existing underpass at approximately 133rd Avenue that will be replaced) to connect to the existing Big Dry Creek trail system west of I-25 through City of Westminster and Adams County.	Per Management Plans <sup>a b c</sup> the purpose of this trail is to serve as a regional commuter trail traversing from the northeast to southwest, in addition to providing other recreational uses.  This resource was determined to be a Section 4(f) resource during the 2011 FEIS process. As management plans have evolved since that time, it is important to note that the trail is now described as serving a transportation use, moving people to and from the various businesses that have been developed within the project corridor.
Willowbrook Park & Trail	Willowbrook Park was established in 1986.	Park: 8.24 acres  Existing Trail: 1/8-mile gravel trail in the park.	Willowbrook Park is at 12300 Bannock Street and includes picnic amenities, playgrounds, the creek, and a 1/8-mile multi-use trail.	The primary purpose of Willowbrook Park is recreational. It includes numerous recreational features and the trail.

### 3.3 Changes in Historic Resources

One of the historic resources considered in the ROD2 study area includes the newly surveyed Fonay Barn (5AM.3128). It is located at 14190 Huron Street, and it has been found eligible for listing in the NRHP. The Fonay Barn is the lone remaining structure on a small farm that is now surrounded by urban development in the city of Westminster. The barn is over 100 years old, is fairly intact, and was built with wooden pegs rather than nails. It is significant in the area of architecture for its demonstration of wooden peg construction technique. For these reasons, the property is eligible to the NRHP under Criterion C. The building is also listed on Westminster's Web site as a "Site of Historical Interest." This property was not considered in the 2011 FEIS and Revised Section 4(f) Evaluation.

A second resource is the segment of irrigation canal (5AM.457.9) that is part of the Bull Canal (5AM.457). The Bull Canal is eligible for the NRHP for its part in the historic Standley Lake Irrigation System. Segment 5AM.457.9 was assessed as officially eligible in August 2007, when it was documented under site number 5AM.457.2. Since that time, a large commercial property was developed with a Cabela's store at the southeast corner of I-25 and 144th Avenue. The canal alignment route from the east side of I-25 northeast to 144th Avenue was covered by a graded parking area for this development and is no longer visible. Because of this grading and development of the parking area, Segment 5AM.457.9 has lost its integrity. Due to this loss of integrity, the ROD2 re-visitation assesses this segment as non-supporting of the overall eligibility of the Bull Canal. The 2011 FEIS indicated that a *de minimis* use would occur to the entire Bull Canal, including this segment. Because the ROD2 incorporates a portion of Segment 5AM.457.9 into transportation use and because the overall Bull Canal is a historic 4(f) resource, the *de minimis* use remains.

The State Historic Preservation Officer (SHPO) was consulted on eligibility and effects for the ROD2 Selected Alternative. An initial letter dated February 19, 2014, was submitted by CDOT to the SHPO with a follow-up letter sent by CDOT dated May 1, 2014. SHPO responded on May 12, 2014, and CDOT sent a follow-up letter on May 21, 2014, that clarified the segment number for the Bull Canal. The final SHPO letter of concurrence is dated May 28, 2014. Copies of these letters are contained in Appendix B of this technical memorandum.

Figure 2 shows the locations of 4(f) recreational and historic properties in the study area.

Figure 2. Locations of 4(f) Recreational and Historic Properties in the Study Area



## 4.0 ENVIRONMENTAL CONSEQUENCES

### 4.1 Description of Section 4(f) Uses

The ROD2 Selected Alternative for the North I-25 segment between 120th Avenue and SH 7 is identical in design to the Preferred Alternative in the 2011 FEIS. As a result, the only changes in uses occur because of changes in existing conditions. The only new use is the *de minimis* impact to the Fonay Barn. All other uses are the same as documented in the 2011 FEIS and Revised Section 4(f) Evaluation.

The following resources were reviewed to assist with impact determinations:

1. *Technical Memorandum: Bicycle and Pedestrian Facilities* (Jacobs, 2011)
2. *North I-25 Final EIS, 2011*. Chapter 5, Section 4(f) Evaluation, Section 5.4.3 Temporary Occupancy of Trails, pgs. 5-28 to 5-29
3. *North I-25 Final EIS, 2011*. Chapter 3.18 Parks and Recreation, Section 3.18.2.5 Indirect Effects, pg. 3.18-16
4. *North I-25 FEIS Revised Section 4(f) Evaluation*, (CDOT, 2011)

The descriptions below apply to only Section 4(f) properties. The Section 4(f) uses occur to historic properties and to a temporary occupancy, which is a special condition with commitments to avoid the use.

#### 4.1.1 Use of Regional Trail Connection to Big Dry Creek Trail System

The following was stated in Section 5.4.3 of the 2011 FEIS, Temporary Occupancy of Trails:

*The existing underpass that carries the trail beneath I-25 will be reconstructed to accommodate the wider highway profile under both Package B and the Preferred Alternative. Impacts to the trail include extension of the underpass by approximately 80 feet and temporary closure of this segment of the trail during construction of the bridge. A detour is available that would make use of Huron Street and either 136th Avenue or 128th Avenue, depending on whether the user is connecting to the Big Dry Creek Trail or the Farmers Highline Canal Trail.*

The proposed Regional Trail Connection to Big Dry Creek Trail System retains its Temporary Occupancy impact classification for the ROD2 Selected Alternative.

#### 4.1.2 Use of Willowbrook Park and Trail

The *North I-25 FEIS Technical Memorandum: Bicycle and Pedestrian Facilities* (Jacobs, 2011) determined there would be no use of Willowbrook Park. There would be noise impacts, but the existing wall currently abates these impacts.

The impacts from the ROD2 Selected Alternative in this ROD2 do not vary from this conclusion.

#### 4.1.3 Use of Bull Canal, 5AM.457.9

The entire Bull Canal (5AM.457) is approximately 44 miles long and runs through Adams, Broomfield, and Weld Counties. The ditch was originally built in 1907. It is eligible for inclusion on the National Register of Historic Places in its entirety because of its important association with the development of water rights and agriculture in northeastern Colorado, and because it is an important example of irrigation engineering in the region.

There are four segments of the Bull Canal between 120th and SH 7. Three of these segments (5AM.457.3, 5BF.76.2, and 5WL.1966.8) were included in the ROD1 because their reconstruction was associated with the I-25/SH 7 interchange, which was included in the ROD1.

Segment 5AM.457.9 of the Bull Canal near 144th Avenue has been recorded under a new site number since the 2011 FEIS. In the 2011 FEIS, this segment was recorded under site number 5AM.457.2. Segment 5AM.457.9 has lost its integrity because of grading and development over the resource. Because of the loss of integrity, the ROD2 re-visitation assesses this segment as non-supporting of the overall eligibility of the Bull Canal. Therefore, there would be no impact under Section 106 to this resource, and the SHPO concurred with the “no historic properties affected” determination on May 28, 2014 (see Appendix B of this technical memorandum). A portion of segment 5AM.457.9 outside of the current CDOT right of way will be acquired for the ROD2 Selected Alternative improvements, resulting in a portion of the historic Bull Canal (5AM.457) being incorporated into transportation use. FHWA has concurred with the previous *de minimis* finding for the overall Bull Canal resource (5AM.457) as noted in the *de minimis* finding dated April 30, 2014 (see Appendix A of this technical memorandum).

#### 4.1.4 Use of Fonay Barn, 5AM.3128

The Fonay Barn was not surveyed in the 2011 FEIS. The Fonay Barn is situated on the far west end of a former farm, approximately 1/2 mile from I-25. It is the lone remaining structure on a small farm that is now surrounded by urban development in the city of Westminster. The proposed transportation improvement on I-25 will result in the taking of 0.353 acre of land in a strip 33 feet wide and 632 feet long from the east edge of this parcel. There will be no direct impact to this barn because the road improvements will occur nearly 1/2 mile to the east of the barn's location. This property is planned for development and has not been used as a farm for more than a decade. The barn is the only structure remaining from the former farm. The agricultural context of the site has been lost as a result of the demolition of all of the other farm structures, because the land has not been farmed in more than a decade and because the property that surrounds this farm has been urbanized. There will be minor temporary impacts of increased noise and dust during construction that will be almost negligible at the barn.

Because the former agricultural context of this site has been lost, and because there will be no direct or indirect impacts to the barn due to its location 1/2 mile west of the proposed road improvements, CDOT has determined that this project will result in *no adverse effect* and will have a *de minimis* impact. Since the use would occur on the edge of the property, there would be no impacts to the historic structure, and there would be no change in the setting, feel, or existing associations of the property.

SHPO was notified of the intent to make a *de minimis* impact finding in correspondence dated February 19, 2014 (see Appendix B of this technical memorandum).

The *de minimis* impact finding was submitted to FHWA on June 13, 2014. FHWA concurred with this finding on August 13, 2014. A copy of this finding is included in Appendix A of this technical memorandum.

Table 2 shows the Section 4(f) use comparison for the study area relative to the uses included in the 2011 FEIS and ROD1 Selected Alternative.

**Table 2. Comparative Section 4(f) Information**

Section 4(f) Resource	Use by the 2011 FEIS Preferred Alternative	Use by the ROD2 Selected Alternative
Regional Trail Connection to Big Dry Creek Trail System	Temporary Occupancy <sup>1</sup>	Temporary Occupancy
Bull Canal 5AM.457.9, 5AM.457	<i>De minimis</i> for 5AM.457.9 (2011 FEIS segment number 5AM.457.2), <i>De minimis</i> for 5AM.457	<i>De minimis</i> for 5AM.457.9 (2011 FEIS segment number 5AM.457.2), <i>De minimis</i> for 5AM.457
Fonay Barn 5AM.3128	Not identified (new survey, 2013)	A total of 0.353 acres required from east edge of farmland parcel. Barn: No Adverse Effect <i>De minimis</i> impact to farmland adjacent to I-25 right-of-way.

## 5.0 MITIGATION

Table 3 summarizes the mitigation measures identified by CDOT and FHWA to eliminate or minimize impacts of the ROD2 Selected Alternative. How the mitigation was presented in the ROD1 is compared to how they will be mitigated in the ROD2.

**Table 3. Section 4(f) Mitigation Comparison**

Section 4(f) Resource	Mitigation from the 2011 FEIS/ROD1 or Section 4(f) Evaluation	Mitigation for ROD2
Fonay Barn 5AM.3128 (Eligible for NRHP)	N/A	<ul style="list-style-type: none"> <li>▪ BMPs will be employed for erosion control during construction.</li> <li>▪ Disturbed areas will be reseeded with native grasses.</li> </ul>
Bull Canal Segment 5AM.457.9	<ul style="list-style-type: none"> <li>▪ Maintenance of ditch operations during construction.</li> <li>▪ Implementation of appropriate erosion and sediment control best management practices.</li> <li>▪ Reseeding of disturbed areas during construction.</li> </ul>	<ul style="list-style-type: none"> <li>▪ Maintenance of ditch operations during construction.</li> <li>▪ Implementation of appropriate erosion and sediment control best management practices.</li> <li>▪ Reseeding of disturbed areas during construction.</li> </ul>
Regional Trail Connection to	<ul style="list-style-type: none"> <li>▪ Detour will be provided to Huron Street and either</li> </ul>	<ul style="list-style-type: none"> <li>▪ Detour will be provided to Huron Street</li> </ul>

<sup>1</sup> The *Technical Memorandum: Bicycle and Pedestrian Facilities* (Jacobs, 2011) determined there was No Impact to the proposed Regional Trail Connection to the Big Dry Creek Trail System, but Chapter 5 of the *North I-25 FEIS* determined it would have a Temporary Occupancy, which is not a Section 4(f) use.

**Table 3. Section 4(f) Mitigation Comparison**

Section 4(f) Resource	Mitigation from the 2011 FEIS/ROD1 or Section 4(f) Evaluation	Mitigation for ROD2
Big Dry Creek Trail System	136th Avenue or 128th Avenue. <ul style="list-style-type: none"> <li>▪ Property will be restored to a condition at least as good as that which existed prior to construction.</li> <li>▪ Detour will be well signed.</li> </ul>	and either 136th Avenue or 128th Avenue. <ul style="list-style-type: none"> <li>▪ Property will be restored to a condition at least as good as that which existed prior to construction.</li> <li>▪ Detour will be well signed.</li> </ul>

For this ROD2, the Section 106 consultation step involving determinations of NRHP eligibility for all historic and archaeological resources involved submittal of survey reports and site forms to the SHPO and other Section 106 consulting parties. Concurrence on eligibility and effects was received from the SHPO on May 28, 2014, and is included in Appendix B of this technical memorandum.

## 6.0 REFERENCES

- Adams County. 2012. Adams County Colorado Open Space, Parks & Trails Master Plan, November 16, 2012. <http://www.co.adams.co.us/DocumentCenter/Home/View/219>.
- Broomfield. 2005. City and County of Broomfield Open Space, Parks, Recreation and Trails Master Plan, February 8, 2005. <http://www.ci.broomfield.co.us/DocumentCenter/View/2167>.
- . 2012. City and County of Broomfield 2012 map for Existing and Planned Trail Surfaces. <http://www.broomfield.org/DocumentCenter/View/1365>.
- CDOT. 2010. Colorado Bicycling Map. 2010. [www.coloradodot.info/programs/bikeped/colorado-bicycling-maps](http://www.coloradodot.info/programs/bikeped/colorado-bicycling-maps). January 8, 2010.
- . 2011. North I-25 Final Environmental Impact Statement. 2011. <http://www.coloradodot.info/projects/north-i-25-eis/Final-EIS>.
- . 2011. North I-25 EIS Revised Section 4(f) Evaluation. 2011.
- . 2011. North I-25 Programmatic Agreement. 2011.
- . 2011. North I-25 Record of Decision. 2011.
- . 2012. Changes to Section 4(f); CDOT Support of Section 4(f) Policy Paper released July 20, 2012: <http://environment.fhwa.dot.gov/4f/4fpolicy.asp>  
<http://www.coloradodot.info/topcontent/searchpage#gsc.tab=0&gsc.q=Changes%20to%20Section%204%28f%29&gsc.sort>.
- . 2014. Determinations of Eligibility and Effects and Section 4(f) De Minimis Notification. 2014.
- Google Earth. Map of Westminster, CO. Build date for the project area map: 10/07/13.
- Jacobs. 2011. Technical Memorandum: Bicycle and Pedestrian Facilities. August 2011.
- Thornton. City of Thornton 2012 Parks and Open Space Master Plan.  
[http://www.cityofthornton.net/Departments/CommunityServices/OpenSpace/Documents/PO\\_SMP.01.pdf](http://www.cityofthornton.net/Departments/CommunityServices/OpenSpace/Documents/PO_SMP.01.pdf).  
[http://www.cityofthornton.net/Departments/CommunityServices/OpenSpace/Documents/PO\\_SMP.05.01ParksandOpenSpaceMasterPlanMap.pdf](http://www.cityofthornton.net/Departments/CommunityServices/OpenSpace/Documents/PO_SMP.05.01ParksandOpenSpaceMasterPlanMap.pdf).  
[http://www.cityofthornton.net/Departments/CommunityServices/Parks/Documents/TheMAP\\_11x17.pdf](http://www.cityofthornton.net/Departments/CommunityServices/Parks/Documents/TheMAP_11x17.pdf).
- Westminster. 2010-2014. City of Westminster Parks and Recreation Master Plan 2010-2014  
[http://www.ci.westminster.co.us/Portals/0/Repository/Documents/ParksRec/2010\\_-\\_2014\\_Parks\\_and\\_Rec\\_Master\\_Plan\\_-\\_small.pdf](http://www.ci.westminster.co.us/Portals/0/Repository/Documents/ParksRec/2010_-_2014_Parks_and_Rec_Master_Plan_-_small.pdf).  
<http://www.ci.westminster.co.us/ExploreWestminster/OpenSpace/OpenSpaceAreas/TanglewoodCreek.aspx>.
- . 2013. City of Westminster online maps, posted 2013.  
<http://www.ci.westminster.co.us/ParksRec/TrailSystem/I25Trail.aspx> and  
<http://maps.cityofwestminster.us/Parks/>
- . 2014. E-mail correspondence with Sarah Washburn, RLA, Landscape Architect II, City of Westminster Department of Parks, Recreation and Libraries. January 15, 2014.
- . City of Westminster Sites of Historical Interest  
<http://www.ci.westminster.co.us/ExploreWestminster/HistoricPreservation/WestminsterLandmarks/FarmsofWestminster.aspx>

**Appendix A:**  
***De Minimis Findings***





# COLORADO

Department of Transportation

Region 4

1420 2<sup>nd</sup> Street  
Greeley, CO 80631  
(970) 350-2170 (Fax) 350-2203

June 13, 2014

Mr. John M. Cater  
FHWA Colorado Division Administrator  
12300 West Dakota Avenue, Suite 180  
Lakewood, CO 80228

**Subject: North I-25 - 120<sup>th</sup> Avenue to E-470/NW Parkway Section 4(f) De Minimis**

Dear Mr. Cater:

By this letter we request your finding that the North Interstate 25 (I-25) Project between 120<sup>th</sup> Avenue to E-470/NW Parkway (Federal Aid Project Number IM 0253-234, subaccount 19626) has met the requirements for the use of the Section 4(f) *de minimis* process.

A Record of Decision (ROD) and Section 4(f) approvals were completed for the larger I-25 North Project in 2011; the above referenced project was included in the FEIS but not the ROD. As you are aware, due to funding constraints, CDOT is designing and building projects within the FEIS area of study on a phased construction or "breakout" basis. CDOT has secured funding for a portion of the North I-25 Preferred Alternative from 120<sup>th</sup> Avenue to E-470/NW Parkway. A second ROD (ROD 2 120<sup>th</sup> Avenue to E-470/NW Parkway) is currently being prepared to update the findings of the North I-25 FEIS. This letter details specifically a Section 4(f) use that was not identified in the 2011 ROD but that is being addressed in ROD 2. All other Section 4(f) approvals associated with the 2011 FEIS and ROD are unchanged.

The design for the project is identical to that included in the FEIS and consists of adding one buffer-separated tolled express lane in each direction of I-25 from just south of 120<sup>th</sup> Avenue to just south of E-470/NW Parkway. The buffer-separated lanes would be separated from the existing general purpose lanes by a painted 2-foot strip and tie into the express lanes that are currently under construction just south of 120<sup>th</sup> Avenue. The widening of I-25 would occur to the outside of the existing lanes. A concrete barrier would separate the northbound and southbound lanes. Interchange configurations, water quality features, drainage improvements, retaining walls, and express bus station configurations are all planned to be identical to the design developed for the Preferred Alternative in the North I-25 FEIS and ROD.

A schematic location map showing the project location and improvements is included as Attachment 1. Attachment 2 shows the location of Section 4(f) resources in the ROD 2 study area, specifically the Fonay Barn that was not identified in the 2011 ROD.

The Fonay Barn (5AM.3128) was surveyed because of its location in the ROD 2 study area and as required in the Programmatic Section 106 Agreement. It has been determined to be eligible for the National Register of Historic Places under Criterion C. It is also listed on the city of Westminster's website as a "Site of Historical Interest". The Fonay Barn is situated on



the far west end of a former farm, approximately one half-mile west of I-25. It is the lone remaining structure on a small farm that is now surrounded by urban development in the city of Westminster.

The proposed transportation improvement on I-25 will result in a transportation use of 0.353 acre. A land strip that is 33 feet wide and 632 feet long on the east edge of the parcel is needed to construct the I-25 improvements. There will be no direct impact to this barn because the road improvements will occur one half-mile from the barn's location. There will be no change in the setting, feel, or existing associations of the property.

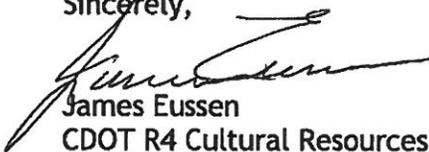
This property is planned for development and has not been used as a farm for more than a decade. The barn is the only structure remaining from the former farm. The agricultural context of the site has been lost as a result of the demolition of all of the other farm structures. The land has not been farmed in more than a decade and the property that surrounds this farm has been urbanized. There will be minor temporary impacts of increased noise and dust during construction that will be almost negligible at the barn.

Because the former agricultural context of this site has been lost, and because there will be no direct or indirect impacts to the barn due to its location one half-mile from the proposed road improvements, CDOT has determined that this project will result in *no adverse effect* to the historic property.

A copy of the May 29, 2014 concurrence letter from the State Historic Preservation Officer (SHPO), the Official with Jurisdiction, is included as Attachment 3. SHPO concurred that the project use, along with all associated avoidance, minimization, mitigation and enhancement activities, will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f) is attached.

The property acquisition needed to construct the project has been minimized to the extent possible. Areas temporarily disturbed will be reseeded with native grasses following construction. As such the project described above represents the best effort to avoid, minimize and mitigate impacts to the historic Section 4(f) resource present. CDOT believes that this document and its content are sufficient to demonstrate compliance with Section 4(f) *de minimis* requirements and ask that FHWA find as such for this project. If FHWA is in agreement with this finding, we respectfully ask that a signature be provided on the following page, and returned to CDOT.

Sincerely,



James Eussen  
CDOT R4 Cultural Resources and Planning Manager

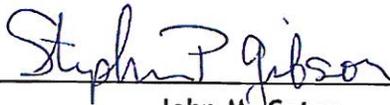
**Attachments:**

- Attachment 1: Location of Section 4(f) Properties
- Attachment 2: Improvements Planned
- Attachment 3: Location of Fonay Barn
- Attachment 4: SHPO Concurrence



The Federal Highway Administration hereby finds that Section 4(f) requirements for a de minimis finding under Section 6009 of SAFETEA-LU (codified at 23 U.S.C. § 138(b) and 49 U.S.C. § 303(d)) have been met:

- CDOT has consulted with SHPO and the views of consulting parties participating in the consultation required by Section 106 of the NHPA have been considered
- SHPO was informed of CDOT and FHWA's intent to make a *de minimis* impact finding based on their written concurrence in the Section 106 determination of "no adverse effect;" and
- The Section 106 process results in a determination of "no adverse effect" with the written concurrence of SHPO

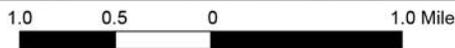
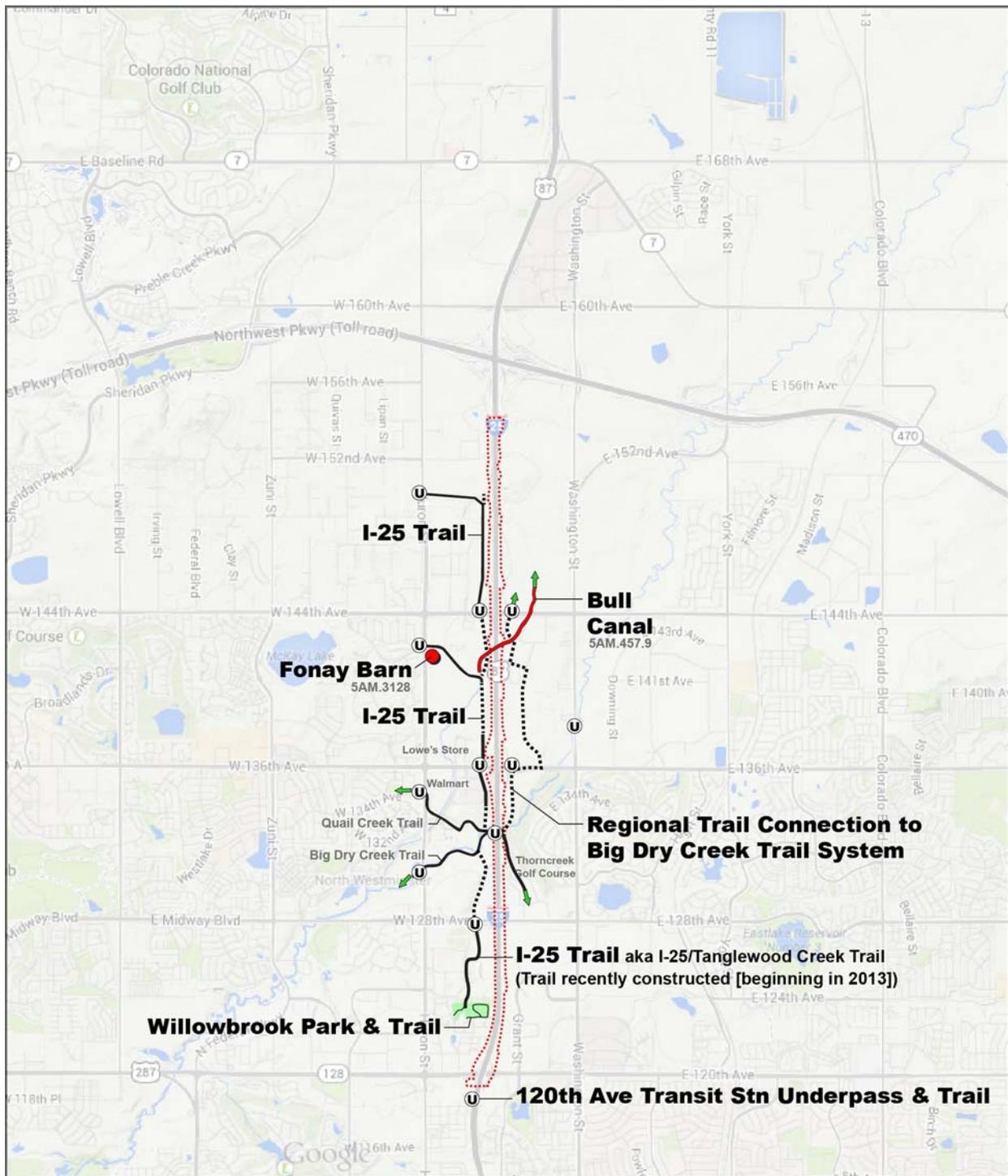
  
\_\_\_\_\_  
for John M. Cater,  
FHWA Colorado Division Administrator

8/13/14  
Date





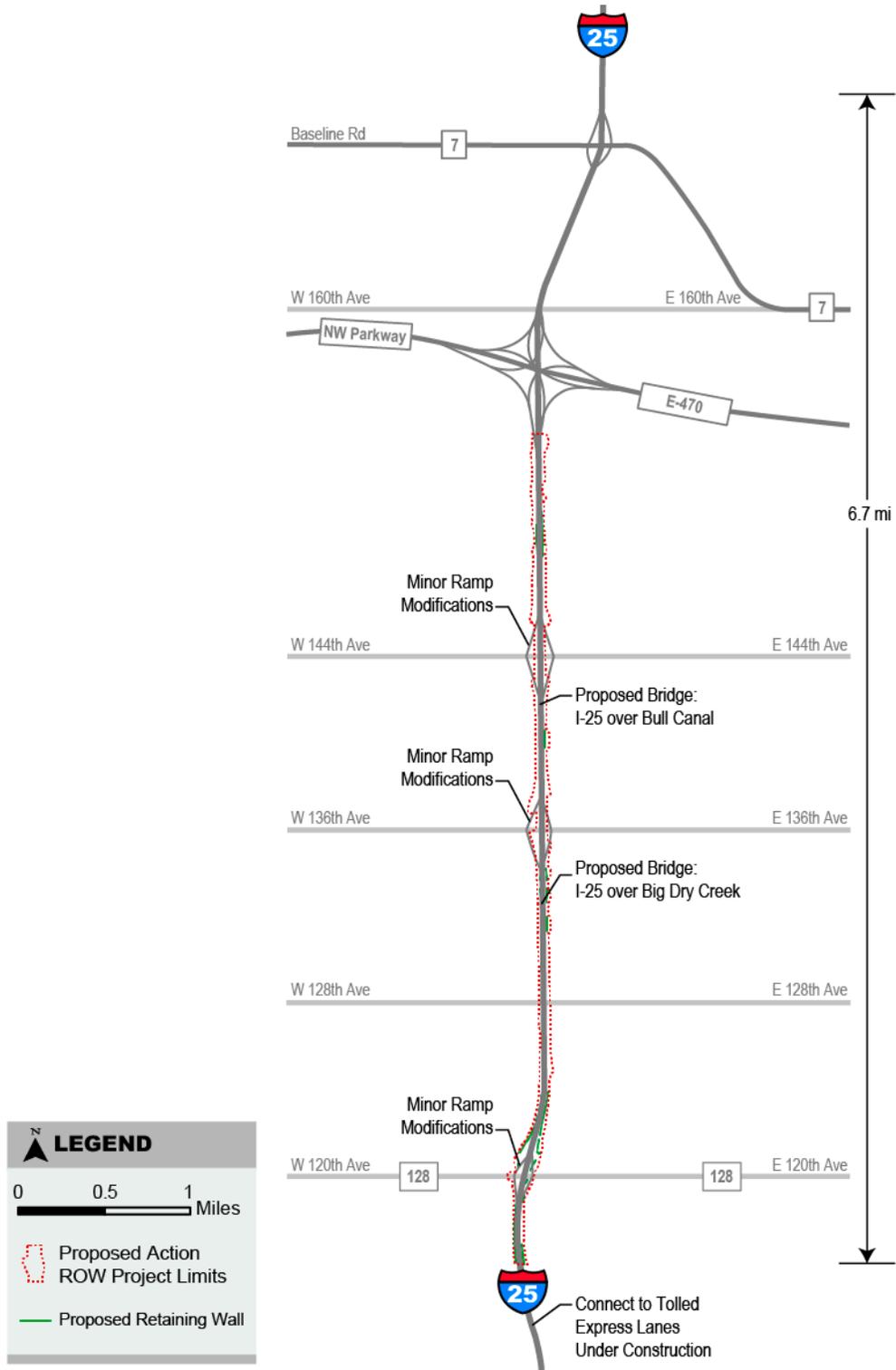
# LOCATION OF SECTION 4(f) PROPERTIES



- Limits of Proposed Action
- Park/Open Space Facility
- NRHP-Eligible Historic Resource
- Existing Trail Facility
- Future Trail Facility
- U Existing Underpass



# PROPOSED IMPROVEMENTS







## HISTORY Colorado

May 28, 2014

James Eussen  
Colorado Department of Transportation  
Region Four  
Environmental/Planning Section  
1420 2<sup>nd</sup> Street  
Greeley, CO 80631

Re: Updated: North I-25 Second ROD, CDOT Project No. IM 0253-179 (SA 14276), 120<sup>th</sup> to SH 7 (CHS #65473)

Dear Mr. Eussen:

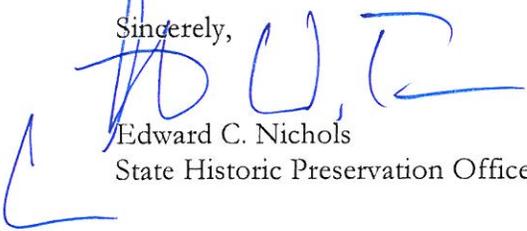
Thank you for your correspondence dated May 21, 2014 and received by our office on May 23, 2014 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we do not object to the proposed Area of Potential Effects (APE) for the project. After review of the provided survey information, we concur with the recommended findings of not eligible for the National Register of Historic Places for resources 5AM.1430 and 5BF.255. We concur that segment 5AM.457.9 lacks integrity and does not support the overall eligibility of resource 5AM.457. We concur that resource 5AM.3128 is eligible for the National Register of Historic Places.

After review of the scope of work and assessment of adverse effect, we concur with the recommended finding of *no historic properties effected* [36 CFR 800.4(d)(1) under Section 106 for resources 5BF.255, 5AM.1430, and 5AM.457, including segment 5AM.457.9. We concur with the recommended finding of no adverse effect [36 CFR 800.5(b)] under Section 106 for resource 5AM.3128. We acknowledge that FHWA intends to make a *de minimis* determination in respect to the requirements of Section 4(f).

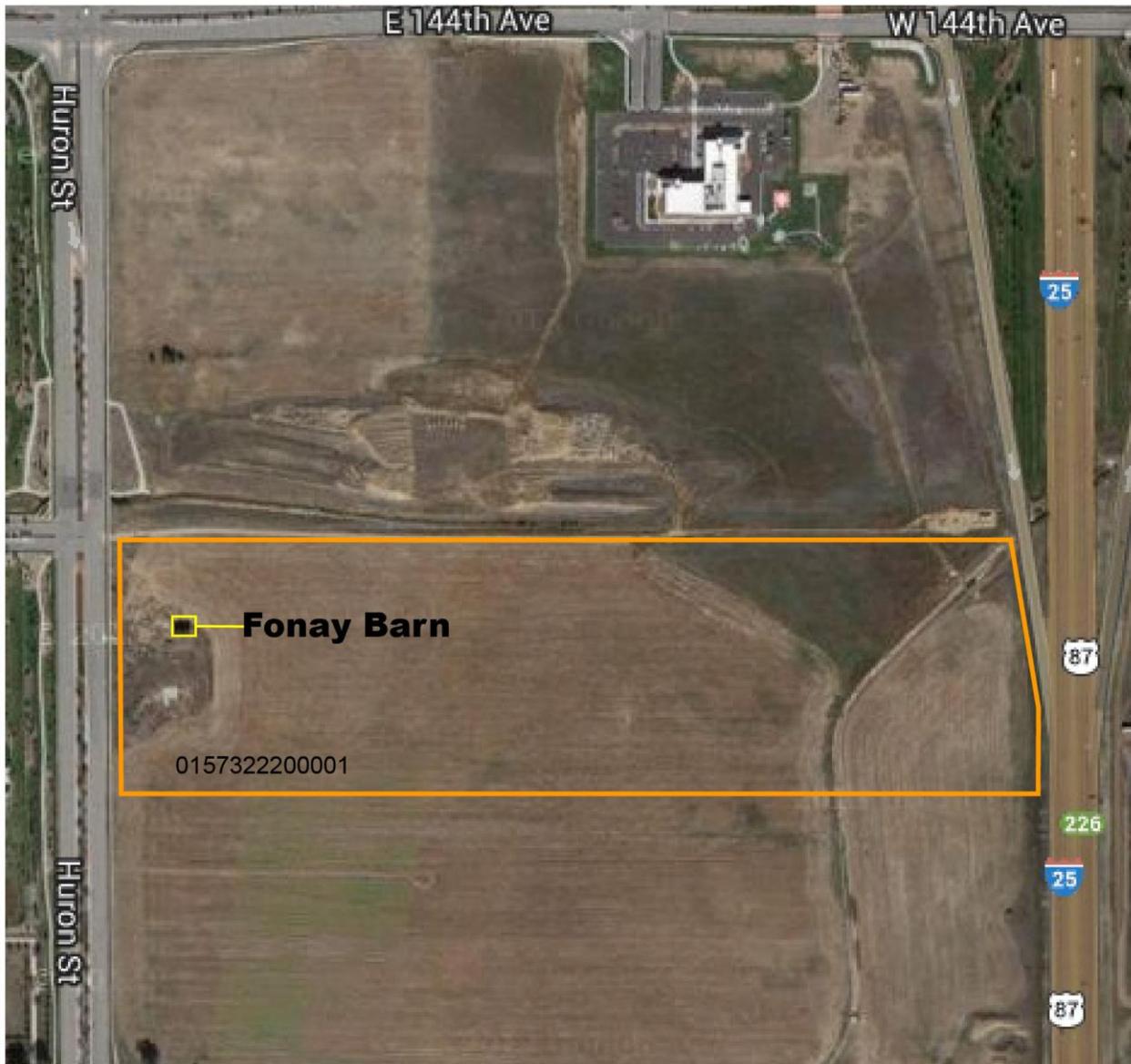
If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CFR 60.4, in consultation with this office. We request being involved in the consultation process with the local 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



5AM.3128, Fonay Barn



Sketch Map







# COLORADO

Department of Transportation

Region 4

1420 2<sup>nd</sup> Street  
Greeley, CO 80631  
P 970.350.2148 F 970.350.2198

April 30, 2015

Mr. John M. Cater  
FHWA Colorado Division Administrator  
12300 West Dakota Avenue, Suite 180  
Lakewood, CO. 80228

**SUBJECT: North I-25: 120th Avenue to SH 7 Section 4(f) De Minimis for Bull Canal**

Dear Mr. Cater:

By way of this letter, we request your finding that the North Interstate 25 (I-25) project between 120th Avenue to SH 7 (Federal Aid Project Number IM 0253-234, subaccount 19626) has met the requirements for the use of the Section 4(f) *de minimis* process for the Bull Canal. This is the second *de minimis* finding requested for the North I-25 ROD 2. The first one was signed by your office on August 13, 2014, and had to do with impacts to the Fonay Barn (see Attachment 1 for your reference).

A Record of Decision (ROD) and Section 4(f) approvals were completed for the larger I-25 North Project in 2011 (the above referenced project was included in the FEIS but not the ROD). As you are aware, because of funding constraints, COOT is designing and building projects within the FEIS area of study on a phased construction or "breakout" basis. CDOT has secured funding for a portion of the North I-25 Preferred Alternative from 120th Avenue to SH 7. A second ROD (ROD 2 120th Avenue to SH 7) is currently being prepared to update the findings of the North I-25 FEIS. This letter details a Section 4(f) use that was revisited from the 2011 Revised Section 4(f) Evaluation because a segment of the Bull Canal was altered after 2011 and it lacks integrity and does not support the overall eligibility of resource 5AM.457.

As we stated in the *de minimis* finding request we sent to you last year, the design for the project is identical to that included in the FEIS and consists of adding one buffer-separated Express Lane in each direction of I-25 from just south of 120th Avenue to just south of SH 7. The buffer-separated Express Lane would be separated from the existing general purpose lanes by a painted 2-foot strip and tie into the Express Lanes that are currently under construction just south of 120th Avenue. The widening of I-25 would occur to the outside of the existing lanes. A concrete barrier would separate the northbound and southbound lanes. Interchange configurations, water quality features, drainage improvements, retaining walls, and express bus station configurations are all planned to be identical to the design developed for the Preferred Alternative in the North I-25 FEIS and ROD.

A schematic location maps showing the project location and improvements is included as Attachment 2. Attachment 3 shows the location of the Section 4(f) resources in the ROD 2 study area, highlighting the segment of the Bull Canal which is the subject of this letter. This segment is resource 5AM.457.9.

The Bull Canal segment 5AM.457.9 was resurveyed in 2013. Because of the grading and development over this segment of the canal (it is covered by asphalt and graded soil) the canal in this area has lost integrity by being no longer in its historic condition with an open channel.



The proposed transportation improvement on I-25 will increase the paved section to accommodate a new Express Lane in each direction. The Bull Canal segment 5AM.457.9 is currently in a box culvert in this area. No new disturbance would occur to areas of the ditch located outside the existing culvert. No new direct or indirect impacts will occur.

CDOT determined by letter dated May 21, 2014, that the segment 5AM.457.9 lacks integrity and does not support the overall eligibility of the resource. CDOT also determined that the federal undertaking constitutes a finding of *no historic properties affected*. By letter dated May 28, 2014, the Colorado State Historic Preservation Officer concurred with these findings. This letter is attached as Attachment 4. Although this segment of the resource has a *no historic properties affected* determination, because the North I-25 project results in effects to other portions of the Bull Canal which is an eligible resource, the effects to the overall resource remain *de minimis*, as documented in the 2011 Revised Section 4(f) Evaluation for the North I-25 project.

Minimization measures included in the 2011 Revised Section 4(f) Evaluation for the Bull Canal include:

- Detailed recordation of the ditch in accordance with SHPO standards for Level II documentation.
- Maintenance of ditch operations during construction.
- Implementation of appropriate erosion and sediment control best management practices.
- Reseeding of disturbed areas during construction.

CDOT believes that this document and its content are sufficient to demonstrate compliance with Section 4(f) *de minimis* requirements and ask that FHWA re-verify as such for this project. If FHWA is in agreement with this finding, we respectfully ask that a signature be provided on the following page and returned to CDOT.

Yours truly,



Carol Parr  
CDOT R4 Environmental Manager

Attachments:

- Attachment 1. *De Minimis* Finding for the Fonay Barn
- Attachment 2. Location of Section 4(f) properties
- Attachment 3. Improvements Planned
- Attachment 4. SHPO concurrence

cc: File



The Federal Highway Administration hereby finds that Section 4(f) requirements for a *de minimis* finding under Section 6009 of SAFETEA-LU (codified at 23 U.S.C. § 138[b] and 49 U.S.C. § 303[d]) have been met:

- COOT has consulted with SHPO and the views of consulting parties participating in the consultation required by Section 106 of the NHPA have been considered.
- SHPO was informed of CDOT's and FHWA's intent to make a *de minimis* impact finding.
- The Section 106 process results in a determination of "no historic properties affected" with the written concurrence of SHPO.

  
John M. Cater  
FHWA Colorado Division Administrator

5/6/15  
Date





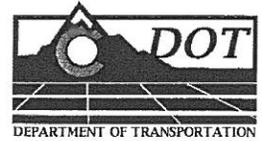
**Appendix B:  
Documentation of Coordination with SHPO and Consulting Parties**



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

Region Four  
Environmental/Planning Section  
1420 2<sup>nd</sup> Street  
Greeley, CO 80631  
(970) 350-2170 Fax (970) 350-2203



February 19, 2014

Mr. Edward C. Nichols  
State Historic Preservation Officer  
Colorado Historical Society  
1200 Broadway  
Denver, CO 80203

**SUBJECT:** Determinations of Eligibility and Effects and Section 4(f) De Minimis Notification: CDOT Project No. IM 0253-179 (SA 14276), North I-25 ROD 2, 120<sup>th</sup> to SH 7

Dear Mr. Nichols,

This letter and associated materials constitute a request for concurrence on Determinations of National Register of Historic Places (NRHP) Eligibility and Effects for the project referenced above. The Colorado Department of Transportation (CDOT), with federal funding, plans to improve I-25 between 120<sup>th</sup> Ave. to SH7 in Adams and Broomfield Counties. The attached Project Location Map shows the extent of the project. The project is within the larger project area of the North I-25 EIS which was previously reviewed by your office. This request for your determination of eligibility and effects is for two new properties not previously surveyed and for two re-visitations of previously surveyed properties.

### **PROJECT DESCRIPTION**

The Proposed Action entails adding one buffer-separated tolled express lane in each direction on I-25 from just south of 120<sup>th</sup> Avenue to just north of SH 7. The tolled lanes would be separated from the existing general purpose lanes by a painted two foot strip. The new tolled express lanes would tie into the express lanes that are currently under construction just south of 120<sup>th</sup> Avenue. The widening of I-25 would occur to the outside because the existing cross-section does not include a median. Northbound and southbound lanes would be separated by a concrete barrier. Interchange configurations, water quality features, drainage improvements, retaining walls and express bus station configurations are all planned to be identical to the design developed for the Preferred Alternative in the *North I-25 Final EIS and Record of Decision* (CDOT, 2011).

### **AREA OF POTENTIAL EFFECTS**

The Area of Potential Effects (APE) for this project includes all legal parcels of land adjacent to the right-of-way (ROW) between 120<sup>th</sup> and SH 7 on I-25.

### **METHODOLOGY AND SURVEY RESULTS**

The project area was evaluated for historic resources that may be located within the APE. A file search was conducted through the Colorado Office of Archaeology and Historic Preservation's COMPASS database to identify previously recorded historic features occurring within the APE. In addition, a field

*“Taking Care To Get You There”*

assessment was undertaken in October of 2013 by Gail Keeley of Hermsen Consultants to determine if there were any other historic features within the APE. The file search identified two previously recorded historical resources within the APE: Bull Canal segment 5AM.457.9, and the Euser Farm/International Beef Breeders, designated as 5AM.1430. OAHP re-visitation forms were prepared for these resources. The field assessment identified two additional properties within the APE requiring recordation. The inventory and re-visitation forms are included in this submittal. The properties that were surveyed and revisited within the APE are listed in the following table:

**Surveyed Properties  
Listed from North to South**

Site #	Name/Location	OAHP Documentation	Assessment
5BF.255	Denver Ranch Company/ 4185 County Road 2	Architectural Inventory Form	Not Eligible for the NRHP
5AM.457.9	Bull Canal/ Near I-25 and 144 <sup>th</sup> Ave.	Re-visitation Form	Bull Canal is Officially Eligible for NRHP. Segment is non-supporting of the eligibility of the entire canal.
5AM.3128	Fonay Barn/ 14190 Huron St.	Architectural Inventory Form	Eligible for the NRHP
5AM.1430	Euser Farm/International Beef Breeders/ 441 E. 136 <sup>th</sup> Ave.	Re-visitation Form	Not Eligible for the NRHP

NRHP = National Register of Historic Places

**ELIGIBILITY DETERMINATIONS**

NRHP-Eligibility assessments and project effects determinations were made for each of the four historical resources identified within the project APE. These statements also appear on OAHP site forms, which are included with this letter. In addition to site forms (Architectural Inventory Forms and Cultural Resource Re-visitation Forms), labeled photos of each of the four historic resources, are also enclosed for your reference.

**5BF.255, Denver Ranch Company**

This property was formerly an active farm that now contains three vacant decaying outbuildings – two sheds and a grain bin. Active use of these structures on this site ceased several decades ago. The remaining buildings do not convey significance in terms of architectural design, materials or workmanship, and do not possess high artistic values nor demonstrate a particular method of construction and would therefore not be NRHP-eligible under Criterion C. No evidence was found of the property’s association(s) with historically significant people, and therefore it would not be NRHP-eligible under Criterion B. The property has no known associations with important historical events or trends of early agricultural development in northeast Colorado, and would not be NRHP-eligible under Criterion A. For these reasons, the property is **Not Eligible** for the NRHP.

*“Taking Care To Get You There”*

#### **5AM.457.9, Bull Canal**

This segment of irrigation canal is part of Bull Canal, which is eligible for the NRHP as an important element of the historic Standley Lake Irrigation System. This segment was determined to be **Officially Eligible** in August 2007. Since that time, a large commercial property was developed (including a Cabela's outdoor equipment store) at the southeast corner of I-25 and 144<sup>th</sup> Avenue. The canal alignment extending from the east side of I-25 northeast to 144<sup>th</sup> Ave. was covered by a graded parking area for this development and is no longer visible. Because of this grading and development of the parking area, this segment of the canal has lost its integrity of design, materials, workmanship, setting, association, and feeling due to the replacement of its historic open channel by a buried pipe or water conveyance structure. Due to this loss of integrity, the re-visited canal segment is assessed as **Non-Supporting** of the overall eligibility of the Bull Canal.

#### **5AM.3128, Fonay Barn**

The Fonay Barn is the lone remaining structure on a small farm that is now surrounded by urban development in the city of Westminster. The barn is over 100 years old and is fairly intact. It was built with wooden pegs, rather than nails. It is significant for its demonstration of the wooden peg construction technique. For these reasons, the property is recommended as **Eligible** for the NRHP under Criterion C. The building is also listed on Westminster's website as a "Site of Historical Interest."

#### **5AM.1430, Euser Farm / International Beef Breeders**

This property was determined **Officially Not Eligible** on 11/29/10 due to a lack of architectural significance and known historic associations. Very little has changed on the property since that determination, and the Euser Farm/International Beef Breeders property is re-assessed as **Not Eligible**.

### **EFFECTS DETERMINATION**

#### **5AM.3128, Fonay Barn**

The Fonay Barn is situated on the far west end of this former farm, approximately ½ mile from I-25. It is the lone remaining structure on a small farm that is now surrounded by modern urban development in the city of Westminster. The proposed transportation improvement on I-25 will result in the taking of 0.353 acres of land in a strip 33 ft. wide and 632 ft. long from the east edge of this parcel. There will be no direct impact to this barn as the road improvements will occur nearly ½ mile to the east of the barn's location. This property is planned for development and has not been used as a farm for more than a decade. The barn is the only structure remaining from the former farm. The agricultural context of the site has been lost as a result of the demolition of all of the other farm structures, because the land has not been farmed in more than a decade, and because the property surrounding this farm has undergone urbanization. There will be minor temporary impacts of increased noise and dust during construction that will be almost negligible at the barn. Because the former agricultural context of this site has been lost, and because there will be no direct or indirect impacts to the barn building due to its location ½ mile west of the proposed road improvements, CDOT has determined that this project will result in **no adverse effect**.

## NOTIFICATION OF SECTION 4(F) DE MINIMIS DETERMINATION

The finding of no adverse effect outlined above for the Fonay Farm (5AM.1423) under Section 106 reflects a conclusion that for the Section 4(f) historic sites affected by the project, those effects will not “alter, directly or indirectly, any of the characteristics of [the] historic property that qualify the property for inclusion in the National Register in a manner that would diminish the integrity of the property’s location, design, setting, materials, workmanship, feeling, or association” as described in 36 CFR 800.5(a)(1). Based on this finding, FHWA intends to make a *de minimis* finding for the Section 4(f) requirements for this historic resource. ]

FHWA requests any comments by Colorado SHPO in the above-described finding of *de minimis* impact on historic properties for the proposed project. Your written concurrence on the no adverse effect as outlined above will be evidence that consultation requirements of Section 6009 of SAFETEA-LU, as they will be codified at 23 U.S.C. 138(b)(2)(B) and (C) and 49 U.S.C. 303(d)(2)(B) and (C), are satisfied. Additional comments will be considered for the *de minimis* finding.

We request your concurrence with these determinations of eligibility and effects and the *de minimis* notification. If you have any questions or require additional information in order to complete your review, please contact CDOT Region 4 Historian, Jason Marmor at 970-350-2153.

Very truly yours,



Carol H. Parr

Acting R4 Cultural Resource and Local Agency Environmental Manager

Attachments: Project Limits Map/Aerial Photo  
Site Re-visitation Forms for 5AM.457.9 and 5AM.1430  
Architectural Inventory Forms for 5BF.255 and 5AM.3128  
Labeled and sleeved photographs



# COLORADO

Department of Transportation

Region 4

1420 2<sup>nd</sup> Street  
Greeley, CO 80631  
(970) 350-2153 (Fax) 350-2203

May 1, 2014

Planning Division  
City and County of Broomfield  
One DesCombes Drive  
Broomfield, CO 80020

Subject: North I-25 EIS Second Record of Decision, 120th Ave. to SH7, Determinations of Eligibility and Effect to Historic Properties

Dear Broomfield Planning Division:

The Colorado Department of Transportation (CDOT), with federal funding, plans to improve I-25 between 120th Ave. to SH7 in Adams and Broomfield Counties. These improvements were studied in the North I-25 Final Environmental Impact Statement (completed in 2011) and are the subject of the North I-25 Section 106 Programmatic Agreement (PA), signed in December 2011. Pursuant to stipulations in this PA, this information constitutes a reevaluation of National Register of Historic Places (NRHP) eligibility and project effects for properties between 120th Avenue and SH 7. This project will be funded by the Federal Highway Administration (FHWA), on behalf of which CDOT must ensure compliance with Section 106 of the National Historic Preservation Act (Section 106) and with associated federal regulations specified in 36 CFR 800. In accordance with Section 106, CDOT is tasked with determining if this federally-funded project would cause adverse effects to historic properties (properties that are listed or determined officially eligible for listing on the NRHP). As a local government entity with a potential interest in historic preservation within Broomfield County, we are providing you with information related to this project for review and comment. For more information about Section 106 and how Broomfield County can participate as a Section 106 consulting party, please visit the Advisory Council on Historic Preservation's web site, which contains the Citizen's Guide to Section 106 Review at <http://www.achp.gov/docs/CitizenGuide.pdf>.

## **METHODOLOGY AND SURVEY RESULTS**

The project area was evaluated for historic resources that may be located within the Area of Potential Effect (APE). The APE is the same as delineated in the North I-25 EIS through previous consultation with the State Historic Preservation Office (SHPO) office, and aerial photo map pages with the APE overlaid from the EIS are being provided to you electronically as attachments to this letter.

A file search was conducted through the Colorado Office of Archaeology and Historic Preservation's online COMPASS database to identify previously recorded historic features within the APE. In addition, a field assessment was undertaken in October 2013 by Gail Keeley of Hermsen Consultants to determine if any other historic features occur within the APE. The file search identified two properties that had been previously surveyed for the North I-25 EIS. The field assessment identified two additional properties within the APE for which surveys were prepared. The field assessment also identified changed conditions for one of the previously surveyed properties which resulted in a changed eligibility assessment. The sole property that was evaluated within the Broomfield County portion of the APE is listed in the following table.

### Inventoried Properties in Broomfield County

Site No.	Name	Location	Assessment
5BF.255	Denver Ranch Company	4185 County Road 2	Not Eligible

#### ELIGIBILITY DETERMINATION

##### **5BF.255, Denver Ranch Company**

This property was formerly an active farm that now contains three vacant decaying outbuildings – two sheds and a grain bin. The active use of the structures on this site ceased several decades ago. The remaining buildings do not convey significance in architectural design, materials or workmanship and do not possess high artistic values nor demonstrate a particular method of construction and would therefore not be eligible under Criterion C. The property is not known to be associated with historically important individuals, and it would therefore not be eligible under Criterion B. The property has no known key associations with patterns of early agricultural development in northeastern Colorado and would not be eligible under Criterion A. For these reasons, the property is evaluated as *Not Eligible* for the NRHP.

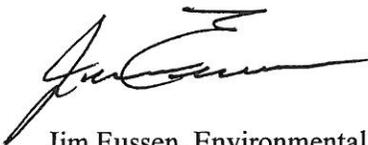
#### EFFECTS DETERMINATION

##### **5BF.255, Denver Ranch Company**

This historic agricultural property was formerly an active farm that now contains three vacant outbuildings. As outlined earlier in this letter, this property is recommended as *Not Eligible* for the NRHP. Consequently, the proposed project will result in a finding of *No Historic Properties Affected* with respect to the resource (5BF.255).

As a local government entity with a potential interest in historic preservation within Broomfield County, we welcome your comments on this undertaking. Should you elect to comment, we request that you do so within 30 days of receipt of this letter. If we do not hear from you in that time frame we will assume you do not intend to comment. If you have questions or require additional information in order to complete your review, please contact CDOT Region 4 Historian Jason Marmor at (970) 350-2153 or via Email at [Jason.marmor@state.co.us](mailto:Jason.marmor@state.co.us).

Sincerely,



Jim Eussen, Environmental Program Manager  
CDOT Region 4 Environmental Unit

Enclosures:        APE maps  
                          Site form for 5BF.255

cc: file



# COLORADO

Department of Transportation

Region 4

1420 2<sup>nd</sup> Street  
Greeley, CO 80631  
(Phone) 970-350-2153 (Fax) 970-350-2203

May 1, 2014

Mr. Edward C. Nichols, State Historic Preservation Officer  
History Colorado  
1200 Broadway  
Denver, CO 80203

Subject: North I-25 Second ROD, 120th Ave. to SH7, Revised Determinations of Eligibility and Effect

Dear Mr. Nichols:

This letter provides additional impact information requested based on your recent review of our request for concurrence on Determinations of Eligibility and Effects for the project referenced above, as presented in a letter to your office dated February 19, 2014. The Colorado Department of Transportation (CDOT), with federal funding, plans to improve I-25 between 120th Ave. to SH7 in Adams and Broomfield Counties. These improvements were studied in the North I-25 Final Environmental Impact Statement (completed in 2011) and are the subject of the North I-25 Section 106 Programmatic Agreement (PA), signed with your agency in December 2011. Pursuant to stipulations in the North I-25 EIS Section 106 PA, this information and request for concurrence constitutes a reevaluation of eligibility and effect for properties between 120th Avenue and SH 7.

### **METHODOLOGY AND SURVEY RESULTS**

The project area was evaluated for historic resources that may be located within the Area of Potential Effect (APE). The APE is the same as delineated in the North I-25 EIS through previous consultation with your office, and aerial photo map pages with the APE overlaid from the EIS were provided to you electronically as Email attachments on March 6, 2014.

A file search was conducted through the Colorado Office of Archaeology and Historic Preservation's online COMPASS database to identify previously recorded historic features within the APE. In addition, a field assessment was undertaken in October 2013 by Gail Keeley of Hermsen Consultants to determine if any other historic features occur within the APE. The file search identified two properties that had been previously surveyed for the North I-25 EIS. The field assessment identified two additional properties within the APE for which surveys were prepared. The field assessment also identified changed conditions for one of the previously surveyed properties which resulted in a changed eligibility assessment. The properties that were surveyed and revisited within the APE are listed in the following table. Inventory forms were provided to you with our submittal dated February 19, 2014.

### **Inventoried Properties, Listed from North to South**

Site No.	Name	Location	Assessment
5BF.255	Denver Ranch Company	4185 County Road 2	Not Eligible
5AM.457.9	Bull Canal	Near I-25 and 144th Ave.	Officially Eligible; Non-supporting segment
5AM.3128	Fonay Barn	14190 Huron St.	Eligible
5AM.1430	Euser Farm/International Beef Breeders	441 E. 136th Ave.	Officially Not Eligible

## **ELIGIBILITY DETERMINATIONS**

### **5BF.255, Denver Ranch Company**

This property was formerly an active farm that now contains three vacant decaying outbuildings – two sheds and a grain bin. The active use of the structures on this site ceased several decades ago. The remaining buildings do not convey significance in architectural design, materials or workmanship and do not possess high artistic values nor demonstrate a particular method of construction and would therefore not be eligible under Criterion C. The property is not known to be associated with historically important individuals, and it would therefore not be eligible under Criterion B. The property has no known key associations with patterns of early agricultural development in northeastern Colorado and would not be eligible under Criterion A. For these reasons, the property is evaluated as *Not Eligible* for the NRHP.

### **5AM.457.9, Bull Canal**

This segment of irrigation canal is part of historic Bull Canal, which was determined officially NRHP-eligible in August 2007 for its key association as an integral part of extensive, historic Standley Lake Irrigation System. Since that time, a large commercial property was developed with a Cabela's store at the southeast corner of I-25 and 144th Ave. The canal segment was piped from the east side of I-25 northeast to 144th Ave. and covered by a graded parking area for this development and is therefore no longer visible. Because of this piping, grading and development of the parking area, the canal has lost its integrity in this segment by no longer being in its historic configuration with a visible, open channel. Based on the re-visitation, and due to this loss of integrity, this segment is re-assessed as *Non-supporting* of the overall eligibility of the Bull Canal.

### **5AM.3128, Fonay Barn**

The Fonay Barn is the lone remaining structure on a small farm that is now surrounded by urban development in the city of Westminster. The barn is over 100 years old and is fairly intact. It was built with wooden pegs, rather than nails. It is significant for its demonstration of the wooden peg construction technique. For these reasons, the property is evaluated as *Eligible* for the NRHP under Criterion C. The building is also listed on Westminster's municipal website as a "Site of Historical Interest".

### **5AM.1430, Euser Farm / International Beef Breeders**

This property was determined officially *Not Eligible* on 11/29/2010 due to the lack of architectural significance and known historic associations. Very little has changed on the property since that determination. Because of this reason, this property is re-assessed as *Not Eligible* for the NRHP.

## **EFFECTS DETERMINATIONS**

### **5BF.255, Denver Ranch Company**

This historic agricultural property was formerly an active farm that now contains three vacant outbuildings. As outlined earlier in this letter, this property is recommended as *Not Eligible* for the NRHP. Consequently, the proposed project will result in a finding of *No Historic Properties Affected* with respect to the resource (5BF.255).

### **5AM.457.9, Bull Canal**

This historic canal is conveyed beneath I-25 and frontage road through a modern concrete box culvert (CBC). The proposed improvements for I-25 would consist of three general purpose lanes plus one tolled express lane in each direction. The new roadway would be contained within the current roadway template and no new disturbance would occur to areas of the ditch located outside the existing culvert. The integrity of that portion of the canal to be placed in a culvert has already been compromised by original construction of I-25 in the 1960s, and no new direct or indirect impacts would occur under the proposed improvements. This segment of the Bull Canal has been recommended as *Non-Supporting* of the NRHP-eligibility of the

entire linear resource, and thus the project will result in a finding of *No Historic Properties Affected* with respect to the resource.

**5AM.3128, Fonay Barn**

The Fonay Barn is situated on the far west end of this former farm, approximately ½ mile from I-25. It is the lone remaining structure on a small farm parcel that is now surrounded by urban development in the city of Westminster. The proposed transportation improvement on I-25 will result in the taking of 0.353 acres of land in a strip 33 ft. wide and 632 ft. long from the east edge of the parcel containing the historic barn. There will be no direct impact to this barn as the road improvements will occur nearly ½ mile to the east of the location of this barn. This property is planned for development and has not been used as a farm for more than a decade. The barn is the only structure remaining from the former farm, and it embodies significance only for its architectural method of construction. The agricultural context of the site has been lost as a result of the demolition of all of the other farm structures, because the land has not been farmed in more than a decade, and because the property that surrounds this farm has been urbanized. There will be minor temporary impacts of increased noise and dust during construction that will be almost negligible at the barn. Because the former agricultural context of this site has been lost, and because there will be no direct or indirect impacts to the barn due to its location ½ mile west of the proposed road improvements, CDOT has determined that this project will result in *No Adverse Effect*.

As we stated in our February 19, 2014 letter, we intend to also make a Section 4(f) finding of *de minimis* for the Fonay Barn. We request any comments you may have related to this intent. Your written concurrence on the *No Adverse Effect* determination for this property will be evidence that the consultation requirements of 23 CFR 774.5 (b)(ii) are satisfied.

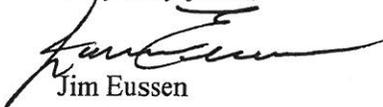
**5AM.1430, Euser Farm / International Beef Breeders**

This property was determined officially *Not Eligible* for the NRHP on 11/29/2010 due to a lack of architectural significance and known historic associations. Very little has changed on the property since that determination and it was re-assessed as *Not Eligible*. Therefore, the proposed project will result in a finding of *No Historic Properties Affected* with respect to the resource (5AM.1430).

We request your concurrence with the Determinations of Eligibility and Effects outlined herein. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act (as amended) and with the Advisory Council on Historic Preservation's regulations. We have also provided information about the project and its potential to impact historic properties to the Adams County Planning and Development Department, and to the City and County of Broomfield Planning Division. We will forward any responses we obtain from these local agency organizations.

If you have any questions or require additional information in order to complete your review, please contact CDOT Region 4 Historian, Jason Marmor at 970-350-2153.

Very truly yours,



Jim Eussen  
CDOT Region 4 Planning and Cultural Resource Manager





**COLORADO**

**Department of Transportation**

Region 4

1420 2<sup>nd</sup> Street  
Greeley, CO 80631  
(Phone) 970-350-2153 (Fax) 970-350-2203

May 1, 2014

Mr. Abel Montoya, Director  
Adams County Planning and Development Department  
First Floor, Ste. W2000A  
Brighton, CO 80601

**Subject:** North I-25 EIS Second Record of Decision, 120th Ave. to SH7, Determinations of Eligibility and Effect to Historic Properties

Dear Mr. Montoya:

The Colorado Department of Transportation (CDOT), with federal funding, plans to improve I-25 between 120th Ave. to SH7 in Adams and Broomfield Counties. These improvements were studied in the North I-25 Final Environmental Impact Statement (completed in 2011) and are the subject of the North I-25 Section 106 Programmatic Agreement (PA), signed in December 2011. Pursuant to stipulations in this PA, this information constitutes a reevaluation of National Register of Historic Places (NRHP) eligibility and project effects for properties between 120th Avenue and SH 7. This project will be funded by the Federal Highway Administration (FHWA), on behalf of which CDOT must ensure compliance with Section 106 of the National Historic Preservation Act (Section 106) and with associated federal regulations specified in 36 CFR 800. In accordance with Section 106, CDOT is tasked with determining if this federally-funded project would cause adverse effects to historic properties (properties that are listed or determined officially eligible for listing on the NRHP). As a local government entity with a potential interest in historic preservation within Adams County, we are providing you with information related to this project for review and comment. For more information about Section 106 and how Adams County can participate as a Section 106 consulting party, please visit the Advisory Council on Historic Preservation's web site, which contains the Citizen's Guide to Section 106 Review at <http://www.achp.gov/docs/CitizenGuide.pdf>.

### **METHODOLOGY AND SURVEY RESULTS**

The project area was evaluated for historic resources that may be located within the Area of Potential Effect (APE). The APE is the same as delineated in the North I-25 EIS through previous consultation with the State Historic Preservation Office (SHPO) office, and aerial photo map pages with the APE overlaid from the EIS are being provided to you electronically as attachments to this letter.

A file search was conducted through the Colorado Office of Archaeology and Historic Preservation's online COMPASS database to identify previously recorded historic features within the APE. In addition, a field assessment was undertaken in October 2013 by Gail Keeley of Hermsen Consultants to determine if any other historic features occur within the APE. The file search identified two properties that had been previously surveyed for the North I-25 EIS. The field assessment identified two additional properties within the APE for which surveys were prepared. The field assessment also identified changed conditions for one of the previously surveyed properties which resulted in a changed eligibility assessment. The properties that were surveyed and revisited within the Adams County portion of the APE are listed in the following table.

**Inventoried Properties in Adams County, Listed from North to South**

Site No.	Name	Location	Assessment
5AM.457.9	Bull Canal	Near I-25 and 144th Ave.	Officially Eligible; Non-supporting segment
5AM.3128	Fonay Barn	14190 Huron St.	Eligible
5AM.1430	Euser Farm/International Beef Breeders	441 E. 136th Ave.	Officially Not Eligible

**ELIGIBILITY DETERMINATIONS**

**5AM.457.9, Bull Canal**

This segment of irrigation canal is part of historic Bull Canal, which was determined officially NRHP-eligible in August 2007 for its key association as an integral part of extensive, historic Standley Lake Irrigation System. Since that time, a large commercial property was developed with a Cabela's store at the southeast corner of I-25 and 144th Ave. The canal segment was piped from the east side of I-25 northeast to 144th Ave. and covered by a graded parking area for this development and is therefore no longer visible. Because of this piping, grading and development of the parking area, the canal has lost its integrity in this segment by no longer being in its historic configuration with a visible, open channel. Based on the re-visitation, and due to this loss of integrity, this segment is re-assessed as *Non-supporting* of the overall eligibility of the Bull Canal.

**5AM.3128, Fonay Barn**

The Fonay Barn is the lone remaining structure on a small farm that is now surrounded by urban development in the city of Westminster. The barn is over 100 years old and is fairly intact. It was built with wooden pegs, rather than nails. It is significant for its demonstration of the wooden peg construction technique. For these reasons, the property is evaluated as *Eligible* for the NRHP under Criterion C. The building is also listed on Westminster's municipal website as a "Site of Historical Interest".

**5AM.1430, Euser Farm / International Beef Breeders**

This property was determined officially *Not Eligible* on 11/29/2010 due to the lack of architectural significance and known historic associations. Very little has changed on the property since that determination. Because of this reason, this property is re-assessed as *Not Eligible* for the NRHP.

**EFFECTS DETERMINATIONS**

**5AM.457.9, Bull Canal**

This historic canal is conveyed beneath I-25 and frontage road through a modern concrete box culvert (CBC). The proposed improvements for I-25 would consist of three general purpose lanes plus one tolled express lane in each direction. The new roadway would be contained within the current roadway template and no new disturbance would occur to areas of the ditch located outside the existing culvert. The integrity of that portion of the canal to be placed in a culvert has already been compromised by original construction of I-25 in the 1960s, and no new direct or indirect impacts would occur under the proposed improvements. This segment of the Bull Canal has been recommended as *Non-Supporting* of the NRHP-eligibility of the entire linear resource, and thus the project will result in a finding of *No Historic Properties Affected* with respect to the resource.

**5AM.3128, Fonay Barn**

The Fonay Barn is situated on the far west end of this former farm, approximately ½ mile from I-25. It is the lone remaining structure on a small farm parcel that is now surrounded by urban development in the city of Westminster. The proposed transportation improvement on I-25 will result in the taking of 0.353 acres of land in a strip 33 ft. wide and 632 ft. long from the east edge of the parcel containing the historic barn. There will be no direct impact to this barn as the road improvements will occur nearly ½ mile to the east of the location of this barn. This property is planned for development and has not been used as a farm for more than a decade. The barn is the only structure remaining from the former farm, and it embodies significance only for its architectural method of construction. The agricultural context of the site has been lost as a result of the demolition of all of the other farm structures, because the land has not been farmed in more than a decade, and because the property that surrounds this farm has been urbanized. There will be minor temporary impacts of increased noise and dust during construction that will be almost negligible at the barn. Because the former agricultural context of this site has been lost, and because there will be no direct or indirect impacts to the barn due to its location ½ mile west of the proposed road improvements, CDOT has determined that this project will result in *No Adverse Effect*.

**5AM.1430, Euser Farm / International Beef Breeders**

This property was determined officially *Not Eligible* for the NRHP on 11/29/2010 due to a lack of architectural significance and known historic associations. Very little has changed on the property since that determination and it was re-assessed as *Not Eligible*. Therefore, the proposed project will result in a finding of *No Historic Properties Affected* with respect to the resource (5AM.1430).

As a local government entity with a potential interest in historic preservation within Adams County, we welcome your comments on this undertaking. Should you elect to comment, we request that you do so within 30 days of receipt of this letter. If we do not hear from you in that time frame we will assume you do not intend to comment. If you have questions or require additional information in order to complete your review, please contact CDOT Region 4 Historian Jason Marmor at (970) 350-2153 or via Email at [Jason.marmor@state.co.us](mailto:Jason.marmor@state.co.us).

Sincerely,



Jim Eussen, Environmental Program Manager  
CDOT Region 4 Environmental Unit

Enclosures:           APE maps  
                              Site forms for 5AM.457.9, 5AM.3128, and 5AM.1430

cc: file





## HISTORY Colorado

May 12, 2014

James Eussen  
Colorado Department of Transportation  
Region Four  
Environmental/Planning Section  
1420 2<sup>nd</sup> Street  
Greeley, CO 80631

Re: North I-25 Second ROD, CDOT Project No. IM 0253-179 (SA 14276), 120<sup>th</sup> to SH 7 (CHS #65473)

Dear Mr. Eussen:

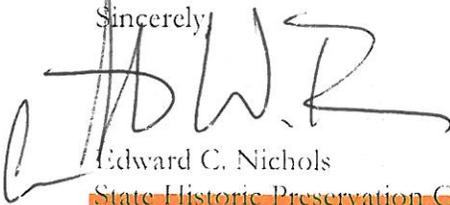
Thank you for your correspondence dated May 1, 2014 and received by our office on May 2, 2014 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we do not object to the proposed Area of Potential Effects (APE) for the project. After review of the provided survey information, we concur with the recommended findings of not eligible for the National Register of Historic Places for resources 5AM.1430 and 5BF.255. We concur that segment 5AM.457.9 lacks integrity and does not support the overall eligibility of resource 5AM.457. We concur that resource 5AM.3128 is eligible for the National Register of Historic Places.

After review of the scope of work and assessment of adverse effect, we concur with the recommended finding of *no historic properties effected* [36 CFR 800.4(d)(1) under Section 106 for resources 5BF.255, 5AM.1430, and 5AM.457, including segment 5AM.457. We concur with the recommended finding of *no adverse effect* [36 CFR 800.5(b)] under Section 106 for resource 5AM.3128. 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 CFR 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





**COLORADO**  
Department of Transportation

Region 4

1420 2<sup>nd</sup> Street  
Greeley, CO 80631  
(Phone) 970-350-2153 (Fax) 970-350-2203

May 21, 2014

Mr. Edward C. Nichols, State Historic Preservation Officer  
History Colorado  
1200 Broadway  
Denver, CO 80203

Subject: North I-25 EIS Second Record of Decision (ROD), 120th Ave. to State Highway 7, CDOT  
Project No. IM 0253-179 (SA 14276)

Dear Mr. Nichols:

Thank you for your letter dated May 12, 2014 in response to our letter of May 1, 2014 requesting concurrence with determinations of National Register of Historic Places (NRHP) eligibility and effect for the above-referenced project. Unfortunately we noted that there is a minor omission in your response letter (see attached copy of that letter). In the second paragraph of your letter, the reference to the Bull Canal segment (5AM.457.9) which was reevaluated as non-supporting the eligibility of the entire Bull Canal (5AM.457), is missing the specific point number (.9). Since this correspondence is for a NEPA decision document that may be used as a basis for future decisions, and since the omission relates to the identification of a specific historic property, we would appreciate if you would please provide us with a corrected letter at your earliest convenience.

Thank you. If you have any questions, please contact Region 4 Historian, Jason Marmor at 970-350-2153.

Very truly yours,

Jim Eussen  
CDOT Region 4 Planning and Cultural Resource Manager

enclosure

  
HISTORY *Colorado*

May 12, 2014

James Eussen  
Colorado Department of Transportation  
Region Four  
Environmental/Planning Section  
1420 2<sup>nd</sup> Street  
Greeley, CO 80631

Re: North I-25 Second ROW, CDDOT Project No. IM 0253-179 (SA 14276), 120<sup>th</sup> to SH 7 (CHS #65473)

Dear Mr. Eussen:

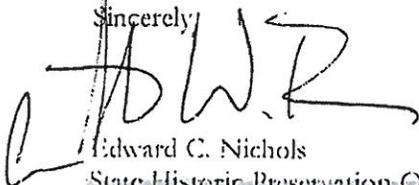
Thank you for your correspondence dated May 1, 2014 and received by our office on May 2, 2014 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we do not object to the proposed Area of Potential Effects (APE) for the project. After review of the provided survey information, we concur with the recommended findings of not eligible for the National Register of Historic Places for resources 5AM.1430 and 5BF.255. We concur that segment 5AM.457.9 lacks integrity and does not support the overall eligibility of resource 5AM.457. We concur that resource 5AM.3128 is eligible for the National Register of Historic Places.

After review of the scope of work and assessment of adverse effect, we concur with the recommended finding of *no historic properties effected* [36 CFR 800.4(d)(1) under Section 106 for resources 5BF.255, 5AM.1430, and 5AM.457, including segment 5AM.457.9]. We concur with the recommended finding of *no adverse effect* [36 CFR 800.5(b)] under Section 106 for resource 5AM.3128. 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 CFR 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

May 28, 2014

James Eussen  
Colorado Department of Transportation  
Region Four  
Environmental/Planning Section  
1420 2<sup>nd</sup> Street  
Greeley, CO 80631

Re: Updated: North I-25 Second ROD, CDOT Project No. IM 0253-179 (SA 14276), 120<sup>th</sup> to SH 7 (CHS #65473)

Dear Mr. Eussen:

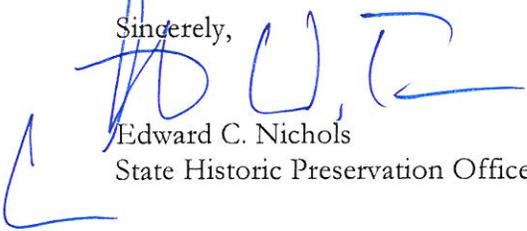
Thank you for your correspondence dated May 21, 2014 and received by our office on May 23, 2014 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we do not object to the proposed Area of Potential Effects (APE) for the project. After review of the provided survey information, we concur with the recommended findings of not eligible for the National Register of Historic Places for resources 5AM.1430 and 5BF.255. We concur that segment 5AM.457.9 lacks integrity and does not support the overall eligibility of resource 5AM.457. We concur that resource 5AM.3128 is eligible for the National Register of Historic Places.

After review of the scope of work and assessment of adverse effect, we concur with the recommended finding of *no historic properties effected* [36 CFR 800.4(d)(1) under Section 106 for resources 5BF.255, 5AM.1430, and 5AM.457, including segment 5AM.457.9. We concur with the recommended finding of no adverse effect [36 CFR 800.5(b)] under Section 106 for resource 5AM.3128. 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 CFR 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

