State Highway 7 (Cherryvale Road to 75th Street) Environmental Assessment and Draft 4(f) Evaluation
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Post Office Box 471 • Boulder, Colorado 80306

Transportation Department

2045 13th Street • Boulder, Colorado 80302 • (303) 441-3900 • Fax: (303) 441-4594

RECEIVED
MAY 11 2005
Muller Engineering Company, Inc.

March 31, 2005

Carol H. Parr
Environmental Project Manager CDOT Region 4
Planning/Environment Section
1420 2nd Street
Greeley, Colorado 80631

STA 0072-013, S+H 7, Cherryvale Road to N. 75th Street, Current recommended Alternative

Dear Carol,

In response to public Agency Meeting No 3 and CDOT's recommended alternative for SH 7- Arapahoe Road at the above location, Boulder County has the following comments and recommendation.

As you may recall, the Boulder County Consortium of Cites created the Boulder County Regional Transportation Task Force was created in 1996 in order to define a process to address regional transportation issues for the future. At the same time the RTTF began a study of the six major regional arterials in Boulder County and included SH 7 – Arapahoe road from Cherryvale Road to US 287.

The funding for the study was a makeup of participation from the cities and town, private sector and the Colorado Department of Transportation.

The corridor analysis for Arapahoe included an examination of the population and growth along the corridor based on DRCOG data and verified by the cities and towns along with the resulting 2020 traffic volumes. The RTTF considered three alternatives for improving transportation along the Arapahoe Corridor. Two lanes with improved intersections, four lanes and an improved transit alternative.

The RTTF preference was to support a project that would improve both transit and the intersections. This option was determined to be the most cost effective with the least impact. This preference would be similar to CDOT's Alternative 2.

Tom Mayer
County Commissioner

Ben Pearlman
County Commissioner

Will Toor
County Commissioner

In our opinion, Alternative 2 addresses the need from Cherryvale Road to Boulder Valley School District while the three lane section to the 75th Intersection would provide the safety and capacity without the impacts of the four lane section with a center turn lane as proposed in Alternative 3.

Thank you for the excellent work that CDOT staff and consultants have presented to County staff through this phase of the project. We will look forward to working with you in the future.

Sincerely,

Clark A. Misner
Deputy Director of Transportation

Copy: Board of County Commissioners
Parks and Open Space
Bill Cowern, City of Boulder

Tom Mayer
County Commissioner

Ben Pearlman
County Commissioner

Will Toor
County Commissioner

CITY OF BOULDER

Department of Public Works Transportation Division
P.O. Box 791
1739 Broadway
Boulder, Colorado 80306
(303) 441-3266

January 3, 2005

Carol H. Parr
Environmental Project Manager CDOT Region 4
Planning/Environmental Section
1420 2nd Street
Greeley, Colorado 80631

Subject: STA 0072-013, SH 7 – Cherryvale Rd. to N. 75th St., 14802
Public Agency Meeting and discussion of current recommended alternative

Dear Ms. Parr:

Thank you for the invitation to Public Agency Group Meeting No. 3 concerning this project and for the materials which were provided ahead of time for our staff's review. The CDOT consultant did a good job of presenting the materials and there was good discussion of the pros and cons of the two "build" alternatives being taken forward by CDOT through the rest of the public process. I found the meeting to be very informative.

The purpose of this letter is to provide CDOT staff with our feedback on the alternatives and to advocate that CDOT change the preferred recommendation to Alternative 2 (the alternative with a three-lane section west of 75th Street).

Staffs from the City of Boulder, County of Boulder and CDOT are generally in agreement concerning the improvements which should occur between Cherryvale Road and the VOTECH/Boulder Valley School District (BVSD) driveway. Alternatives 2 and 3 provide these improvements. In addition, city staff is supportive of the level and nature of the alternative transportation improvements including sidewalks, multi-use path, on-street bicycle lanes, transit queue jump at signalized intersections and improved transit stops in the corridor.

The difference between the two alternatives is the addition of general purpose vehicle lanes to the east from VOTECH/BVSD driveway to 75th Street. Alternative 2 proposes a three-lane section, while Alternative 3 proposes a five-lane section. In reviewing the two alternatives, the five-lane section is being shown as the current preferred alternative because of efficiency and safety benefits in this section of the corridor. The cost for Alternative 3 is approximately $2 million greater than Alternative 2.

As I mentioned at the public agency meeting, city staff is concerned that the benefits of Alternative 3 are not sufficient to justify the added cost. The efficiency/corridor time travel enhancement between these two alternatives is marginal. The intersections on each end of this area will operate at a much improved level of service because of the planned improvements at these locations. As a result, the additional general purpose lanes between the two intersections does not appear to be needed.

It was suggested that Alternative 3 would provide the greatest safety improvement in the corridor. However, it was further discussed that there is not a significant existing safety issue in the corridor and therefore any safety benefit from Alternative 3 is marginal. Furthermore, it appeared to be difficult to quantify the level of benefit.

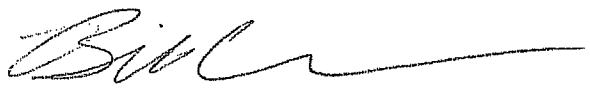
In summary, neither the efficiency benefits nor the suggested safety improvement would appear to justify the increased cost of $2 million.

In addition, we believe that our community leadership will be unlikely to support the package proposed in Alternative 3. As you know, both the City and County of Boulder leadership participated with other community leaders from Louisville and Lafayette in the Regional Transportation Task Force (RTTF) which discussed this corridor and made recommendations for how this corridor should be improved. Since the RTTF recommendations show better conformity with Alternative 2 and since their does not appear to be a sound technical justification for deviating from that original recommendation, it would seem unlikely that policy makers from either the City of Boulder or the County of Boulder would support Alternative 3.

Our staff would like to request that the CDOT staff consider these factors and endorse Alternative 2 as the preferred alternative for this project. We believe that staff from both the city and the county could support this alternative with CDOT staff as this project is taken before our respective community leadership.

Our staff has enjoyed working with the CDOT staff and their consultants on this project. We look forward to seeing this project completed in a manner in which we can all support. If CDOT staff has any questions concerning the city's position on this project, please feel free to contact me at 303-441-3266.

Sincerely,



Bill Cowern
Transportation Operations Engineer
City of Boulder

STATE OF COLORADC

DEPARTMENT OF TRANSPORTATION

Planning/Environmental Section
1420 2nd Street
Greeley, Colorado 80631
(970) 350-2170
Fax (970) 350-2177

October 21, 2004

Clark Misner, P.E.
Transportation Planning Manager
Boulder County Transportation Dept.
P.O. Box 471
Boulder, CO 80306

RE: STA 0072-013, SH 7 - Cherryvale Rd. to N. 75th St., 14802
Public Agency Group Meeting No. 3
Information Packet

Dear Mr. Misner:

You were recently invited to attend a public agency group meeting to discuss the status of the Environmental Assessment (EA) for State Highway 7 (Arapahoe Road) between Cherryvale and N. 75th Street. Attached is a packet of information for your review prior to the meeting. This information will be discussed in further detail at the coordination meeting. Included for your review are the following items:

1. A meeting agenda
2. A plan graphic of the two Short-Listed Alternatives
3. A Draft Short-Listed Alternatives Evaluation Summary Matrix
4. A Draft Railroad Alternatives Evaluation Summary Matrix
5. An Engineers Estimate of Probable Construction Costs of the two Short-Listed Alternatives
6. A memo comparing the RTTF Project Justification and the SH 7 EA Findings
7. A memo comparing the safety of the two Short-Listed Alternatives
8. A memo outlining bus priority options at the 63rd Street intersection

We look forward to seeing you on November 2nd, 2004 at 9:00 am at the CDOT Boulder Residency Office, 1050 Lee Hill Road. If you have any questions regarding the attached information or the public agency group meeting, please contact me or Gray Clark, Muller Engineering Company, at (303) 988 4939.

Sincerely,

Carol H. Parr
Environmental Project Manager, CDOT Region 4

SH 7 – CHERRYVALE RD. TO 75TH ST.
PUBLIC AGENCY CONTACTS ENVIRONMENTAL ASSESSMENT 0072-013, 14802
May 26, 2004, October 4, 2004, and October 21, 2004 Letter Recipients

Clark Misner Boulder County Transportation Dept. P.O. Box 471 Boulder, CO 80306	Mr. George Scheuernstuhl Director of Transportation Services Denver Regional Council of Govts. 4500 Cherry Creek Drive South # 800 Denver, CO 80246	Tracey Winfree, Dir. Of Transportation City of Boulder Park Central Building 1739 Broadway, Ste. 415 Boulder, CO 80302
Mr. Gary Behlen Town of Erie Public Works P.O. Box 750 Erie, CO 80516	Jim Schmidt Boulder City Open Space P.O. Box 791 Boulder, CO 80306	Jeff Dunning Regional Transportation District 1600 Blake Street Denver, CO 80202
Mr. Thomas A. Phare Public Works Director City of Louisville 749 Main Street Louisville, CO 80027 (303) 666-6565	Mr. Doug Short Public Works Director City of Lafayette 1290 S. Public Road Lafayette, CO 80026	Bill Cowern, Traffic Engineer City of Boulder P.O. Box 791 Boulder, CO 80306 (303) 441-4054
Therese Glowacki Parks and Open Space P.O. Box 471 Boulder, CO 80306	Mike Vanderhoof Federal Highway Administration 555 Zang St. Rm. 250 Lakewood, CO 80228	Scott Sands Federal Highway Administration 555 Zang St. Rm. 250 Lakewood, CO 80228
Alison Deans Michael USFWS 755 Parfet Street No. 361 Lakewood, CO 80215	Deborah Lebow Environmental Protection Agency 999 18th Street, Ste. 300 8EPR-N Denver, CO 80202	Claire Solohub Colorado Division of Wildlife 4207 West CR 16E Loveland, CO 80537
Pat Martinek Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246-1530	Scott Franklin US Army Corps of Engineers 9307 S. Wadsworth Blvd. Littleton, CO 80128-6901	Colorado Historical Society Dan Corson, Local Government Liaison 1300 Broadway Denver, CO 80203 (303) 866-2673 dan.corson@chs.state.co.us
Scott Robson Boulder County Transportation Dept. P.O. Box 471 Boulder, CO 80306		

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Planning/Environmental Section
1420 2nd Street
Greeley, Colorado 80631
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DEPARTMENT OF TRANSPORTATION

October 4, 2004

Clark Misner, P.E.
Transportation Planning Manager
Boulder County Transportation Dept.
P.O. Box 471
Boulder, CO 80306

RE: STA 0072-013, SH 7 - Cherryvale Rd. to N. 75th St., 14802
Public Agency Group Meeting No. 3

Dear Mr. Misner:

The purpose of this letter is to invite you to attend a public agency group meeting to discuss the status of the Environmental Assessment (EA) for State Highway 7 (Arapahoe Road) between Cherryvale and N. 75th Street being conducted by CDOT. The meeting will be held at the CDOT Boulder Residency Office, 1050 Lee Hill Road at 9:00 a.m. on October 13, 2004.

CDOT has completed a comprehensive evaluation of design alternatives for the corridor and has identified an improvement alternative that will be presented to the public agencies and to the general public. We are planning a public open house, on November 9, to gather input from the general public regarding the study process and the preferred alternative. Prior to the public open house we would like to share with the local agencies what will be presented to the general public at the open house. We will be presenting graphics of the preferred alternative that will be presented, a summary of the evaluation process (evaluation matrix) along with other public meeting presentation boards. A meeting agenda is attached.

In addition to this public agency coordination meeting, we would like to invite you to attend the public open house, which is tentatively scheduled to be held in the cafeteria of the Platte Middle School, 6069 Baseline Road, on November 9, anytime between 4:00 pm and 7:00 pm (no formal presentation will be made). We will confirm the time and location once the scheduling has been finalized.

Thank you for your continued participation in this process. If you have any questions regarding the public agency group meeting, the public open house or any aspect of the EA, please contact me or Gray Clark, Muller Engineering Company, at (303) 988 4939.

Sincerely,

Carol H. Parr
Environmental Project Manager, CDOT Region 4

TOWN OF ERIE
1874

June 1, 2004

Ms. Carol H. Parr
State of Colorado
Department of Transportation
Planning/Environmental Section
1420 2nd Street
Greeley, CO 80631

RE: State Highway 7 – Cherryvale Road to North 75th Street Environmental Assessment

Dear Ms. Parr:

Thank you for the notice on the pre-meeting for the Environmental Assessment on State Highway 7. Unfortunately, I have a conflict at this time and will be unable to attend. However, I am interested in the information that you will be providing in the open house on June 17, 2004. Please send me a copy of the graphic and keep me informed of the progress with the project. If you have any questions, please contact me at 303-926-2871.

Sincerely,

Gary W. Behlen
Director of Public Works

K:\06-01-04 SH7 Cherryvale Road to N 75th Environmental Assessment (Parr).doc

645 Holbrook • P.O. Box 750 • Erie, Colorado, 80516 • Phone (303) 926-2700 • Fax (303) 926-2705

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Planning/Environmental Section
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DEPARTMENT OF TRANSPORTATION

May 26, 2004

Clark Misner, P.E.
Transportation Planning Manager
Boulder County Transportation Dept.
P.O. Box 471
Boulder, CO 80306

RE: STA 0072-013, SH 7 - Cherryvale Rd. to N. 75th St., 14802
Public Agency Group Meeting No. 2

Dear Mr. Misner:

The purpose of this letter is to invite you to attend a public agency group meeting to discuss the status of the Environmental Assessment (EA) for State Highway 7 (Arapahoe Road) between Cherryvale and N. 75th Street being conducted by CDOT. The meeting will be held at the CDOT Boulder Residency Office, 1050 Lee Hill Road at 9:00 a.m. on June 9, 2004.

CDOT is proceeding with a comprehensive evaluation of design alternatives for the corridor. As part of this study, a clear definition of the purpose and need for improvements is necessary, as well as specifically defined evaluation criteria. We are planning a public open house, on June 17, to gather input from the general public regarding the project process and the evaluation of alternatives. Prior to the public open house we would like to share with the local agencies what will be presented to the general public at the open house. We will be presenting graphics of alternatives being evaluated along with other public meeting presentation boards. A meeting agenda is attached.

In addition to this public agency coordination meeting, we would like to invite you to attend the public open house, which will be held in the cafeteria of the Platte Middle School, 6069 Baseline Road, on June 17, anytime between 4:00 pm and 7:00 pm (no formal presentation will be made).

Thank you for your continued participation in this process. If you have any questions regarding the public agency group meeting, the public open house or any aspect of the EA, please contact me or Gray Clark, Muller Engineering Company, at (303) 988 4939.

Sincerely,

Carol H. Parr
Environmental Project Manager, CDOT Region 4

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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DOT
DEPARTMENT OF TRANSPORTATION

April 5, 2004

Clark Misner, P.E.
Transportation Planning Manager
Boulder County Transportation Dept.
P.O. Box 471
Boulder, CO 80306

RE: STA 0072-013, SH 7 - Cherryvale Rd. to N. 75th St., 14802
Public Agency Group Meeting

Dear Mr. Misner:

The purpose of this letter is to invite you to attend a public agency group meeting to gather input and discuss the status of the Environmental Assessment (EA) for State Highway 7 (Arapahoe Road) between Cherryvale and N. 75th Street being conducted by CDOT. The meeting will be held at the CDOT Boulder Residency Office, 1050 Lee Hill Road at 10:00 a.m. on April 15, 2004.

Based upon results of earlier studies, preliminary traffic engineering analysis, and public and agency input, CDOT would like to proceed with a comprehensive evaluation of several design alternatives for the corridor.

CDOT would like to present to the public agency group the information that has been gathered to this point and obtain input regarding the evaluation of alternatives. The agenda for the meeting will include a description of the current funding available for improvements, a summary of previous work completed and results, a traffic forecasting and LOS analysis, environmental concerns, and potential project alternatives. A meeting agenda will be mailed to you within the week.

This meeting is your opportunity to provide input to CDOT regarding the issues that are important to your constituents. Thank you for your continued participation in this process.

If you have any questions regarding the meeting or any aspect of the EA, please contact me or Troy Halouska at 303.820.4898.

Sincerely,

Carol H. Parr
Environmental Project Manager, CDOT Region 4

SH 7 – CHERRYVALE RD. TO 75TH ST.
STA 0072-010, 11873
April 5, 2005 Public Agency Letter Recipients

Clark Misner Boulder County Transportation Dept. P.O. Box 471 Boulder, CO 80306	Mr. George Scheuernstuhl Director of Transportation Services Denver Regional Council of Govts. 2480 W. 26th Ave., Ste. 200B Denver, CO 80211	Mr. Joe Perone, Director of Transp. City of Boulder Park Central Building 1739 Broadway, Ste. 415 Boulder, CO 80302
Ms. Judy Ding Town of Erie Public Works P.O. Box 750 Erie, CO 80516	Jim Schmidt Boulder City Open Space P.O. Box 791 Boulder, CO 80306	Ms. Carol Decker RTD 1600 Blake Street Denver, CO 80202
Mr. Thomas A. Phare Public Works Director City of Louisville 749 Main Street Louisville, CO 80027 (303)666-6565	Mr. Doug Short Public Works Director City of Lafayette 1290 S. Public Road Lafayette, CO 80026	Bill Cowern, Traffic Engineer City of Boulder P.O. Box 791 Boulder, CO 80306 (303) 441-4054
Therese Glowacki Parks and Open Space P.O. Box 471 Boulder, CO 80306	Mike Vanderhoof Federal Highway Administration 555 Zang St. Rm. 250 Lakewood, CO 80228	Jean Wallace Federal Highway Administration 555 Zang St. Rm. 250 Lakewood, CO 80228
Allison Deans Michael USFWS 755 Parfet Street No. 361 Lakewood, CO 80215	Deborah Lebow Environmental Protection Agency 999 18th Street, Ste. 300 8EPR-N Denver, CO 80202	Mike Sherman Colorado Division of Wildlife 317 W. Prospect Road Fort Collins, CO 80526
Pat Martinek Colorado Department of Public Health and Environment 4300 Cherry Creek Drive South Denver, CO 80246-1530	Tim Carey US Army Corps of Engineers 9307 S. Wadsworth Blvd. Littleton, CO 80128-6901	Colorado Historical Society Contact: Dan Corson, Local Government Liaison 1300 Broadway Denver, CO 80203 303-866-2673 dan.corson@chs.state.co.us
Scott Franklin US Army Corps of Engineers 9307 S. Wadsworth Blvd. Littleton, CO 80128-6901		

Public Agency
City of Boulder

A. Gray Clark

From: Micki Kaplan [KaplanM@ci.boulder.co.us]

Sent: Friday, July 27, 2001 1:46 PM

To: webbKS@c-b.com

Cc: Bill Cowern; Marni Ratzel; Tracy Winfree

Subject: Comments on CDOT Arapahoe Project

Kirk:
Attached are City of Boulder comments on the project to date. Thank you for contacting us. As you are developing your recommendations for alternative transportation strategies for the corridor for Mueller Engineering and CDOT, feel free to contact us. Also, we would be interested in seeing your recommendations after they are completed.
Thank you.
Micki

CITY
OF
BOULDER

DEPARTMENT OF PUBLIC WORKS
P.O. Box 791
1739 Broadway, Second Floor
Boulder, Colorado 80306-0791

July 27, 2001

MEMORANDUM

TO: Kirk Webster, Carter & Burgess

From: Bill Cowern, City of Boulder, Traffic Engineer
Micki Kaplan, City of Boulder/GO Boulder, Senior Transportation Planner
Marni Ratzel, City of Boulder/Go Boulder, Bicycle and Pedestrian Coordinator

RE: City of Boulder Comments on the CDOT Arapahoe project

Comments were provided at the recent open house on the Arapahoe project. In addition, City of Boulder comments on the CDOT Arapahoe project are summarized below.

1. At the intersection of 75th & Arapahoe, construct an additional Through lane in each direction, which tapers out on the approach and tapers back in on the departure. Provide a sufficient amour of storage on each approach and a sufficient amount of acceleration before the taper on the departure. Evaluate whether the most efficient use of that lane would be a "general purpose lane' or a "Queue Jump Lane" for transit.

2. Consider whether you need an extra through lane at 63rd & Arapahoe. If you do, when connect west to Cherryvale and taper back down to a three lane section east of 63rd. Otherwise, design tapers, approach and accel facilities and evaluate how you use the lane as above. When rebuilding this intersection, realign the north and south legs of 63rd so that the intersection is a more traditional four-way. Make needed signal equipment upgrades such that the City of Boulder would be willing to take over maintenance and operation of the signal afterwards (coordinate with Alex May and Joe Paulson about those issues).

3. We support reconstruction of the bridge structure west of 75th Street, as it constrains efficient travel along the corridor and precludes adequate width necessary to provide a continuous shoulder wide enough to accommodate safe bicycle travel. Forecast for future travel demand should guide the design and construction of the new bridge structure. Consider the need to accommodate any possible future configuration that makes sense (four lanes plus shoulder, etc...). Also, make sure the new bridge structure accommodates any possible transit rail that might use this facility in the future. We should rebuild this bridge ONCE and only ONCE.

4. Provide Bicycle Lanes through the City of Boulder portions of Arapahoe and then EITHER bicycle lanes or shoulders (whichever is preferred by the County) for the remainder of Arapahoe Road within the project.

5. Provide transit stop amenities throughout the corridor (shelters, benches, concrete pads, etc..). Where there are transit stops, make sure that buses can use shoulder and additional space to clear the motor vehicles space AND that they have adequate acceleration space afterwards to ge

back up to speed for reentry on to Arapahoe. Bus turnouts are not desired nor being requested. A shoulder that can be shared with bicycles can be effective.

6. Connect transit stops to significant destination points with concrete sidewalk or path. Sidewalk all along Arapahoe is probably unreasonable, but facilities should exist to connect major origin/destination points with transit stops.

7. Consider transit priority treatments to speed the bus up whenever possible. Ed Schumm, Carter Burgess is currently researching transit system priority treatments for the City of Boulder. This research should be completed by early September, 2001. Coordination with the results of Ed's research would be beneficial for the Arapahoe project. Some possibilities include queue-jumps a intersections and exclusive bus lanes.

Contact information:
Bill Cowern (303) 441-4054 email: cowernb@ci.boulder.co.us
Marni Ratzel (303) 441-4138 ratzelm@ci.boulder.co.us
Micki Kaplan (303) 441-4162 kaplanm@ci.boulder.co.us

4(f) Resources

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Planning/Environmental Section
1420 2nd Street
Greeley, Colorado 80631
(970) 350-2170

DEPARTMENT OF TRANSPORTATION

RECEIVED
MAR 10 2008
Muller Engineering Company, Inc.

March 7, 2008

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

SUBJECT: Section 4(f) *De Minimis* Notification, CDOT Project STA 0072-013, State Highway 7 (Cherryvale Road to 75th Street) Environmental Assessment, Boulder County

Dear Ms. Contiguglia:

This letter and the attached correspondence constitute notification that FHWA intends to make a 4(f) *de minimis* finding for the project referenced above, which involves four historic resources associated with State Highway 7 (Cherryvale Road to 75th Street) Environmental Assessment (EA). These National Register of Historic Places (NRHP)-eligible sites include: the Butler-Smith Property (Colorado Office of Archaeology and Historic Preservation [OAHP] Site No. 5BL8917); a Gas Station and House (5BL9021) located at 6307 Arapahoe Road; the Harburg House (5BL9024) and the DeBacker-Tenenbaum House (5BL9029). CDOT's Environmental Programs Branch consulted with your staff regarding eligibility and effects for this project in March and August 2005.

Project Effects

Butler-Smith Property (5BL8917): The project will remove vegetation in the CDOT right-of-way between Arapahoe Road and the Butler-Smith house. These improvements are limited to the existing road right-of-way. Construction will also require a 25 square-foot temporary easement for new curbing. Neither action will result in direct impacts to the property or the elements that make the property eligible for NRHP-listing. In August 2005, the Colorado State Historical Preservation Officer (SHPO) concurred that these activities would result in *no adverse effect.*

Gas Station and House (5BL9021): After the reconstruction of SH 7, the southwest corner of this property will be required for sidewalk, curb and gutter, as there is currently no sidewalk. This triangle-shaped property is paved and has been used as part of the highway. In March 2005, CDOT consulted with the SHPO and it was determined that this triangle does not contribute to overall significance of the property. The project also requires a 400-square-foot temporary easement to construct a private access on the property. The existing access off 63rd Street will be closed and a ten-foot wide and unpaved access will be built to the north. In August 2005, your office concurred that these actions result in *no adverse effect.*

Harburg House (5BL9024): Construction will require various temporary easements resulting from minor improvements to two existing property driveways. The improvements involve asphalting the drives within the right-of-way. No work will occur on private property across the right-of-way line except for two temporary construction easements totaling 600 square feet. In addition, an existing public road on the west side of the Harburg property requires reconstruction and a temporary easement of 4,450

square feet. Finally, a temporary easement maybe needed to reconstruct the headwall and wingwalls on the outlet end of a segment of the Enterprise Ditch (5BL4164.2) that runs through the property. This segment of ditch was determined *not eligible* to the NRHP, in consultation with the SHPO, in March 2002. None of the aforementioned temporary easements will directly impact the property or the elements that make the property eligible for listing to the NRHP. In August 2005, your office concurred that these actions would result in *no adverse effect* to 5BL9024.

DeBacker-Tenenbaum House (5BL9029): Widening of SH 7 will require the completion of a retaining wall along CDOT right-of-way north of the house. The retaining wall will not directly impact the property's landscaping or buildings. The Burlington Northern and Santa Fe (BNSF) railroad located west of the property will be temporarily realigned to the east of its existing location. This work will not directly impact 5BL9029. However, a temporary easement of approximately 2,000 square feet is necessary to build the fill slope for the railroad shoe-fly alignment, which is also a temporary improvement. These fill slopes will be located partially within the historic property boundary and the limit of the fill may impact some of the landscaping along the property's western boundary. With the exception of a single juniper bush, the vegetation impacted by the toe of the slope is not part of the original plantings that contribute to the property's significance. CDOT will build a temporary 2-foot to 4-foot-long retaining wall to minimize impacts inside the historic property boundary. Crews will remove the retaining wall after construction is completed. There will be no direct impacts to the property or the elements that make the property eligible for NRHP-listing. In August 2005, the SHPO concurred that these actions would result in *no adverse effect*.

***De Minimis* Determination**

CDOT's Environmental Programs Branch (EPB) sent your office a request for comment on a revised boundary and effects determination on March 24, 2005. Your office responded on March 29. 2005. EPB followed a request for an effects determination for 5BL8917, 5BL9021, 5BL9024, and 5BL9029 on August 4, 2005. You concurred with CDOT's determinations in a letter dated August 15, 2005. As part of the Section 106 consultation process, the Boulder County Historic Preservation Advisory Board was afforded the opportunity to comment on the eligibility and effects determinations in correspondence dated March 24 and August 4, 2005. Based on this determination, FHWA may make a *de minimis* finding for the Section 4(f) requirements for this property. Enclosed are copies of the letters from March to August 2005 letters for your convenience.

We request your acknowledgment of this *de minimis* notification. We have forwarded this notification to the Boulder County Historic Preservation Advisory Board as well. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Region 4 Senior Historian Robert Autobee at (970) 350-2204.

Very truly yours,

Robert Autobee

Robert Autobee, Senior Historian
CDOT-Region 4 Environmental

Enclosures: correspondence

cc: Carol Parr, CDOT Region 4
File/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Planning/Environmental Section
1420 2nd Street
Greeley, Colorado 80631
(970) 350-2170

DEPARTMENT OF TRANSPORTATION

RECEIVED
MAR 10 2008
Muller Engineering Company, Inc.

March 3, 2008

Ms. Karla S. Petty
FHWA Colorado Division Administrator
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228

SUBJECT: Finding of Section 4(f) *De Minimis* Impact, CDOT Project STA 0072-013, State Highway 7 (Cherryvale Road to 75th Street) Environmental Assessment, Boulder County

Dear Ms. Petty:

This letter and the attached materials constitute a request for review and concurrence on a finding of *de minimis* impact for four historic resources associated with the State Highway (SH) 7 (Cherryvale Road to 75th Street) Environmental Assessment (EA) which involves improvements from Cherryvale Road to 75th Street to reduce congestion and enhance safety. These National Register of Historic Places (NRHP)-eligible sites include: the Butler-Smith Property (Colorado Office of Archaeology and Historic Preservation [OAHP] Site No. 5BL8917); a Gas Station and House (5BL9021) located at 6307 Arapahoe Road; the Harburg House (5BL9024) and the DeBacker-Tenenbaum House (5BL9029).

Project Effects

Butler-Smith Property (5BL8917): The project will remove vegetation in the CDOT right-of-way between Arapahoe Road and the Butler-Smith house. These improvements are limited to the existing road right-of-way. Construction will also require a 25 square-foot temporary easement for new curbing. Neither action will result in direct impacts to the property or the elements that make the property eligible for NRHP-listing. In August 2005, the Colorado State Historical Preservation Officer (SHPO) concurred that these activities would result in *no adverse effect*.

Gas Station and House (5BL9021): After the reconstruction of SH 7, the southwest corner of this property will be required for sidewalk, curb and gutter, as there is currently no sidewalk. This triangle-shaped property is currently paved and has been used as part of the highway. In March 2005, CDOT consulted with the SHPO and it was determined that this triangle does not contribute to overall significance of the property. The project also requires a 400-square-foot temporary easement to construct a private access on the property. The existing access off 63rd Street will be closed and a new access, about ten feet wide and unpaved, will be built to the north. In August 2005, the SHPO concurred that these actions result in *no adverse effect*.

Harburg House (5BL9024): Construction will require various temporary easements for minor improvements to two existing property driveways. The improvements involve asphalting the drives within the right-of-way. No work will occur on private property across the right-of-way line except for two temporary construction easements totaling 600 square feet. In addition, an existing public road on the west side of the Harburg property requires reconstruction and a temporary easement of 4,450 square feet.

Finally, a temporary easement maybe needed to reconstruct the headwall and wingwalls on the outlet end of a segment of the Enterprise Ditch (5BL4164.2) that runs through the property. This segment of ditch was determined *not eligible* to the NRHP, in consultation with the SHPO, in March 2002. None of the aforementioned temporary easements will directly impact the property or the elements that make the property eligible for listing to the NRHP. In August 2005, the SHPO concurred that these actions would result in *no adverse effect* to 5BL9024.

DeBacker-Tenenbaum House (5BL9029): Widening of SH 7 will require the completion of a retaining wall along CDOT right-of-way to the north of the house. The retaining wall will not directly impact the property's landscaping or buildings. The Burlington Northern and Santa Fe (BNSF) railroad located west of the property will be temporarily realigned to the east of its existing location. This work will not directly impact 5BL9029. However, a temporary easement of approximately 2,000 square feet is necessary to build the fill slope for the railroad shoe-fly alignment, which is also a temporary improvement. These fill slopes will be located partially within the historic property boundary and the limit of the fill may impact some of the landscaping along the property's western boundary. With the exception of a single juniper bush, the vegetation impacted by the toe of the slope is not part of the original plantings that contribute to the property's significance. CDOT will build a temporary 2-foot to 4-foot-long retaining wall to minimize impacts inside the historic property boundary. Crews will remove the retaining wall after construction is completed. There will be no direct impacts to the property or the elements that make the property eligible for NRHP-listing. In August 2005, the SHPO concurred that these actions would result in *no adverse effect*.

Finding of *De Minimis* Impact

CDOT consulted with the SHPO regarding eligibility and effects for these sites in correspondence dated August 4, 2005. The SHPO concurred with these determinations on August 15, 2005. On August 4, 2005, CDOT offered the Boulder County Historic Preservation Advisory Board the opportunity to comment on eligibility and effects via letter. CDOT did not receive a response from the Advisory Board to this request within the 30-day review period. Copies of the Section 106 correspondence are attached for your review.

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

If you concur with this finding, please sign below.

Very truly yours,

Carol Parr
CDOT Region 4 Environmental Manager

Enc:

cc: Lisa Schoch, CDOT-EPB
File/CF

I concur: Stephen P Pogue 3/6/08
for Karla S. Petty (date)
Administrator, Colorado Division
Federal Highway Administration

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Planning/Environmental Section
1420 2nd Street
Greeley, Colorado 80631
(970) 350 -2170

DEPARTMENT OF TRANSPORTATION

RECE
DEC 1 9 2007
Muller Engineering Co

November 28, 2007

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

SUBJECT: Findings of Section 4(f) *De Minimis* Impact, (Legion Park and Cottonwood Ditch #2 [5BL4488.3]), Project STA 0072-013, SH 7 (Cherryvale Road to 75th Street) Environmental Assessment, Boulder County

Dear Mr. Nicol:

This letter and attached materials constitute a request for review and concurrence on findings of *de minimis* impact for two resources associated with the State Highway (SH) 7 (Cherryvale Road to 75th Street) Environmental Assessment (EA). The sites are the City of Boulder's Legion Park and a segment of the Cottonwood Ditch #2 (Colorado Office of Archaeology and Historic Preservation [OAHP] Site No. 5BL4488.3). Resulting from an agreement between Federal Highways Administration (FHWA) and the Colorado Department of Transportation's (CDOT) Region 4 Office, we are including in this correspondence both 4(f) *de minimis* findings for your review and signature.

CDOT will implement improvements to a two-mile segment of SH 7 to alleviate current problems with congestion, safety and multi-modal deficiencies. The project corridor is the length of SH 7 from Cherryvale Road in the city of Boulder and east to 75th Street in Boulder County. In the area of Legion Park, the project will widen the existing alignment from two to four lanes, including shoulder improvements for pedestrian and bike users and replace a deteriorating siphon within a 500-foot segment of Cottonwood Ditch #2.

Request for Finding of 4(f) *De Minimis* for Legion Park

Federal and state agencies conducted three group meetings early in the EA process. The official agency with jurisdiction, Boulder County Open Space, attended all three group meetings, project team progress gatherings and public open houses. The following summarizes the project's public involvement from June and November 2004:

- First EA Public Meeting, June 17, 2004
  - Information Presented
    - Project Background
    - Possible Alternatives
    - Existing Conditions

- Identified All Parks, Open Space, and Recreation Facilities Along Project Corridor

- Public Comments
  - Project team received 29 Comment Sheets Containing 173 Different Responses
  - None of the Comments Specifically Addressed Legion Park

- Second EA Public Meeting, November 9, 2004
  - Information Presented
    - Project Background
    - Alternatives Evaluation
    - Preferred Alternative (4-Lane)
    - Environmental Impacts
      - Visual Display Identified Specific Impacts to Legion Park – With Cut Slopes Or With A Retaining Wall
      - Photo Simulations Showed View Of Legion Park Before And After Construction – With Cut Slopes Or With A Retaining Wall
  - Public Comments
    - Question to the Public on the comment sheet: In the area of Legion Park and the City of Boulder Open Space (top of hill), both cut slopes and retaining walls are being considered. Cut slopes would require a larger construction impact area affecting more vegetation and trees, while retaining walls would be up to 20-23' tall. Which do you prefer?
      - 43 Responses Preferred Cut Slopes
      - 18 Responses Preferred Retaining Walls
    - Project team received 75 Comment Sheets Containing 293 Responses
    - Four Comments Addressed Retaining Walls
      - Graffiti will be a problem if walls are built (2 comments)
      - Concern about the aesthetics of the wall (1 comment)
      - Concern with sight restrictions and shadows causing icing problems (1 comment)
    - Two requests that cut slopes appear more natural
    - One respondent wanted as many trees saved as possible

- After the signing of the EA, the project team will conduct a public hearing. At this time, the team will inform those in attendance of the *de minimis* findings and the public will have an opportunity to comment. This meeting has yet to be scheduled.
- All Public Process Information Is Documented In The EA

Legion Park is a 28-acre mesa overlooking the Hillcrest, Leggett-Owen and Valmont Reservoirs. These reservoirs support the local osprey and eagle populations and provide park visitors the opportunity for raptor watching. Inside the park, Legion Park Trail is a one-mile loop open to hikers, mountain bikers and equestrians. Construction will accommodate a widened roadway; improve access to the primary park; connect the primary entrance to SH 7, and improve safety along the roadway resulting from the removal of a secondary access. The proposed action will impact approximately 0.5 of an acre of Legion Park and project effects on the Section 4(f) resource are limited to alterations to the existing cut slopes inside the park. In the impacted area, there is a landscaped hillside with no formal support of use or activity. In consultation with Boulder County Open Space, the impact from the cut slopes and/or loss of secondary access will not negatively affect any of the activities, attributes, or functions of the park.

Please refer to the enclosed for an illustration of the park and the May 17, 2005 concurrence letter from the Official with Jurisdiction, Boulder County Open Space. After construction, CDOT will return any affected locations to a condition that does not impact the use of the park or diminish its setting. The park will remain open and accessible during the entire project. CDOT believes that this represents the best effort to avoid, minimize, and mitigate impacts to the Section 4(f) resources associated with this project.

On April 26, 2005, CDOT and Boulder County Open Space met to discuss the cut slope and access change impacts to Legion Park. In May 2005, Boulder County Open Space sent CDOT a letter outlining the impacts to the Park and the County's concurrence that the project would not negatively impact park resources. Attached is a copy of the concurrence letter from Boulder County Open Space dated May 17, 2005.

Based on these actions and correspondence, and taking into consideration the harm minimization measures that have been incorporated into the proposed action as documented in this Section 4(f) Evaluation in Section 4.5 of the Environmental Assessment, it is recommended that the proposed action would have *de minimis* impacts and that an analysis of feasible and prudent avoidance alternatives under Section 4(f) is not required.

Please refer to page five with the heading: Finding of 4(f) de minimis for Legion Park for a complete compliance summary.

Request for Finding of 4(f) *De Minimis* for Cottonwood Ditch #2 (5BL4488.3)

The following description of the effects to a segment of the Cottonwood Ditch # 2 (5BL4488.3) and attached materials constitute a request for concurrence on a finding of *de minimis* impact for the project referenced above. The Cottonwood Ditch #2 is a historic resource within the State Highway 7 EA project area. Segment 5BL4488.3 was initially determined *eligible* under National Register of Historic Places (NRHP) Criterion A on March 29, 2005.

Project Effects

1) Improvements to SH 7 require the construction of a temporary bridge to carry the Burlington Northern railroad over the Cottonwood Ditch #2. CDOT will remove the bridge upon the project's completion.

2) CDOT will also construct a permanent bridge to replace the existing railroad bridge over the ditch. The proposed bridge will be similar in configuration to the existing bridge (approximately a 15-foot span vs. the existing 12-foot span). The introduction of the new bridge will not alter the resource's current alignment or change the ditch's existing surface or materials.

Because the construction of the two bridges will not impact this segment or the entire eligible Cottonwood Ditch # 2, CDOT has determined that the project will result in *no adverse effect* to the entire ditch. Please see the attached graphic referencing this element of the SH 7 project.

Finding of *De Minimis* Impact

CDOT initially consulted with the SHPO regarding eligibility and effects for this sites in correspondence dated March 24, 2005. The SHPO concurred with our findings of eligibility and effects by letter on March 29, 2005. CDOT's Environmental Programs Branch submitted additional information regarding effects

for 5BL4888.3 in a letter dated March 13, 2006 and the SHPO concurred with those findings on March 24, 2006. CDOT offered Boulder County Historic Preservation Advisory Board the opportunity to comment on eligibility and effects via letter dated March 24, 2005. We did not receive a response from the Commission to these requests within the 30-day review period. Copies of the Section 106 correspondence are attached for your review.

CDOT believes that this documentation is sufficient to demonstrate compliance with Section 4(f) *de minimis* requirements and ask that you find as such for both resources. If you concur with this finding for Legion Park, please sign at the concurrence line on page five of this document and for the finding on Cottonwood Ditch #2, please sign the concurrence line on page six.

Sincerely,

Carol Parr
CDOT Region Environmental Manager

Enc: Legion Park Attachments:
Legion Park location map
Parks and Open Space Concurrence Letter dated May 17, 2005
Map showing Preferred Alternative and impacts to Legion Park

Cottonwood Ditch #2 Attachments:
Section 106 correspondence
Site forms
Plan sheets

cc: Lisa Schoch, CDOT-EPB
File/CF

Finding of 4(f) de minimis for Legion Park

The Federal Highway Administration hereby finds that:

- CDOT has consulted with the Official(s) with Jurisdiction on the uses and impacts to the non-historic Section 4(f) resource from the proposed State Highway 7 (Cherryvale Road to 75th Street) Environmental Assessment, CDOT Project Number STA 0072-013.
- The public has been given an opportunity to provide input.
- The Official(s) with Jurisdiction concurred that the project will not adversely affect the activities, features, and attributes that qualify the property for protection under Section 4(f). The FHWA finds that the project will have *de minimis* impacts on the non-historic Section 4(f) resources for the purposes of Section 6009 of SAFETEA-LU [to be codified at 23 U.S.C § 138(b) and 49 U.S.C § 303(d)].

Therefore, all Section 4(f) requirements, as they relate to these uses, have been met.

I concur: _____ 12/11/07

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

Date

Finding of 4(f) de minimis for a segment of Cottonwood Ditch # 2 (5BL4488.3)

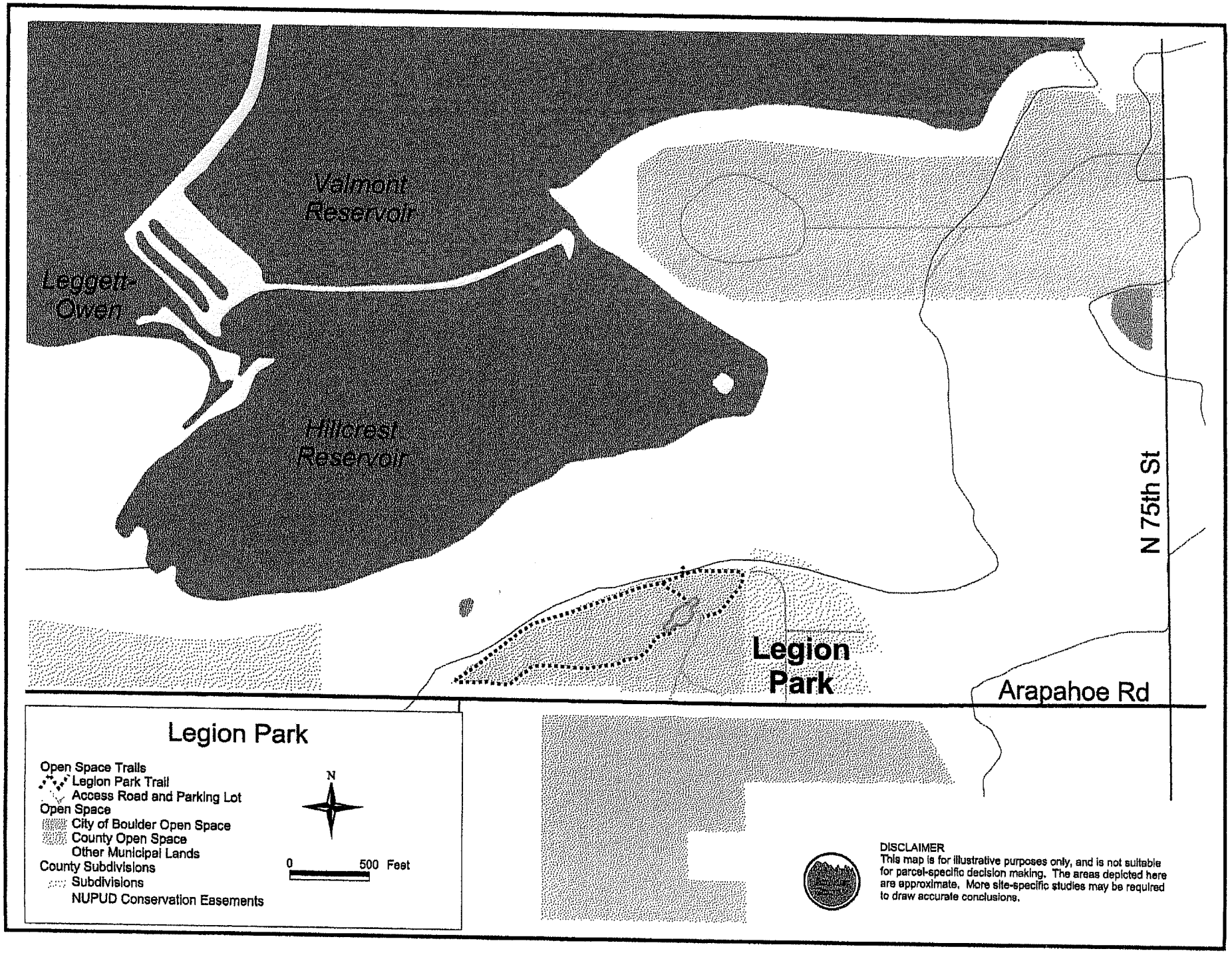
Based on the information presented above and on the attached documentation, the effects of this proposed improvement on the property noted above constitute a *de minimis* impact and the requirements of 23 USC 138 and 49 USC 303 have been satisfied. This finding is considered valid unless new information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

I concur: _____ 12/11/07

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

Date

LEGION PARK ATTACHMENTS


Valmont Reservoir
Leggett-Owen
Hillcrest Reservoir
N 75th St
Legion Park
Arapahoe Rd
Legion Park
Open Space Trails
Legion Park Trail
Access Road and Parking Lot
Open Space
City of Boulder Open Space
County Open Space
Other Municipal Lands
County Subdivisions
Subdivisions
NUPUD Conservation Easements
N
0
500 Feet
DISCLAIMER
This map is for illustrative purposes only, and is not suitable for parcel-specific decision making. The areas depicted here are approximate. More site-specific studies may be required to draw accurate conclusions.

Post Office Box 471 • Boulder, Colorado 80306

Parks and Open Space Department

5201 St. Vrain Road • Longmont, Colorado 80503 • (303) 678-6200 • Fax (303) 678-6180
Fairgrounds: 9595 Nelson Road • Longmont, Colorado 80501 • (303) 678-6235 • Event Line: (303) 441-3927

PROJECT: STA 0072-013
LOCATION: SH 7 EA
CODE: 14802

May 17, 2005

Colorado Department of Transportation
1050 Lee Hill Road
Boulder, CO 80302
Attn: Mark Gosselin

Dear Mr. Gosselin,

This letter concerns impacts to Legion Park with regard to proposed road improvements associated with the State Highway 7 (SH 7) Environmental Assessment. The Boulder County Parks and Open Space Department agrees that the proposed road improvements will not have an adverse impact on the use of Legion Park, and that the project meets the criteria for temporary occupancy as outlined in the Section 4(f) regulations. An agreement between the Colorado Department of Transportation (CDOT) and Boulder County with regard to the following is currently in negotiation.

1. According to CDOT the project will require approximately one year to construct. The time required for the construction of the main access and removal of the secondary access will take less than one month. The duration of construction of the cut slopes along SH 7 will take approximately two months. The cut slopes are a result of the lowering of the hill adjacent to Legion Park and are not related to the construction of the Legion Park access. This work will take place under temporary easements and the ownership of Legion Park will not change. We consider the scope of work to be minor in nature and magnitude. The main access will require minor improvements to re-connect to SH 7. The secondary access will be removed to improve safety. The cut slopes are considered minor and will not change the use of the park in any way.
2. The project will not have any adverse impacts to Legion Park and the park will remain open during construction activities.
3. The affected portion of the Legion Park property will be returned to a condition that will not impact the use of the park or diminish the park setting.

Sincerely,

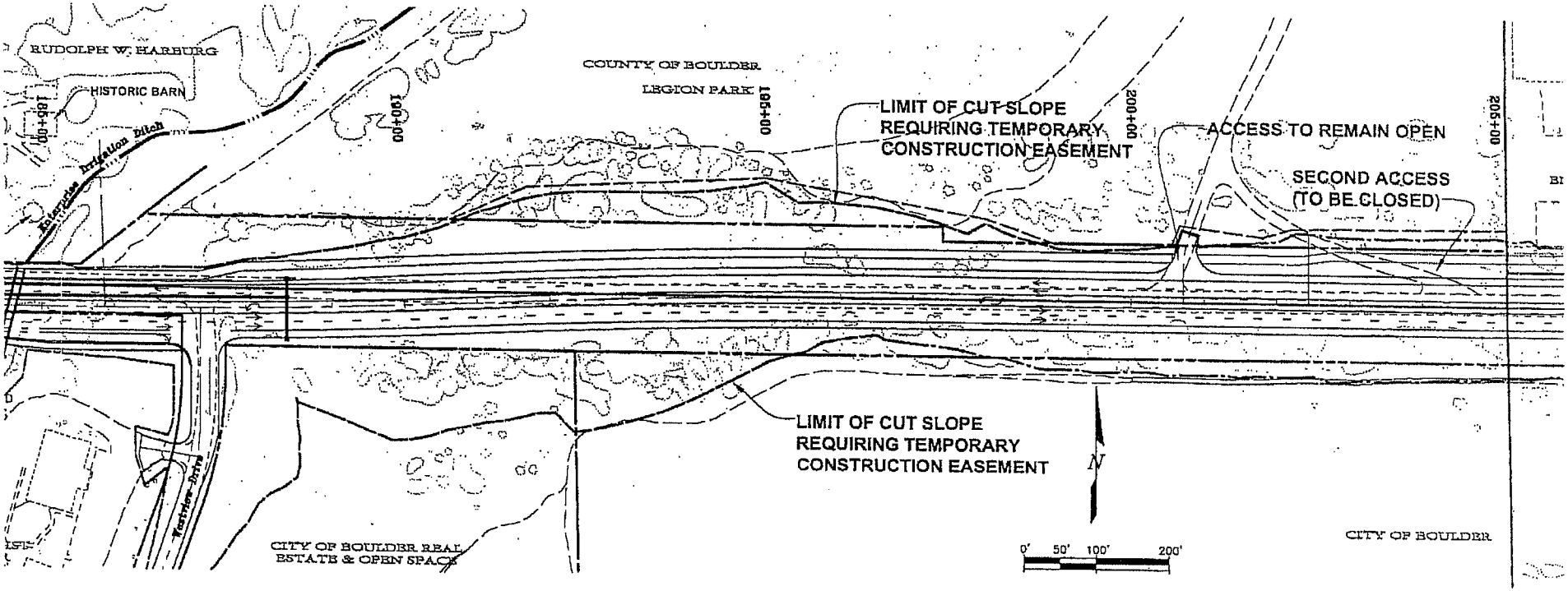
Richard Koopmann
Resource Planning Manager

Cc.
Ron Stewart: County Open Space
Carol Parr, CDOT – R4Environmental
Lisa Schoch, CDOT
Gray Clark, Muller Engineering
File

Tom Mayer
County Commissioner

Ben Pearlman
County Commissioner

Will Toor
County Commissioner


RUDOLPH W. HARBURG
HISTORIC BARN
Harburg Irrigation Ditch
COUNTY OF BOULDER
LEGION PARK
185+00
190+00
195+00
200+00
205+00
LIMIT OF CUT SLOPE
REQUIRING TEMPORARY
CONSTRUCTION EASEMENT
ACCESS TO REMAIN OPEN
SECOND ACCESS
(TO BE CLOSED)
LIMIT OF CUT SLOPE
REQUIRING TEMPORARY
CONSTRUCTION EASEMENT
N
0' 50' 100' 200'
CITY OF BOULDER REAL
ESTATE & OPEN SPACE
CITY OF BOULDER

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 E. Arkansas Ave.
Shumate Bldg.
Denver, CO 80222
(303)757-9281

November 27, 2007

Mr. Richard Koopman
Resource Planning Division Manager
Boulder County Parks & Open Space
5201 St. Vrain Road
Longmont, CO 80503

SUBJECT: Notification of Section 4(f) De Minimis for Cottonwood Ditch #2 Segment 5BL4488.3, CDOT Project STA 0072-013, State Highway 7 Environmental Assessment

Dear Mr. Koopman:

Enclosed are materials submitted to the Federal Highway Administration (FHWA) -- Colorado Division notifying that office of a Section 4(f) *De Minimis* for a segment of the Cottonwood Ditch #2 (Colorado Office of Archaeology and Historic Preservation Site No. 5BL4488.3) and the City of Boulder's Legion Park . This correspondence is sent to you as a consulting party for the State Highway 7 Environment Assessment.

If you have questions or require additional information, please contact me at (970) 350-2204.

Very truly yours,

Robert Autobee, Senior Historian
CDOT-Region 4

Enclosures

cc: Carol Parr CDOT Region 4
File/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 E. Arkansas Ave.
Shumate Bldg.
Denver, CO 80222
(303)757-9281

November 6, 2007

Mr. James Hewat
Historic Preservation Planner
Boulder County Historic Preservation Advisory Board
Boulder Planning Department
P.O. Box 791
Boulder, CO 80306

SUBJECT: Notification of Section 4(f) De Minimis for Cottonwood Ditch #2 Segment 5BL4488.3, CDOT Project STA 0072-013, State Highway 7 Environmental Assessment (CHS #448019)

Dear Mr. Hewat:

Enclosed are materials submitted to the Colorado State Historic Preservation Officer (SHPO) notifying that office of a Section 4(f) *De Minimis* for a segment of the Cottonwood Ditch #2 (Colorado Office of Archaeology and Historic Preservation Site No. 5BL4488.3). The segment is located south of Arapahoe Road. This correspondence is sent to you as a consulting party for the State Highway 7 Environment Assessment.

If you have questions or require additional information, please contact me at (970) 350-2204.

Very truly yours,

Robert Autobee, Senior Historian
CDOT-Region 4

Enclosures

cc: Carol Parr CDOT Region 4
File/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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

November 2, 2007

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

SUBJECT: Notification of Section 4(f) *De Minimis* for Cottonwood Ditch #2 Segment 5BL4488.3, CDOT Project STA 0072-013, State Highway 7 Environmental Assessment (CHS #448019)

Dear Ms. Contiguglia:

This letter and the attached materials constitute notification of a Section 4(f) *de minimis* impact for a segment of the Cottonwood Ditch #2 (5BL4488.3) associated with the Environmental Assessment referenced above.

CDOT initially consulted with your office regarding 5BL4488.3 in correspondence dated March 24, 2005. That letter included descriptions of effects to this segment and one other (5BL4488.2). On March 29, 2005 you determined 5BL4488.3 was *eligible* for the National Register of Historic Places (NRHP) and the project would result in an *adverse effect* to the segment. On March 13, 2006, CDOT submitted additional information and a clarification of effects for both segments. Based on the revised description of effects, you concurred with our finding of *no adverse effect* to 5BL4488.3 in correspondence dated March 24, 2006.

Based on this determination, FHWA may make a *de minimis* finding for the Section 4(f) requirements for this property. Enclosed are copies of the letters from March 2005 and March 2006 for your convenience.

We request your acknowledgment of this *de minimis* notification. We have forwarded this notification to the Boulder County Historic Preservation Advisory Board as well. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Region 4 Senior Historian Robert Autobee at (970) 350-2204.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures: March 24, 2005 letter from CDOT to SHPO
March 29, 2005 SHPO response
March 13, 2006 letter from CDOT to SHPO
March 24, 2006 SHPO response

cc: Carol Parr, CDOT Region 4/Lisa Schoch, CDOT-EPB
F/CF

OFFICE of ARCHAEOLOGY and HISTORIC PRESERVATION

May 2, 2007

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

Re: CDOT Project STA 0072-013, SH 7; Notification of Section 4(f) *De Minimis*.
(CHS #44809)

Dear Mr. Beckham,

Thank you for your correspondence dated April 25, 2007 and received by our office on April 26, 2007 regarding the above-mentioned project. After review of the submitted information, we acknowledge the *de minimis* notification under Section 4(f) of the Department of Transportation Act for this project.

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 Coordinator, at (303) 866-4678.

Sincerely,

File Copy

Georgianna Contiguglia
State Historic Preservation Officer

COLORADO HISTORICAL SOCIETY
1300 BROADWAY DENVER COLORADO 80203 TEL 303/866-3395 FAX 303/866-2711 www.coloradohistory-oahp.org

CO HISTORICAL SOCIETY Fax:3038662711 Nov 26 2007 11:10 P.02

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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

DEPARTMENT OF TRANSPORTATION

April 26, 2007

RECEIVED
MAY 30 2007
Muller Engineering Company, Inc.

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

Dear Mr. Nicol,

RE: Finding of Section 4(f) *De Minimis* Impact, Enterprise Ditch Segment 5BL4164.2, Project STA 0072-013, State Highway 7 Environmental Assessment, Boulder County, SA 14802

This letter and attached materials constitute a request for review and concurrence on a finding of *de minimis* impact for the project referenced above, which involves improvements to State Highway 7 (SH 7) from Cherryvale Road to 75th to reduce congestion and enhance safety. The Enterprise Ditch (5BL4164) is within the project area and is eligible to the National Register of Historic Places under Criterion A for its association with the agricultural/irrigation history in Boulder County. We recently requested your review of a de minimis finding for segment 5BL4164.4 of this ditch.

Project Effects

The project will involve the replacement of a concrete box culvert that currently carries segment 5BL4164.2 of the Enterprise Ditch under State Highway 7, and will include minor realignment of approximately 200 feet of the ditch on the south side of SH 7. The segment that will be impacted was determined to have a low degree of integrity due to changes in setting. Please see the attached Exhibit 3, which shows the planned impacts to the ditch segment.

Finding of *De Minimis* Impact

CDOT consulted with the SHPO regarding eligibility and effects to this ditch segment in correspondence dated August 4, 2005. At that time, CDOT determined that the project would result in *no historic properties affected,* but in their response dated August 15, 2005, SHPO determined that the entire Enterprise Ditch is NRHP-eligible, and the project will result in *no adverse effect* to the ditch. The SHPO was notified of the intent to make a *de minimis* finding for this segment of ditch in correspondence dated April 25, 2007. The Boulder County Landmark Preservation Advisory Board was afforded an opportunity to comment on the Section 106 findings in August 2005 and was also notified of the intent to make a *de minimis* finding for this historic resource in correspondence dated April 25, 2007. Boulder County did not provide any comments on the Section 106 determinations. Copies of the Section 106 correspondence are attached for your review.

Based on the information presented above and on the attached documentation, the effects of this proposed improvement on the properties noted above constitute a *de minimis* impact and the requirements of 23 USC 138 and 49 USC 303 have been satisfied. This finding is considered valid unless new information is

obtained or the proposed effects change to the extent that consultation under Section 106 must be reinitiated.
If you concur with this finding, please sign below.

Sincerely,

FOR Brad Beckham, Manager
Environmental Programs Branch

I concur, Michael E Vanderhoof 5.2.07
for David A. Nicol. P.E. (date)
Administrator, Colorado Division
Federal Highway Administration

Enclosures:

Section 106 correspondence
Site form for 5BL4164.2
Exhibit 3

cc: Carol Parr, Region 4
File/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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

DEPARTMENT OF TRANSPORTATION

April 25, 2007

Ms. Denise Grimm
Historic Preservation Advisory Board
Boulder County Land Use Department
P.O. Box 471
Boulder, CO 80306

SUBJECT: Notification of Section 4(f) *De Minimis*, Enterprise Ditch Segment 5BL4164.2, CDOT Project STA 0072-013, State Highway 7 Environmental Assessment

Dear Ms. Grimm:

This letter and the attached materials constitute notification of a Section 4(f) *de minimis* impact for a segment of the Enterprise Ditch (5BL4164.2) associated with the Environmental Assessment referenced above. We provided an extended explanation of the Section 4(f) *de minimis* requirements in correspondence for this project dated May 31, 2006. Please reference that correspondence for more information about Section 4(f) *de minimis*.

We initially consulted with your office regarding eligibility and effects for this ditch in correspondence dated August 4, 2005. At that time we determined that the segment in the project area lacked integrity and the project would result in *no historic properties affected* with regard to the ditch. In correspondence dated August 15, 2005, the State Historic Preservation Officer (SHPO) determined that the *entire* Enterprise Ditch is National Register-eligible and that the project would actually result in *no adverse effect* to the ditch. Based on this determination, FHWA may make a *de minimis* finding for the Section 4(f) requirements for this property. Enclosed are copies of the August 2005 letters for your convenience.

We request your acknowledgment of this *de minimis* notification. We have forwarded this notification to the SHPO as well. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

Brad Beckham

Brad Beckham, Manager
Environmental Programs Branch

Enclosure: August 5, 2005 (Letter from CDOT to SHPO)
August 15, 2005 (Response, SHPO to CDOT)

cc: Carol Parr, CDOT Region 4
F/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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

DEPARTMENT OF TRANSPORTATION

April 25, 2007

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

SUBJECT: Notification of Section 4(f) De Minimis, Enterprise Ditch Segment 5BL4164.2, CDOT Project STA 0072-013, State Highway 7 Environmental Assessment (CHS #44809)

Dear Ms. Contiguglia:

This letter and the attached materials constitute notification of a Section 4(f) *de minimis* impact for a segment of the Enterprise Ditch (5BL4164.2) associated with the Environmental Assessment referenced above.

We initially consulted with your office regarding eligibility and effects for this ditch in correspondence dated August 4, 2005. At that time we determined that the segment in the project area lacked integrity and the project would result in *no historic properties affected* with regard to the ditch. In correspondence dated August 15, 2005, you determined that the *entire* Enterprise Ditch is National Register-eligible and that the project would result in *no adverse effect* to the ditch. Based on this determination, FHWA may make a *de minimis* finding for the Section 4(f) requirements for this property. Enclosed are copies of the August 2005 letters for your convenience.

We request your acknowledgment of this *de minimis* notification. We have forwarded this notification to the Boulder County Historic Preservation Advisory Board as well. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

Brad Beckham, Manager
Environmental Programs Branch

Enclosure: August 5, 2005 (Letter from CDOT to SHPO)
August 15, 2005 (Response, SHPO to CDOT)

cc: Carol Parr, CDOT Region 4
F/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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

DEPARTMENT OF TRANSPORTATION

January 30, 2007

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

SUBJECT: Finding of Section 4(f) *De Minimis* Impact, Project STA 0072-0013, State Highway 7 Environmental Assessment, Boulder County

Dear Mr. Nicol:

This letter and the attached materials constitute a request for review and concurrence on a finding of *de minimis* impact for the project referenced above, which involves improvements to State Highway 7 from Cherryvale Road to North 75th Street to reduce congestion and enhance safety. In August 2005, the entire Enterprise Ditch (5BL4164) was found eligible to the National Register of Historic Places under Criterion A for its significant association with the agricultural/irrigation history in Boulder County.

Project Effects

A 1,000-foot segment of the ditch (5BL4164.4) crosses under the Burlington Northern and Santa Fe (BNSF) Railroad in an existing siphon pipe. In order to construct a new BNSF railroad bridge over State Highway 7, a temporary railroad alignment is necessary approximately 25 feet east of the current road alignment. The temporary railroad alignment will require part of the ditch to be placed in a 100-foot long pipe. CDOT will remove the pipe and restore the open ditch after removal of the temporary rail grade alignment. The railroad will remain on its current alignment.

Since CDOT will restore this 1,000-foot segment to its original function and appearance, we have determined that these improvements will result in *no adverse effect* to the entire ditch. Please refer to the enclosed plan sheet for additional information.

Finding of *De Minimis* Impact

CDOT initially consulted with the SHPO regarding eligibility and effects for this ditch in correspondence dated March 24, 2005. At that time, we determined that the segment in the project area lacked integrity and the project would result in *no historic properties affected.* The SHPO concurred with these determinations in correspondence dated March 29, 2005, but in subsequent correspondence dated August 12, 2005, the SHPO revised that decision and determined that the entire Enterprise Ditch is NRHP-eligible. On May 31, 2006, Boulder County's Land Use Department/Historic Preservation Advisory Board was offered the opportunity to comment on eligibility and effects to the Enterprise Ditch via letter. We did not receive a response from the Committee to this request within the 30-day review period. Copies of the Section 106 correspondence are attached for your review.

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

If you concur with this finding, please sign below.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures: Section 106 correspondence
Site form for 5BL4164.4
Project plans

cc: Carol Parr, Region 4
File/CF

I concur: Michael G Vandehoq 2/22/07

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

Historic Resources

U.S. Department
of Transportation
Federal Highway Administration

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

RECEIVED
MAR 2 8 2007
Muller Engineering Company, Inc.

December 4, 2006

REC'D DEC 07 2006

Colorado Federal Aid Division

Ms. Carol Legard
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Ms. Legard:

Subject: Memorandum of Agreement, Colorado Department of Transportation Project STA 0072-0013, State Highway 7 Environmental Assessment, Boulder County, CO

Transmitted herewith is the fully executed Memorandum of Agreement (MOA) for the Colorado Department of Transportation (CDOT) project referenced above. The Federal Highway Administration (FHWA) and Colorado State Historic Preservation Officer (SHPO) have agreed that the proposed project will have an Adverse Effect on two historic properties: the Cottonwood Ditch # 2 (5BL4488/5BL4488.2) and the Colorado Southern-Burlington Northern Railroad (5BL400/5BL400.5) in Boulder County. CDOT is a participant in this agreement as an invited signatory.

In accordance with the process set forth in the Council regulations, Section 800.6(b)(1)(iv), mitigation measures and measures considered to avoid or minimize the undertaking's adverse effects have been agreed upon with the SHPO and are outlined in the MOA. There have been no substantive revisions or additions to the documentation previously provided to the Council, nor additional views expressed by the public concerning this project.

If you have questions, please contact CDOT Assistant Staff Historian Robert Autobee at (303) 757-9758.

Sincerely yours,

Melinda Castillo

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

Enclosure: Copy of MOA for ACHP files
cc: Thomas E. Norton, CDOT Executive Director
Attn: R. Autobee, CDOT Environmental Programs (w/original MOA)
Karla Harding, CDOT Region 4 Director
Attn: S. Elmquist, CDOT Region 4 Env. Manager

BUCKLE UP AMERICA

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch
4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9011

DEPARTMENT OF TRANSPORTATION

November 20, 2006

Mr. David Nicol, P.E.
Division Administrator
Federal Highway Administration
12300 W. Dakota Avenue, Suite 180
Lakewood, CO 80228

RE: CDOT Project STA 0072-0013, State Highway 7 Environmental Assessment, Boulder County, (SA 14802)

Dear Mr. Nicol:

Enclosed for your signature is the Memorandum of Agreement (MOA) between FHWA and the State Historic Preservation Officer (SHPO) for the project referenced above, which will adversely affect two historic properties: the Cottonwood Ditch #2 (5BL4488/5BL4488.2) and the Colorado Southern-Burlington Northern Railroad (5BL400/5BL400.5).

CDOT has signed the MOA as an invited signatory. Once you have affixed your signature in the designated location, please forward a **copy** of the executed document to Carol Legard at the Advisory Council on Historic Preservation (Council) for filing. A draft transmittal letter to the Council is enclosed on CD. The Council was notified of the adverse effect to this historic property on July 18, 2006, but elected not to participate in consultation in correspondence dated October 20, 2006.

Please send the **original fully executed** MOA and a copy of all of your correspondence with the Council to CDOT Senior Staff Historian Lisa Schoch for our files. If you have questions or require additional information, please contact Ms. Schoch at (303) 512-4258.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures (Original MOA for signature)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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

November 14, 2006

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

SUBJECT: Memorandum of Agreement for Signature, Project STA 0072-0013, State Highway 7 Environmental Assessment, Boulder County (CHS #44809)

Dear Ms. Contiguglia:

Enclosed for your signature is one copy of the original Memorandum of Agreement (MOA) for the transportation undertaking referenced above. The project will adversely affect two historic properties, the Colorado Southern-Burlington Northern Railroad (5BL400/5BL400.5) and the Cottonwood Ditch #2 (5BL4488/5BL4488.2).

The irrigation ditch and railroad will be recorded prior to construction so that there will be a permanent record of their present appearance and history. Recordation shall consist of Level II documentation as determined in consultation with your staff, and established in OAHP form #1595, *Historical Resource Documentation: Standards for Level I, II, and III Documentation.*

Please sign and return the document to CDOT Senior Staff Historian Lisa Schoch at the address on this letterhead. The document was modeled after a sample MOA provided by your office and uses standard language agreed upon by our respective agencies.

This procedure is consistent with the process outlined in the Advisory Council on Historic Preservation's regulations, 36 CFR Part 800. You will receive a copy of the original document when fully executed. If you have questions or require additional information, please contact Ms. Schoch at (303) 512-4258.

Very truly yours,

Brad Beckham, Manager
Environmental Programs Branch

Enclosure: Original copy of signed MOA

cc: Carol Parr, CDOT Region 4
F/CF

MEMORANDUM OF AGREEMENT
BETWEEN THE FEDERAL HIGHWAY ADMINISTRATION AND THE COLORADO STATE HISTORIC PRESERVATION OFFICER REGARDING STATE HIGHWAY 7 ENVIRONMENTAL ASSESSMENT

COLORADO DEPARTMENT OF TRANSPORTATION PROJECT STA 0072-0013, BOULDER COUNTY

WHEREAS, the Federal Highway Administration (FHWA) has determined that Project STA 0072-0013 will have an adverse effect on the Cottonwood Ditch #2 (5BL4488/5BL4488.2) and the Colorado-Southern Burlington Northern Railroad (5BL400/5BL400.5) both of which are eligible to the National Register of Historic Places. FHWA has consulted with the Colorado State Historic Preservation Officer (SHPO) pursuant to 36 CFR 800, regulations implementing Section 106 of the National Historic Preservation Act (16 U.S.C. Section 470f); and

WHEREAS, FHWA has consulted with the Colorado Department of Transportation (CDOT) regarding the effects of the undertaking on historic properties and has invited CDOT to sign this MOA as an invited signatory; and

WHEREAS, in accordance with 36 CFR 800.6(a)(1), FHWA has notified the Advisory Council on Historic Preservation (Council) of its adverse effect determination with specified documentation, and the Council has elected not to participate in the consultation pursuant to 36 CFR 800.6(a)(1)(iii); and

WHEREAS, the historic properties that will be affected by the MOA are:

Colorado Southern-Burlington Northern Railroad (5BL400/5BL400.5): The entire railroad is considered eligible under National Register Criterion A for its association with the history of rail transportation in Boulder County. A 2500-foot segment of the railroad was evaluated for this project and was found to retain sufficient integrity to support the overall eligibility of the railroad.

Cottonwood Ditch #2 (5BL4488/5BL4488.2): The entire 3-mile ditch is considered eligible to the National Register under Criterion A for its importance in the history of agricultural development in Boulder County. The segment of the ditch in the project area has sufficient integrity to support the overall eligibility of the ditch.

NOW, THEREFORE, FHWA and the Colorado SHPO agree that the undertaking shall be implemented in accordance with the following stipulations in order to take into account the effect of the undertaking on historic properties.

STIPULATIONS

FHWA shall ensure that the following measures are carried out:

I. MITIGATION

The irrigation ditch and railroad will be recorded prior to construction so that a permanent record exists of their history and present appearance. This will include historic research and documentation.

A. ARCHIVAL DOCUMENTATION

CDOT shall ensure that the ditch and railroad are documented in accordance with the guidance for

Level II documentation found in Office of Archaeology and Historic Preservation (OAHP) Form #1595, *Historical Resource Documentation: Standards for Level I, II, and III Documentation.* CDOT shall consult with the SHPO to determine the appropriate Level II recordation measures.

1) CDOT shall ensure that all documentation activities will be performed or directly supervised by architects, historians, photographers and/or other professionals meeting the minimum qualifications in their field as specified in the Secretary of Interior's Professional Qualifications Standards (36 CFR 61, Appendix A).

2) CDOT shall provide originals of all records resulting from the documentation to the SHPO and a local library or archive designated by the SHPO.

II. DURATION

This agreement will be null and void if its terms are not carried out within five (5) years from the date of its execution. Prior to such time, FHWA may consult with the other signatories to reconsider the terms of the agreement and amend it in accordance with Stipulation IV below.

III. MONITORING AND REPORTING

Each year following the execution of this agreement until it expires or is terminated, FHWA shall provide all parties to this agreement a summary report detailing work undertaken pursuant to its terms. Such report shall include any scheduling changes proposed, any problems encountered, and any disputes and/or objections received in FHWA's efforts to carry out the terms of this agreement. Failure to provide such summary report may be considered noncompliance with the terms of this MOA pursuant to Stipulation V, below.

IV. DISPUTE RESOLUTION

Should any party to this agreement object at any time to actions proposed or the manner in which the terms of this MOA are implemented, FHWA shall consult with the objecting party(ies) to resolve the objection. If FHWA determines, within 30 days, that such objection(s) cannot be resolved, FHWA will:

A. Forward all documentation relevant to the dispute to the Council in accordance with 36 CFR 800.2(b)(2). Upon receipt of adequate documentation, the Council shall review and advise FHWA on the resolution of the objection within 30 days. Any comment provided by the Council, and all comments from the parties to the MOA, will be taken into account by FHWA in reaching a final decision regarding the dispute.

B. If the Council does not provide comments regarding the dispute within 30 days after receipt of adequate documentation, FHWA may render a decision regarding the dispute. In reaching its decision, FHWA will take into account all comments regarding the dispute from the parties to the MOA.

C. FHWA's responsibility to carry out all other actions subject to the terms of this MOA that are not the subject of the dispute remain unchanged. FHWA will notify all parties of its decision in

writing before implementing that portion of the Undertaking subject to dispute under this stipulation. FHWA's decision will be final.

V. AMENDMENTS AND NONCOMPLIANCE

If any signatory to this MOA, including any invited signatory, determines that its terms will not or cannot be carried out or that an amendment to its terms must be made, that party shall immediately consult with the other parties to develop an amendment to this MOA pursuant to 36 CFR 800.6(c)(7) and 800.6(c)(8). The amendment will be effective on the date a copy signed by all of the original signatories is filed with the Council. If the signatories cannot agree to appropriate terms to amend the MOA, any signatory may terminate the agreement in accordance with Stipulation VI, below.

VI. TERMINATION

If the MOA is not amended following the consultation set out in Stipulation IV above, it may be terminated by any signatory or invited signatory. Within 30 days following termination, the FHWA shall notify the signatories if it will initiate consultation to execute an MOA with the signatories under 36 CFR 800.6(c)(1) or request the comments of the Council under 36 CFR 800.7(a) and proceed accordingly.

Execution of this Memorandum of Agreement by FHWA and Colorado SHPO and the submission of documentation and filing of this document with the Council pursuant to 36 CFR 800.6(b)(1)(iv) prior to FHWA's approval of this undertaking, and implementation of its terms evidence that FHWA has taken into account the effects of this undertaking on historic properties and afforded the Council an opportunity to comment.

SIGNATORIES:

Federal Highway Administration

Richard A Vandehoef 12/4/06

for David Nicol, P.E., Division Administrator — Date

Colorado State Historic Preservation Officer

Georgianna M Collins, Deputy Nov. 15 2006

Georgianna Contiguglia, SHPO — Date

INVITED SIGNATORY:

Colorado Department of Transportation

Jennifer Finch 11/9/06

for Tom Norton, Executive Director — Date

RECEIVED
MAY 0 3 2007
Muller Engineering Company, Inc.

COLORADO HISTORICAL SOCIETY

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

June ~~March~~ 24, 2006

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

Re: CDOT Project STA 0072-013, SH 7, Enterprise Ditch Segment 5BL.4164.4. (CHS #44809)

Dear Mr. Beckham,

Thank you for your additional information correspondence dated May 31, 2006 and received by our office on June 2, 2006 regarding the above-mentioned project. We appreciate your staff's work in submitting the additional information.

After review of the submitted information, we concur with the determination of *no adverse effect* under Section 106 of the National Historic Preservation Act for the Enterprise Ditch/5BL.4164. We acknowledge the *de minimis* notification under Section 4(f) of the Department of Transportation Act for this project.

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 Coordinator, at (303) 866-4678.

Sincerely,

Georgianna Contiguglia
State Historic Preservation Officer

U.S. Department
of Transportation
Federal Highway Administration

TO: Colorado Department of Transportation
ATTN: Ms. Carol Parr, Environmental
FROM: Federal Highway Administration
Colorado Division
Reg 4

Colorado Federal Aid Division

Subject: ACTION: State Highway 7, Cherryvale Road to 75th Boulder County, Colorado
Environmental Assessment (EA) and Section 4f Evaluation

Date: June 14, 2006

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

Reply to Attn of: HDA-CO

To: David Ortez
Office of Chief Counsel
Western Legal Services, HCC-WE

Attached is one copy of the subject document for this Colorado project for legal sufficiency review.

Questions on this submittal should be directed to Mr. Scott Sands, of this office, at (720) 963-3014.

Attachment

cc: (Memorandum only)
Mr. Karla Harding, Director, Region 4, CDOT
Attn: Ms. Carol Parr, Environmental

Celebrating 50 Years 1956 50 2006 Eisenhower Interstate System

BUCKLE UP AMERICA

TO: Colorado Department of Transportation
ATTN: Ms. Carol Parr, R-4 Environ. Mgr.
FROM: Federal Highway Administration Colorado Division

U.S. Department of Transportation
Federal Highway Administration

In Reply Refer To:
HDA-CO

Colorado Federal Aid Division

RECEIVED
JUL 28 2006
Muller Engineering Company, Inc.

Ms. Carol Legard
Advisory Council on Historic Preservation
1100 Pennsylvania Avenue, NW
Washington, DC 20004

Dear Ms. Legard:

SUBJECT: Documentation for Finding of Adverse Effect for
Colorado Department of Transportation Project STA 0072-013
State Highway 7 Environmental Assessment, Boulder County

Transmitted herewith is the Documentation of Finding of Adverse Effect for Colorado Department of Transportation (CDOT) STA 0072-013, State Highway 7 Environmental Assessment in Boulder County.

The Federal Highway Administration (FHWA) and the Colorado State Historic Preservation Officer (SHPO) have agreed that the proposed undertaking will have an Adverse Effect on the Cottonwood Ditch #2 (5BL4488/5BL4488.2) and the Colorado Southern-Burlington Northern Railroad (5BL400/5BL400.5), both of which are eligible to the National Register of Historic Places.

FHWA is submitting this Documentation for Finding of Adverse Effect, pursuant to the Advisory Council Regulations, 36 CFR Part 800, Section 800.6 (a) (1). In accordance with the process set forth in the regulations, mitigation measures have been agreed upon with the SHPO and are outlined in the request for concurrence of effects (Attachment C of the Documentation).

If there are any questions regarding this project, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Sincerely yours,

Scott R. Sands

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

Enclosures (Copy of Documentation of Adverse Effect for CDOT Project STA 0072-013)

cc: Mr. Scott Sands, Operations Engineer, FHWA, CO Division
Ms. Carol Parr, Region 4, Environmental Manager, CDOT
Ms. Lisa Schoch, Environmental Programs Branch, CDOT

BUCKLE UP AMERICA

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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

DEPARTMENT OF TRANSPORTATION

May 31, 2006

Ms. Denise Grimm
Historic Preservation Advisory Board
Boulder County Land Use Department
P.O. Box 471
Boulder, CO 80306

SUBJECT: Revised Determination of Effect, Enterprise Ditch Segment 5BL4164.4, CDOT Project STA 0072-013, State Highway 7 Environmental Assessment

Dear Ms. Grimm:

This letter and the attached materials constitute the request for comments on a determination of effect for a segment of the Enterprise Ditch (5BL4164.4) associated with the Environmental Assessment referenced above. We have also included a notification of Section 4(f) *de minimis*, which is described in more detail below.

Consultation Background

We initially consulted with your office regarding eligibility and effects for this ditch in correspondence dated March 24, 2005. At that time we determined that the segment in the project area lacked integrity and the project would result in *no historic properties affected*. Your office did not provide any official comments on those determinations. However, the SHPO concurred with the determinations in correspondence dated March 29, 2005, and in a subsequent letter SHPO determined that the *entire* Enterprise Ditch is National Register-eligible. Because the eligibility status of the entire ditch changed, and since our original correspondence regarding this segment of ditch did not provide a detailed description of effects, we are providing that additional information and a revised effects determination in this submittal.

EFFECTS DETERMINATION

Enterprise Ditch (5BL4164.4): This segment of the ditch crosses under the BNSF railroad in an existing siphon pipe. In order to construct a new BNSF railroad bridge over State Highway 7, a temporary railroad alignment would be required 25 feet to the east of the current alignment. The effects to the railroad were described in a letter to you dated March 24, 2005. The temporary BNSF alignment will require part of the Enterprise Ditch to be placed in approximately 100 feet of temporary pipe. The temporary pipe will be removed and the open ditch restored when the temporary railroad alignment is removed. The ultimate railroad alignment will remain on its current alignment. Please see the attached plan sheet for more information. Because the ditch segment will be restored to its original function and appearance and because it has already been determined that this segment lacks integrity, CDOT has determined that these improvements will result in *no adverse effect* to the entire ditch.

SECTION 4(F) AND *DE MINIMIS*

Background

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

With regard to this project, FHWA has determined that the impact to the Enterprise Ditch (5BL4164.4), while causing *no adverse effect* for purposes of the NHPA, may nonetheless be a "use" for purposes of Section 4(f).

However, Congress recently amended Section 4(f) when it enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, enacted August 10, 2005)("SAFETEA-LU"). Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes FHWA to approve a project that uses Section 4(f) lands that are part of a historic property without preparation of an Avoidance Analysis, if it makes a finding that such uses would have "*de minimis*" impacts upon the Section 4(f) resource, with the concurrence of the relevant SHPO.

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

> (b) De Minimis Impacts. --
>
> (1) REQUIREMENTS.--
>
> (A) REQUIREMENTS FOR HISTORIC SITES.--The requirements of this section shall be considered to be satisfied with respect to an area described in paragraph (2) if the Secretary determines, in accordance with this subsection, that a transportation program or project will have a de minimis impact on the area.

[1] As currently codified, the pertinent language of Section 4(f) reads as follows:

> [T]he Secretary shall not approve any program or project . . . which requires the use of any . . . land from an historic site of national, State, or local significance as so determined by such officials unless
>
> (1) there is no feasible and prudent alternative to the use of such land, and
>
> (2) such program includes all possible planning to minimize harm to such park, recreational area, wildlife and waterfowl refuge, or historic site resulting from such use.

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

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

******

(C) CRITERIA.--In making any determination under this subsection, the Secretary shall consider to be part of a transportation program or project any avoidance, minimization, mitigation, or enhancement measures that are required to be implemented as a condition of approval of the transportation program or project.

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

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

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

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

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

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

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

Notification of *De Minimis* Finding

The project has been determined to have *no adverse effect* on the Enterprise Ditch (5BL4164.4), as indicated above. As part of the Section 106 consultation process, the State Historic Preservation Officer (SHPO) was also afforded the opportunity to concur on this effects determinations in correspondence dated May 31, 2006. We have also notified the SHPO of the *de minimis* finding.

As a local historic commission with a potential interest in this historic resource, we welcome your comments regarding the Section 106 effect determination and the Section 4(f) *de minimis* finding outlined

herein. Should you elect to respond, we request that you do so within 30 days of receipt of this letter. If you have questions or require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosure: Plan Sheet

cc: Carol Parr, CDOT Region 4
F/CF/RF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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

RECEIVED
JUN 19 2006
Muller Engineering Company, Inc.

May 31, 2006

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

SUBJECT: Revised Determination of Effect, Enterprise Ditch Segment 5BL4164.4, CDOT Project STA 0072-013, State Highway 7 Environmental Assessment

Dear Ms. Contiguglia:

This letter and the attached materials constitute the request for concurrence on a determination of effect for a segment of the Enterprise Ditch (5BL4164.4) associated with the Environmental Assessment referenced above.

Consultation Background

We initially consulted with your office regarding eligibility and effects for this ditch in correspondence dated March 24, 2005. At that time we determined that the segment in the project area lacked integrity and the project would result in *no historic properties affected.* You concurred with these determinations in correspondence dated March 29, 2005, but in subsequent correspondence dated August 15, 2005, you determined that the *entire* Enterprise Ditch is National Register-eligible. Because the eligibility status of the entire ditch changed, and since our original correspondence regarding this segment of ditch did not provide a detailed description of effects, we are providing that additional information and a revised effects determination in this submittal.

EFFECTS DETERMINATION

Enterprise Ditch (5BL4164.4): This segment of the ditch crosses under the BNSF railroad in an existing siphon pipe. In order to construct a new BNSF railroad bridge over State Highway 7, a temporary railroad alignment would be required 25 feet to the east of the current alignment. The effects to the railroad were described in a letter to you dated March 24, 2005. The temporary BNSF alignment will require part of the Enterprise Ditch to be placed in approximately 100 feet of temporary pipe. The temporary pipe will be removed and the open ditch restored when the temporary railroad alignment is removed. The ultimate railroad alignment will remain on its current alignment. Please see the attached plan sheet for more information. Because the ditch segment will be restored to its original function and appearance and because it has already been determined that this segment lacks integrity, CDOT has determined that these improvements will result in *no adverse effect* to the entire ditch.

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

The project has been determined to have *no adverse effect* on the Enterprise Ditch (5BL4164/5BL4164.4). Based on this finding, FHWA may make a *de minimis* finding for the Section 4(f) requirements for this historic property. Your written concurrence on the *no adverse effect* finding 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.

This revised effects determination and the *de minimis* notification have also been forwarded to the Boulder County Historic Preservation Advisory Board for review. Once we receive their comments, we will forward them to you.

We request your concurrence with the revised determination of effect outlined herein and acknowledgment of the *de minimis* notification. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosure: Plan Sheet

cc: Carol Parr, CDOT Region 4
F/CF/RF

COLORADO
HISTORICAL
SOCIETY

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

March 24, 2006

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

Re: CDOT Project STA 0072-013, SH 7, Cottonwood Ditch #25BL.4488.2/5BL.4883.3
(CHS #448019)

Dear Mr. Beckham,

Thank you for your additional information correspondence dated August 4, 2005 and received by our office on August 8, 2005 regarding the above-mentioned project. We appreciate your staff's work in submitting the additional information.

After review of the submitted information, we concur with the finding of *adverse effect* under Section 106 of the National Historic Preservation Act (Section 106) for resource 5BL.4488.2/segment of Cottonwood Ditch #2, and the finding of *no adverse effect* under Section 106 for resource 5BL.4488.3/segment of Cottonwood Ditch #2.

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 Coordinator, at (303) 866-4678.

Sincerely,

for Georgianna Contiguglia
State Historic Preservation Officer

COLORADO HISTORICAL SOCIETY

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

March 24, 2006

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

Re: CDOT Project STA 0072-013, SH 7, Enterprise Ditch Segment 5BL.4164.4. (CHS #44809)

Dear Mr. Beckham,

Thank you for your additional information correspondence dated May 31, 2006 and received by our office on June 2, 2006 regarding the above-mentioned project. We appreciate your staff's work in submitting the additional information.

After review of the submitted information, we concur with the determination of *no adverse effect* under Section 106 of the National Historic Preservation Act for the Enterprise Ditch/5BL.4164. We acknowledge the *de minimis* notification under Section 4(f) of the Department of Transportation Act for this project.

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 Coordinator, at (303) 866-4678.

Sincerely,

Georgianna Contiguglia
State Historic Preservation Officer

Troy

MEMORANDUM

DEPARTMENT OF TRANSPORTATION

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

DEPARTMENT OF TRANSPORTATION

DATE: August 24, 2005

TO: Carol Parr, Region 4 Environmental

FROM: Lisa Schoch, Environmental Programs

SUBJECT: SHPO response, State Highway 7 Environmental Assessment, Eligibility and Effects and Historic Property Boundary Revisions

The SHPO reviewed our request for concurrence on eligibility and effects determinations and a historic property boundary revision. A summary of the SHPO response is provided below:

1) The SHPO concurred with the proposed boundary revision for the Butler-Smith property (5BL8917).

2) The SHPO also concurred with FHWA and CDOT's determination that the project will result in *no adverse effect* for the following properties: 5BL8917, 5BL9021, 5BL9024, and 5BL9029.

3) The SHPO did not concur with our determination that work on the Enterprise Ditch will result in *no historic properties affected.* They conducted additional research and have determined that the *entire ditch* is eligible for the National Register of Historic Places (NRHP) under Criterion A for association with irrigation and agricultural development in Buolder County. The SHPO did state, however, that the segment of the Enterprise Ditch (5BL4164.2) in the project area exhibits a low degree of integrity and that the project will result in *no adverse effect* to the eligible Enterprise Ditch.

With regard to the Enterprise Ditch, because the SHPO has determined that the entire irrigation ditch is eligible, any impacts to it need to be evaluated to determine if there is a Section 4(f) use. I have not discussed this issue with FHWA, but our office has completed programmatic-level Section 4(f) evaluations for other projects with similar impacts to linear resources. I assume a similar evaluation will be necessary in this case since the entire ditch is considered eligible. I will discuss this with FHWA and provide some guidance on how to proceed.

We are still awaiting a response from the Boulder County Historic Preservation Advisory Board, who was contacted in correspondence dated August 4, 2005. I will forward a copy of this letter to them to aid in their review. I will send the Boulder County response to you once I receive it.

I have attached a copy of the SHPO response for your file.

cc: Mike Vanderhoof, FHWA
Gray Clark/Lisa Powell, Muller Engineering
Gina McAfee, Carter & Burgess
File/CF/RF

TVOY

MEMORANDUM

DEPARTMENT OF TRANSPORTATION

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

DEPARTMENT OF TRANSPORTATION

DATE: August 24, 2005

TO: Carol Parr, Region 4 Environmental

FROM: Lisa Schoch, Environmental Programs

SUBJECT: SHPO response, CDOT Project STA 0072-010, State Highway 7, Cherryvale Road to 75th Street, Boulder County, SA 11873

The SHPO reviewed the additional information provided by FHWA/CDOT regarding the siphon associated with the Cottonwood Ditch #2 (5BL4488.2). The SHPO did not concur with our determination that the siphon is a non-contributing part of the entire Cottonwood Ditch #2. Instead, they determined that the siphon contributes to the overall significance of the Cottonwood Ditch #2, but its replacement will result in *no adverse effect* to the entire eligible irrigation ditch because the plans indicate that the proposed siphon replacement will be close in size to the existing siphon.

However, as we discussed with FHWA, because the *entire* ditch is eligible, and this segment with the siphon still retains sufficient integrity, a programmatic-level Section 4(f) evaluation for this resource is necessary. Let me know if you have any questions about this, and if this evaluation will be drafted by Carter & Burgess or our staff.

I've sent a copy of the SHPO response to the Boulder County Historic Preservation Advisory Board. I've also attached a copy of the SHPO response for your file.

cc: Mike Vanderhoof, FHWA
Gray Clark/Lisa Powell, Muller Engineering
Gina McAfee, Carter & Burgess
File/CF/RF

COLORADO
HISTORICAL
SOCIETY

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

August 15, 2005

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

Re: CDOT Project STA 0072-013, State Highway 7 Environmental Assessment; Determinations of Eligibility and Effect and Historic Property Boundary Revisions. (CHS #44809)

Dear Mr. Beckham,

Thank you for your additional information correspondence dated August 4, 2005 and received by our office on August 8, 2005 regarding the above-mentioned project. We appreciate your staff's work in submitting the additional information.

After review of the submitted additional information, we concur with the revised boundary for resource 5BL.8917/Butler-Smith Property.

After review of the finding of effects, we concur with the finding of no adverse effect for the properties listed below.

- 5BL.8917/Butler-Smith Property
- 5BL.9021/Gas Station and House
- 5BL.9024/Harburg House
- 5BL.9029/DeBacker-Tenenbaum House

As a result of your revised information, our office has conducted additional research regarding resource 5BL.4164.2/Enterprise Ditch. According to a report titled *Cultural Resource Inventory of the Sombrero Marsh, City of Boulder Open Space* (dated March 1, 2000; BL.LG.R115), the Enterprise Ditch is significant because of its association with the development of water storage and irrigation in Boulder County. In another report titled *Cultural Resources of City of Boulder Open Space* (dated March 2001; BL.LG.R125), the Enterprise Ditch, which began in 1865, was found to be eligible under National Register Criteria A for its significant association with the agricultural/irrigation history in Boulder County.

After review of the above information and survey forms on file associated with resource 5BL.4164/Enterprise Ditch, we recommend that the entire ditch is eligible for the National Register of Historic Places under National Register Criteria A for its significant association with the irrigation/agricultural history of Boulder County.. Also, we reviewed your submitted information regarding the segment 5BL.4164.2 and concur that the segment has a low degree of integrity, as stated in your cover letter. Therefore, in our opinion, we recommend that the proposed project would result in a finding of *no adverse effect* for the entire Enterprise Ditch.

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 Coordinator, at (303) 866-4678.

Sincerely,

Mark Wolfe

for Georgianna Contiguglia
State Historic Preservation Officer

COLORADO
HISTORICAL
SOCIETY

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

August 12, 2005

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

Re: CDOT Project STA 0072-013, State Highway 7 Environmental Assessment; Determinations of Eligibility and Effect and Historic Property Boundary Revisions. (CHS #44809)

Dear Mr. Beckham,

Thank you for your additional information correspondence dated August 4, 2005 and received by our office on August 8, 2005 regarding the above-mentioned project. We appreciate your staff's work in submitting the additional information.

After review of the submitted additional information, we concur that the period of significance for resource 5BL.4488.2 is from 1863 to 1955. The siphon was constructed during the period of significance and it helped to maintain the use and function of an important ditch that played a significant role in the agricultural development of this area of Boulder County. Siphons were often added after the original period of construction for a ditch or canal but within the period of significance. According to the draft *Irrigation and Water Supply Ditches and Canals in Colorado* by Michael Holleran (April 14, 2005), siphons are identified as significant associated property types of a ditch or canal. Therefore, in our opinion, we continue to concur with the original 2002 assessment from Survey Form 5BL.4488.2 that the segment (resource 5BL.4488.2) supports the overall eligibility of the Cottonwood Ditch #2/resource 5BL.4488 under National Register Criterion A in the area of agriculture.

In our opinion, the replacement of the existing siphon with a new siphon will result in a finding of *no adverse effect* (36 CFR 800.5(b)). The siphon is one element of many that support the overall eligibility of the National Register-eligible Cottonwood Ditch #2. It also appears from the construction drawings that the proposed siphon will be close in size to the existing siphon. While the removal and replacement of the siphon would lessen the integrity of the Cottonwood Ditch #2, it would not significantly diminish the qualities, such as its historic association to the agricultural history of the area, that make the resource eligible for the National Register.

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 Coordinator, at (303) 866-4678.

Sincerely,

for Mark Wolfe
Georgianna Contiguglia
State Historic Preservation Officer

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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

DEPARTMENT OF TRANSPORTATION

August 4, 2005

Ms. Denise Grimm
Boulder County
Historic Preservation Advisory Board
Boulder County Land Use Department
P.O. Box 471
Boulder, CO 80306

SUBJECT: Section 106 Issues, CDOT Project STA 0072-013, State Highway 7 Environmental Assessment

Dear Ms. Grimm:

This letter and the attached materials constitute CDOT's request for comment on a revised boundary and effects determinations for historic properties associated with the Environmental Assessment (EA) referenced above. We consulted with you regarding a number of Section 106-related issues in correspondence dated March 24, 2005. This submittal includes the following elements:

- Revised boundary information for the Butler-Smith property (5BL8917)
- Effects determinations for additional properties in project APE

REVISED HISTORIC BOUNDARY, BUTLER-SMITH PROPERTY

5BL8917, Butler-Smith Property: The Butler-Smith house, initially surveyed for the Arapahoe Road feasibility study, was determined eligible under Criterion C as an excellent example of an 1880s farmhouse with clapboard siding and a Victorian front porch. At the time of the survey in 2001, the historic boundary was defined as the extent of the legal ownership boundary, which included a barn to the south of the main house and a house and two garages on an adjoining property, also to the south. At that time, the house and garages to the south were determined to be non-contributing, but the barn was determined to be contributing. The original boundary also included a pasture to the west.

In March 2005, FHWA and CDOT proposed amending the boundary of the property so that it included only the historic house and barn, and some of the landscaping around the house and barn that includes the driveway from Cherryvale Road. The house to the south and the two garages do not convey the significance of the property and have been excluded from the boundary. Your office and the State Historic Preservation Officer (SHPO) requested that we address whether the agricultural field/pasture to the west is part of the historic boundary. We have determined that the agricultural field/pasture to the west *is indeed* part of the historic boundary. This change is reflected in the revised architectural inventory form and on the attached aerial photo of the property.

EFFECTS DETERMINATIONS

The following information describes effects to the National Register-eligible properties in the APE that were not addressed in our submittal of March 24, 2005. All of these effects are based on the Preferred Alternative identified in the EA (Alternative 2), which involves the widening of SH 7 (Arapahoe Road)

between Cherryvale Road and 75th Street to incorporate additional turn lanes, shoulders, and in some locations additional through lanes. The project will have two through lanes in each direction between Cherryvale Road and the Boulder Valley School District (BVSD) entrance, and one lane in each direction from the BVSD entrance to 75th Street. There will be two through lanes in each direction through the 75th Street intersection. Bike lanes and sidewalks are also included for the entire project. The project will require the replacement of the existing BNSF railroad bridge over SH7.

5BL8917, Butler-Smith Property: The road in this area is already a 4-lane facility, and the only improvements will involve defining the right turn lane and curb and gutter. Additional vegetation will be removed in the right-of-way between Arapahoe Road and the house. All improvements will be limited to the existing road right-of-way (ROW). There will be no direct impacts to the house or barn. A 25 square-foot temporary easement for construction of the curb return may be required. Although the roadway widening will move toward the property, the improvements will remain within the existing right-of-way and there will be no difference in the elevation or grade of the road that would cause visual impacts that would diminish the qualities that make this property eligible to the National Register. The proposed improvements will also not result in any noise increases that will alter the significance of this property. Please see Exhibit 1 for more information. FHWA and CDOT have determined that the project will result in *no adverse effect* to the Butler-Smith property.

5BL9021, Gas Station and House: When Arapahoe Road is reconstructed, the southwest corner of this property will be required for sidewalk and curb and gutter, as there is currently no sidewalk. This triangle of property is presently paved and has been used as part of the highway. In consultation with your staff in March 2005, it was determined that this triangle of property does not contribute to the overall significance of the property.

There will be no direct impacts to the elements of the property within the historic boundary. The sidewalk will be closer than the existing edge of pavement in the areas within CDOT right-of-way, but the visual effect of a closer sidewalk will not diminish the qualities that make this property significant. A curb cut from 63rd Street will be installed on the existing roadway right-of-way. In addition, a 400-square-foot temporary construction easement will be required to construct a private access on this property. The existing access off 63rd will be closed and a new access—about 10 feet wide and unpaved—will be built to the north. Please see Exhibit 2 for more information.

Some tree removal may be required for construction, but these trees are on public right-of-way; two large pine trees close to the house that may be part of the setting of the property will remain in place. For the preferred alternative the road will be widened to the south, so the project improvements will actually be farther away from this property and the roadway elevation will not change. As such there will be no visual alterations that will affect the historic property. CDOT has determined that there will be no noise increases associated with the project, and consequently no issue related to increased noise at and near this property. We have determined that the project will result in *no adverse effect* to 5BL9021.

5BL9024, Harburg House: For the preferred alternative, there will be minor improvements to two existing property driveways, which will involve asphalting the drives within the ROW. No work will be undertaken on private property across the ROW line except for two temporary construction easements (600 square feet) required to complete the work. No vegetation will be removed.

An existing public road on the west side of the Harburg property will require reconstruction and a temporary easement (4450 square feet) on the property will be required to complete the work. This roadway appears to be within the boundary of the historic property. In addition, the project will involve

the replacement of the headwall and wingwalls on the outlet end of a segment of the Enterprise Ditch (5BL4164.2) that runs through the property. This segment of ditch was initially determined *not eligible* to the NRHP in March 2002, in consultation with your office. It was evaluated as a separate linear resource and was not recorded as a feature of the eligible Harburg property. The work to replace the headwall and wingwalls will occur within existing CDOT right-of-way for the preferred alternative. A temporary easement on the Harburg property may be required to remove the existing headwall and wingwalls and to construct the new headwall and wingwalls but this will not involve any permanent impacts to the Harburg property. Please see Exhibit 3 for more information.

As indicated above, because the road is being widened to the south, the improvements will actually be farther away from this property. The noise study for the project indicates that there is only a minimal change in noise levels from the existing noise levels to the modeled levels associated with the built project. CDOT has determined that this change in noise levels will not diminish the qualities that make this property historically significant. The roadway widening will move the alignment south of the property and the roadway elevation will remain the same, so there are no changes to the visual setting of the roadway that will diminish the qualities that make this historic property significant. As noted above, there will be no noise increases associated with the project, and therefore no issue related to increased noise at and near this property.

CDOT has determined that the improvements outlined above will not diminish the qualities of significance of this property, and the project will thus result in *no adverse effect* to 5BL9024.

5BL9029, DeBacker-Tenenbaum House: When Arapahoe Road is widened a retaining wall may be constructed along a portion of the road ROW north of the DeBacker-Tenenbaum property, but will not directly impact the landscaping or buildings on the property. The BNSF railroad, located west of the property, will be temporarily realigned so it is east of its existing location, but this work will not directly impact 5BL9029. However, a temporary easement of approximately 2,000 square feet will be required to build the fill slope for the railroad shoe-fly alignment, which is a temporary improvement. These fill slopes will be located partially within the historic property boundary, and the limit of the fill may impact some of the landscaping along the west boundary of the property. With the exception of a single juniper bush, the vegetation impacted by the toe of slope is not part of the original plantings that contribute to the property's significance. A temporary retaining wall will be built to protect the juniper bush that is part of the original planting. The retaining wall will be removed after construction is complete. Please see Exhibit 4 for a visual representation of this historic property and the planned work.

There will be some slight increases in noise levels in this area once the project is built. Increases between existing future modeled noise levels for the preferred alternative range between 1.4 and 1.9 decibels, which is not a significant increase to the human ear and will not diminish the qualities that make this property eligible to the National Register.

Although there will be some temporary visual effects associated with the construction of the project, the permanent improvements—the retaining wall, realignment of the railroad, fill slopes, and impacts to vegetation—will not introduce a visual element that will diminish the qualities that make this property significant. CDOT has determined that the project will result in *no adverse effect* to 5BL9029.

5BL4164.2, Enterprise Ditch: The project will involve the replacement of the concrete box culvert that currently carries the Enterprise Ditch under SH 7, and will include minor realignment of approximately 200 feet of the ditch on the south side of SH 7. The segment that will be impacted was determined to have a low degree of integrity due to changes in setting. At the time of the original evaluation in 2001,

the *entire* seven-mile ditch was found *field not eligible* due to diminished integrity, but no official determination has been made. Based on the field determination, CDOT has determined that the proposed work will result in *no historic properties affected.*

Several other properties were identified as State Register-eligible or eligible for local landmark designation in the 2002 Section 106 consultation. These include the Arapahoe School (5BL409) and Goodview Hill/Veteran's Memorial park (5BL516). Because these are not National Register-eligible properties, we did not evaluate potential project impacts on them.

We request your comment on the boundary revisions and effects determinations described herein. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations.

We have also sent this request to the SHPO for compliance purposes. We will forward their response to you once we hear from them. We have also attached for your files the SHPO's recent response regarding this project.

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

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures: Site Form for 5BL8917
Exhibits 1-4

cc: Mike Vanderhoof, FHWA
Carol Parr, CDOT Region 4
Gina McAfee, Carter & Burgess
Gray Clark/Lisa Powell, Muller Engineering Company

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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

DEPARTMENT OF TRANSPORTATION

August 4, 2005

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

SUBJECT: Additional Information Submittal, Cottonwood Ditch #2 (5BL4488.2); CDOT Project STA 0072-010, State Highway 7, Cherryvale Road to 75th Street, Boulder County

Dear Ms. Contiguglia:

This transmittal is in response to your letter of July 6, 2005, in which you requested additional information regarding a siphon associated with segment 5BL4488.2 of the Cottonwood Ditch #2, which is within the limits of the intersection reconstruction project referenced above.

Your questions and our responses are outlined as follows:

1) What information is the 1931 date based on?

   The 1931 date of the siphon is based on information from the Level II documentation for the Cottonwood Ditch #2, which was approved by your office in 2003. The ca. 1920s date of the siphon that appears in the original inventory form came from 2001 interviews with Dick Gilbert, Cottonwood Ditch #2 secretary, and Robert Carlson, Boulder County Water Commissioner. None of the historical records of the ditch company are available to researchers, and this therefore limits reliable sources for ditch history.

2) Did the construction of the 1931 siphon continue the ditch's use as a significant irrigation ditch in Boulder County?

   In 1931 the construction of a railroad bridge impacted the ditch where it intersects Arapahoe Road (SH 7), approximately a quarter of a mile west of the 75th Street intersection. Because the railroad crossing west of the ditch was dangerous, a bridge across Arapahoe Road was constructed and excavation was necessary to carry the roadway beneath it. Cottonwood Ditch #2 is about 200 feet east of the railroad tracks, so the excavation to lower the road also required the lowering of the ditch in this area. A siphon was installed to continue the flow of the ditch. This work did impact a small portion of the open character of the ditch, but not its historic function. The construction of the 1931 siphon allowed the ditch to function as it did historically and still does today.

3) What is the period of significance for the ditch?

   The period of significance is 1863 to 1955.

4) Why is the 1931 siphon no longer part of the history of the ditch?

We do not dispute that the siphon is part of the *history* of the ditch—it has clearly been a feature of the ditch since 1931 and was constructed during the period of significance. However, we do not believe that this underground pipe conveys the *feeling and association* of this open earth-lined irrigation feature. The physical integrity of the pipe is poor; it is cracked, leaking, and in need of replacement. Furthermore, construction of the siphon required the entire ditch to be lowered in this area. For these reasons, we do not believe that the segment of ditch that runs through the siphon—and the physical structure of the siphon proper—contribute to the overall significance of the ditch.

We have also determined that the proposed work to replace the siphon, as described in our letter of July 1 2005, will result in *no adverse effect* to this historic irrigation feature.

We request your concurrence with the determinations of eligibility and effect outlined above. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Senior Staff Historian Lisa Schoch at (303)512-4258.

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

cc: Mike Vanderhoof, FHWA
Carol Parr, CDOT Region 4
Gina McAfee, Carter & Burgess
Gray Clark, Muller Engineering Company
Denise Grimm, Boulder County Historic Preservation Advisory Board

MEMORANDUM

DEPARTMENT OF TRANSPORTATION

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

DEPARTMENT OF TRANSPORTATION

DATE: July 19, 2005

TO: Carol Parr, Region 4

FROM: Lisa Schoch, Environmental Programs Branch

SUBJECT: SHPO response, Project STA 0072-010, Cottonwood Ditch #2 (5BL4488.2), State Highway 7 Road to 75th Avenue, Boulder County

The SHPO has responded to FHWA/CDOT's request for a determination of eligibility and effect to the Cottonwood Ditch #2 (segment 5BL4488.2) and has requested additional information to determine if the siphon contributes to the overall significance of the ditch. I have attached the SHPO response for your review, and request that the historical consultant Barbara Norgren assist in addressing the following questions about the siphon so that I can prepare a response to SHPO:

1) What information is the 1931 date based on?
2) Why is the 1931 siphon no longer a part of the history of the ditch?
3) Did the construction of the 1931 siphon continue the ditch's use as a significant irrigation ditch in Boulder County?
4) What is the period of significance for the ditch?

In order to gain the SHPO concurrence on our eligibility and effects determination for the Cottonwood Ditch #2 (segment 5BL4488.2), we need to respond to their request for additional information. At this point the SHPO is unable to concur with our findings. Please contact me with any questions or concerns.

cc: [redacted]
Barbara Norgren, Historical Consultant
File/CF/RF

COLORADO
HISTORICAL
SOCIETY

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

July 6, 2005

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

Re: CDOT Project STA 0072-010, Cottonwood Ditch #2 (5BL.4488.2) State Highway 7 from Cherryvale Road to 75th Street, Boulder County CO. (CHS #44809)

Dear Mr. Beckham,

Thank you for your submission dated July 1, 2005 and received by our office on that same date regarding the above-mentioned project.

After review of the submitted information, we are unable to concur with the finding of not eligible for resource 5BL.4488.2. According to your cover letter, the original documentation for the resource 5BL.4488.2 stated that the siphon dated to the 1920s and was part of the history of the ditch. The Re-evaluation Form states that, "In 1931, to eliminate the dangerous railroad crossing on Arapahoe Rd. just west of the ditch, the road was lowered to pass under a new railroad bridge. The ditch was put into a siphon to go under the lowered road." The survey form also records the date of the siphon as 1931 and states that the siphon no longer contributes to the significance of the ditch, which is under Criterion A. What information is the 1931 date based on? Why is the 1931 siphon no longer a part of the history of the ditch? Did the construction of the 1931 siphon continue the ditch's use as a significant irrigation ditch for Boulder County (National Register Criterion A)?

In order to understand whether or not the siphon contributes to the ditch, it is our opinion that the period of significance of the ditch needs to be addressed. On the original August 2001 survey form, the siphon with a construction date of c.1920 was considered contributing to the Cottonwood Ditch #2, but no period of significance was addressed. The form appears to use the date of construction of the ditch and the 50-year cut-off date for the period of significance. We recommend further consultation regarding the period of significance to determine whether or not the 1931 siphon contributes to the ditch. The methodology would be same in determining the significance and integrity of alterations or additions to a historic house during its period of significance.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

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

Sincerely,

Georgianna Contiguglia
State Historic Preservation Officer

Troy

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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

DEPARTMENT OF TRANSPORTATION

July 1, 2005

Ms. Denise Grimm
Historic Preservation Advisory Board
Boulder County Land Use Department
P.O. Box 471
Boulder, CO 80306

SUBJECT: Determinations of Eligibility and Effect, Cottonwood Ditch #2 (5BL4488.2); CDOT Project STA 0072-010, State Highway 7, Cherryvale Road to 75th Street, Boulder County

Dear Ms. Grimm:

This letter and the attached materials constitute CDOT's request for comments on eligibility and effects determinations for segment 5BL4488.2 of the Cottonwood Ditch #2, which is within the limits of the Arapahoe Road (State Highway 7)/North 75th intersection reconstruction project in Boulder County.

Project Background

Segment 5BL4488.2 of the Cottonwood Ditch #2 was recorded in September 2001 and determined eligible for the National Register in consultation with your office in February 2002. During that consultation, CDOT determined that there would be an adverse effect to a 500-foot section of segment 5BL4488.2. A Memorandum of Agreement was executed and Level II documentation was completed for those impacts. Later, it was determined that the segment of the ditch in the project area could be avoided, so ultimately it was not impacted by the proposed project. Current plans involve replacement of a siphon that is part of this same ditch segment.

ELIGIBILITY DETERMINATIONS

The entire 3-mile Cottonwood Ditch #2 (5BL4488) is considered eligible to the National Register of Historic Places under Criteria A. As part of the original survey for the intersection project, segment 5BL4488.2 was found officially eligible in 2002. The initial survey of this ditch segment indicated that the feature included a 1920s-era siphon beneath Arapahoe Road, and that this siphon was "part of the history of the ditch." In June 2005, CDOT conducted a re-evaluation of the ditch segment and determined that the section of ditch in the siphon under the road is a non-contributing part both of the ditch segment and the overall Cottonwood Ditch #2. Please see the attached re-evaluation form for more information about the integrity of the siphon.

EFFECTS DETERMINATIONS

The Cottonwood Ditch #2 currently crosses Arapahoe Road just east of the Colorado Southern-Burlington Northern railroad bridge in an inverted siphon pipe. Current plans involve replacing this siphon for the following reasons: 1) the siphon is leaking and in deteriorating condition, and there are concerns that the

pipe may fail in the near future; 2) the intersection reconstruction requires that a storm sewer pipe be constructed beneath the existing siphon pipe, but there are concerns about supporting the siphon during construction; and 3) the roadway will be reconstructed above the siphon pipe and replacement of the siphon would reduce the amount of reconstruction required in the future. The project involves replacing the inlet or south end of the siphon and approximately three-quarters of the pipe. Because the siphon lacks the historical integrity to support the eligibility of segment 5BL4488.2 and the entire eligible Cottonwood Ditch #2, FHWA and CDOT have determined that the work to replace the siphon will result in *no adverse effect* to the entire ditch. Please see the attached graphic showing the proposed impacts to the siphon beneath Arapahoe Road.

We request your comment on the determinations of eligibility and effect outlined above. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations.

We have also forwarded this information to the State Historic Preservation Officer (SHPO) for Section 106 compliance purposes. We will forward their response to you once we hear from them.

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

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures
Re-Evaluation Form, 5BL4488.2
Graphic—Proposed impacts to siphon

cc: Mike Vanderhoof, FHWA
Carol Parr/Renee Galeano-Popp, CDOT Region 4
Gina McAfee, Carter & Burgess
Gray Clark, Muller Engineering Company

COLORADO
HISTORICAL
SOCIETY

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

March 29, 2005

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

Re: CDOT Project STA 0072-013, State Highway 7 Environmental Assessment; Determinations of Eligibility and Effect and Historic Property Boundary Revisions. (CHS #44809)

Dear Mr. Beckham,

Thank you for your correspondence dated March 24, 2005 and received by our office on that same date regarding the above-mentioned project.

After review of the submitted information, we concur with the proposed boundary adjustment for resource 5BL.9021/Gas Station and House. We are not able to complete our review of the boundary adjustment for resource 5BL.8917/Butler-Smith House. The original survey form completed in 2001 does not include photographs of the buildings south of the main residence and described as non-contributing. Please submit photographs to aid in reviewing the historic integrity of the properties. The proposed western edge of the boundary, as illustrated in the attached map of the Re-Evaluation Form, shows the boundary line running through a historic tree. In reviewing the pictures from the 2001 survey form, the trees in this area appear to be mature trees associated with the historic landscaping. The boundary justification explains that the properties to the south should be excluded because they do not have historic integrity. However, the justification does not address the western boundary line or why the agricultural field to the west should be excluded. If the field was historically associated with the house and still retains integrity, it should be included within the property boundary.

We concur with the finding of eligible for the National Register of Historic Places (NRHP) for resource 5BL.9021/Gas Station and House; resource 5BL.400.5/Colorado Southern-Burlington Northern Railroad segment; and resource 5BL.4488.3/Cottonwood Ditch #2 segment. We also concur with the finding of not eligible for the NRHP for resource 5BL.9617/7195 Arapahoe Road and resource 5BL.4164.4/Enterprise Ditch.

After review of the effect determinations, we concur with the finding of *adverse effect* under Section 106 for resource 5BL.400.5/Colorado Southern Burlington Northern Railroad segment and resource 5BL.4488.3/Cottonwood Ditch #2. We also concur with the finding *of no historic*

properties affected under Section 106 for resource 5BL.4164/Enterprise Ditch and resource 5BL.9617/7195 Arapahoe Road.

We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to re-evaluate our eligibility and potential effect findings.

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

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

Sincerely,

Georgianna Contiguglia
State Historic Preservation Officer

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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

DEPARTMENT OF TRANSPORTATION

March 24, 2005

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

SUBJECT: Determinations of Eligibility and Effect and Historic Property Boundary Revisions
CDOT Project STA 0072-013, State Highway 7 Environmental Assessment

Dear Ms. Contiguglia:

This letter and the attached materials constitute CDOT's request for concurrence on proposed historic boundary revisions and on determinations of eligibility and effect for historic properties associated with the Environmental Assessment referenced above. As you are aware, SH 7 is a principal east-west arterial roadway serving as a commuter and intra-regional facility for the communities of Lafayette, Louisville, Erie and Boulder as well as other communities east. CDOT, Boulder County, the City of Boulder and other local jurisdictions have identified SH 7 as an important regional arterial roadway. Population and employment growth in the City of Boulder and suburban areas east in Boulder County has brought increases in traffic along the SH 7 corridor.

Project Background

The historic properties identified for this project were initially identified in September 2001. These resources were surveyed as part of a feasibility study that was conducted by CDOT for the Arapahoe Road corridor between Cherryvale Road and North 75th Street. This feasibility study identified improvements to the 75th Street intersection as the highest priority. During the design phase of the intersection improvements, we consulted with your office about these resources in correspondence dated February 19, 2002, in which we provided the history survey report and our Determinations of Eligibility and Effect for the intersection improvements. Your office was also a signatory to the Memorandum of Agreement that outlined mitigation measures for a segment of the Cottonwood Ditch #2 in the project area. Our office also consulted about determinations of effect in additional correspondence in September and December 2003.

With the exception of the newly recorded resources provided in this submittal (see below), the historic properties associated with the current EA were evaluated as part of the survey report for the feasibility study. Complete effects determinations for this EA project area will be forwarded to you at a later date. This preliminary submittal includes the following elements:

- Revised historic boundary for Butler-Smith House (5BL8917)
- Revised historic boundary for Gas Station and House (5BL9021)
- Eligibility determination for new segment of Cottonwood Ditch #2 (5BL4488.3)
- Eligibility determination for Colorado Southern-Burlington Northern RR segment (5BL400.5)
- Eligibility determination for Enterprise Ditch (5BL4614.4)

- Eligilibity determination for 7195 Arapahoe Road (5BL9617)
- Effects determination for Colorado Southern Burlington Northern RR segment (5BL400.5)
- Effect determinations for Cottonwood Ditch #2 (5BL4488.3)
- Effect determinations for Enterprise Ditch (5BL4614.4) and property at 7195 Arapahoe (5BL9617)

REVISED HISTORIC BOUNDARIES

Butler-Smith House (5BL8917): The Butler Smith House, initially surveyed for the Arapahoe Road feasibility study, was determined eligible under Criterion C as an excellent example of an 1880s farmhouse with clapboard siding and a Victorian front porch. At the time of the survey in 2001, the historic boundary was defined as the extent of the legal ownership boundary, which included a barn to the south of the main house and a house and two garages on an adjoining property, also to the south. At that time, the house to the south was determined to be non-contributing, but the barn was determined to be contributing. The original boundary also included a pasture to the west. FHWA and CDOT propose amending the boundary of the property so that it only includes the historic house and barn, and some of the landscaping around the house and barn that includes the driveway from Cherryvale Road. The house to the south and the two garages do not convey the significance of the property and have been excluded from the boundary. Please refer to the site form and revised boundary map for additional information.

Gas Station and House (5BL9021): The Gas Station and associated house were also initially surveyed for the Arapahoe Road feasibility study, and assigned site number 5BL8919. The property was determined eligible in 2001 under Criterion C for possessing distinctive characteristics of a type, method, and period of construction from the 1920s to 1950s in rural Boulder County. In the initial survey, the historic property boundary was defined as the extent of the legal boundaries. Since then, it has been determined that in the southwest corner of the property a small 20ft x 20ft triangle-shaped area is currently paved and is part of the existing roadway. This triangle shaped area is no longer part of the property setting and does not convey the historical significance of the property. FHWA and CDOT propose the revision of the historic property to exclude this triangular piece of the property. Please see the revised historic boundary as depicted on the sketch map attached to the site form. Also refer to the attached aerial photo, which shows the property and the triangle-shaped area in relation to the existing road right-of-way.

ELIGIBILITY DETERMINATIONS

Cottonwood Ditch #2 (5BL4488.3): The entire 3-mile Cottonwood Ditch #2 (5BL4488) is considered eligible to the National Register of Historic Places (NRHP) under Criteria A. As part of the original survey for the intersection project, segment 5BL4488.2 was found officially eligible in March 2002. This new segment (5BL4488.3) is approximately 1500 feet in length and starts on the south side of Arapahoe Road and follows the north, east and south property lines of the Tenenbaum property until it reaches the Colorado Southern - Burlington Northern railroad line southwest of the property. The ditch crosses under the railroad and extends southwest parallel to the railroad for a short distance. This segment of ditch was found to retain sufficient integrity to contribute to the overall significance of the entire ditch.

Colorado Southern-Burlington Northern RR segment (5BL400.5): A 200-foot segment of the Colorado Southern Burlington Northern Railroad segment was also initially surveyed in 2001 for the Arapahoe Road feasibility study. This segment has been extended to include 2500 feet of the railroad both north and south of Arapahoe Road. The new segment is eligible under Criterion A for its association with the history of rail transportation in Boulder County. Please refer to the attached Reevaluation form and photo.

Enterprise Ditch (5BL4164.4): The Enterprise Ditch is a newly recorded resource; a 1000-foot segment of the ditch was evaluated for this project. The rural setting of this segment has been compromised by light industrial development and the ditch as been piped where it runs through these industrial properties. For these reasons, this segment does not retain sufficient integrity and is considered *not eligible.* Please see the attached site form and photos for more information about the eligibility of this resource.

7195 Arapahoe Road (5BL9617): This property consists of a main residential building and some associated outbuildings. The main house was built in 1930 and its integrity has been compromised by numerous modifications, for which there are no known dates. It does not retain the integrity to qualify for eligibility to the National Register under any of the NRHP Criteria and has been determined *not eligible.* Please refer to the attached site form and photographs for more information.

EFFECTS DETERMINATIONS

Colorado Southern Burlington Northern RR segment (5BL400.5): The preferred alternative involves the construction of a temporary alignment offset 25 feet to the east of the existing alignment and the construction of a bridge along this alignment over SH 7 (see the BNSF Alternative graphic). This temporary alignment is required so that the new, longer bridge over State Highway 7 can be constructed while train operations can continue on the temporary alignment. The ultimate railroad alignment will follow the existing alignment. The following features are part of this alternative:

- To construct the temporary alignment, approximately 500 feet of the existing railroad track will be temporarily impacted along the southern curve and approximately 600 feet of existing track will be temporarily impacted along the northern curve (see A on the attached graphic).

- The widening of State Highway 7 will require the removal of approximately 25 to 35 feet of existing track on the north side of the highway. This portion of the track alignment will ultimately be on the future bridge structure over State Highway 7 (please see B on the attached graphic).

- A temporary bridge will be required to carry the temporary railroad alignment over the Cottonwood Ditch (C on the attached graphic). This temporary bridge can be removed following the project.

FHWA and CDOT have determined that the permanent impact to 25 to 35 feet of the railroad segment will result in an *adverse effect* to the historic Colorado Southern Burlington Northern RR segment (5BL400.5) because that portion of the railroad will be removed.

Cottonwood Ditch #2 (5BL4488.3): As noted above, for the preferred alternative a temporary bridge will be required to carry the temporary railroad alignment over the Cottonwood Ditch #2 (C on the attached graphic). This temporary bridge will be removed following the project. In addition, a permanent bridge will be required to replace the existing railroad bridge over the Cottonwood Ditch #2. The proposed bridge will be similar in configuration to the existing bridge (approximately 15-foot span vs. existing 12-foot span), and will not alter the current alignment of the ditch and the ditch will retain its natural earth bottom.

The Cottonwood Ditch #2 currently crosses SH 7 just east of the Colorado Southern Burlington Northern railroad bridge in an inverted siphon pipe. This existing structure will be replaced with a new inverted siphon. In order to accommodate the SH 7 improvements, the inlet end of the siphon pipe (south end) will be located at the existing inlet end and the north end of the siphon pipe will be located approximately

20 feet north of the existing outlet end of the siphon pipe. This 20-foot portion of the existing open ditch will be piped. FHWA and CDOT have determined that this will result in an *adverse effect* to this eligible irrigation ditch.

Enterprise Ditch (5BL4164.4) and 7195 Arapahoe Road (5BL9617)
Neither of these resources is NRHP-eligible, and as such the project will result in *no historic properties affected.*

We hereby request your concurrence with the determinations of eligibility and effect, and the boundary revisions described herein within 30 days of receipt. Given your past reviews of this project corridor, we would appreciate an expedited review. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations.

We have also sent this request to the Boulder County Historic Preservation Advisory Board for review and comment. We will forward their response to you once we hear from them.

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

Very truly yours,

Brad Beckham, Manager
Environmental Programs Branch

Enclosures
Site Forms for 5BL400.5, 5BL4488.3, 5BL4614.4, 5BL8917, 5BL9021, 5BL9617
Graphic—BNSF Alternative
Aerial photo—Gas Station and ROW

cc: Carol Parr, CDOT Region 4
Helen Peiker, CDOT Region 4
Gina McAfee, Carter & Burgess
Gray Clark, Muller Engineering Company

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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

RECEIVED
MAR 28 2005
Muller Engineering Company, Inc.

DEPARTMENT OF TRANSPORTATION

March 24, 2005

Ms. Denise Grimm
Historic Preservation Advisory Board
Boulder County Land Use Department
P.O. Box 471
Boulder, CO 80306

SUBJECT: Determinations of Eligibility and Effect, and Historic Property Boundary Revisions, CDOT Project STA 0072-013, State Highway 7 Environmental Assessment

Dear Ms. Grimm:

This letter and the attached materials constitute CDOT's request for comment on proposed historic boundary revisions and determinations of eligibility and effect for historic properties associated with the Environmental Assessment referenced above. As you are aware, SH 7 is a principal east-west arterial roadway serving as a commuter and intra-regional facility for the communities of Lafayette, Louisville, Erie and Boulder, as well as other communities east. CDOT, Boulder County, the City of Boulder and other local jurisdictions have identified SH 7 as an important regional arterial roadway. Population and employment growth in the City of Boulder and suburban areas east in Boulder County has brought increases in traffic along the SH 7 corridor.

Project Background

The historic properties surveyed for this project were initially identified in September 2001. These resources were inventoried as part of a feasibility study conducted by CDOT for the Arapahoe Road corridor between Cherryvale Road and North 75th Street. The feasibility study identified improvements to the 75th Street intersection as the highest priority. During the design phase for the intersection improvements, we consulted with your office about these resources in correspondence dated September 9, 2003, in which we provided the history survey report and Section 106 consultation materials for your review. Your office responded to the initial submittal in correspondence dated November 19, 2003. In a letter dated March 8, 2004, we requested your comment on effects findings associated with the intersection project.

With the exception of the newly recorded resources provided in this submittal (see below), the historic properties associated with the current EA were evaluated as part of the survey report for the feasibility study. Complete effects determinations for the EA project area will be forwarded to you at a later date. This submittal includes the following elements:

- Revised historic boundary for Butler-Smith House (5BL8917)
- Revised historic boundary for Gas Station and House (5BL9021)
- Eligibility determination for new segment of Cottonwood Ditch #2 (5BL4488.3)
- Eligibility determination for Colorado Southern-Burlington Northern RR segment (5BL400.5)
- Eligibility determination for Enterprise Ditch (5BL4614.4)
- Eligibility determination for 7195 Arapahoe Road (5BL9617)

- Effects determination for Colorado Southern Burlington Northern RR segment (5BL400.5)
- Effect determinations for Cottonwood Ditch #2 (5BL4488.3)
- Effect determinations for Enterprise Ditch (5BL4616.4) and 7195 Arapahoe Road (5BL9617)

REVISED HISTORIC BOUNDARIES

Butler-Smith House (5BL8917): The Butler Smith House, initially surveyed for the Arapahoe Road feasibility study, was determined NRHP eligible under Criterion C as an excellent example of an 1880s farmhouse with clapboard siding and a Victorian front porch. At the time of the survey in 2001, the historic boundary was defined as the extent of the legal ownership boundary, which included a barn to the south of the main house and a house and two garages on an adjoining property, also to the south. At that time the house to the south was determined to be non-contributing, but the barn was determined to be contributing. The original boundary also included a pasture to the west. FHWA and CDOT propose amending the boundary of the property so that it includes only the historic house and barn, and some of the landscaping around the house and barn that includes the driveway from Cherryvale Road. The house to the south and the two garages do not convey the significance of the property and have been excluded from the boundary. Please refer to the site form and revised boundary map for additional information.

Gas Station and House (5BL9021): The Gas Station and associated house were also initially surveyed for the Arapahoe Road feasibility study, and assigned site number 5BL8919. The property was determined eligible in 2001 under Criterion C for possessing distinctive characteristics of a type, method, and period of construction from the 1920s to 1950s in rural Boulder County. In the initial survey, the historic property boundary was defined as the extent of the legal boundaries. Since then it has been determined that in the southwest corner of the property a small 20ft x 20ft triangle-shaped area is currently paved and is part of the existing roadway. This area is no longer part of the property setting and does not convey the historical significance of the property. FHWA and CDOT propose the revision of the historic property to exclude this triangular piece of property. Please see the revised boundary as depicted on the sketch map attached to the site form. Also refer to the attached aerial photo, which shows the property and the triangle-shaped area in relation to the existing road right-of-way.

ELIGIBILITY DETERMINATIONS

Cottonwood Ditch #2 (5BL4488.3): The entire 3-mile Cottonwood Ditch #2 (5BL4488) is considered eligible to the National Register of Historic Places (NRHP) under Criteria A. As part of the original survey for the intersection project, segment 5BL4488.2 was found officially eligible in March 2002. This new segment (5BL4488.3) is approximately 1500 feet in length and starts on the south side of Arapahoe Road and follows the north, east and south property lines of the Tenenbaum property until it reaches the Colorado Southern - Burlington Northern railroad line southwest of the property. The ditch crosses under the railroad and extends southwest parallel to the railroad for a short distance. This segment of ditch retains sufficient integrity to contribute to the overall significance of the entire ditch.

Colorado Southern - Burlington Northern RR segment (5BL400.5): A 200-foot segment of the Colorado Southern - Burlington Northern Railroad segment was also initially surveyed in 2001 for the Arapahoe Road feasibility study. This segment has been extended to include 2500 feet of the railroad both north and south of Arapahoe Road. The new segment is eligible under Criterion A for its association with the history of rail transportation in Boulder County. Please refer to the attached Site Reevaluation Form and photo.

Enterprise Ditch (5BL4164.4): The Enterprise Ditch is a newly recorded resource; a 1000-foot segment of the ditch was evaluated for this project. The rural setting of this segment has been compromised by light industrial development and the ditch has been piped where it runs through the industrial properties. For these reasons, this segment does not retain sufficient integrity and is considered *not eligible*. Please see the attached site form and photos for more information about the eligibility of this resource.

7195 Arapahoe Road (5BL9617): This property consists of a main residential building and some associated outbuildings. The main house was built in 1930 but its integrity has been compromised by numerous modifications, for which there are no known dates. It does not retain the integrity to qualify for eligibility to the National Register under any of the NRHP criteria and has been determined *not eligible*. Please refer to the attached site form and photographs for more information.

EFFECTS DETERMINATIONS

Colorado Southern - Burlington Northern RR segment (5BL400.5): The preferred alternative involves the construction of a temporary alignment offset 25 feet to the east of the existing alignment, and the construction of a bridge along this alignment over SH 7 (see the BNSF Alternative graphic). The temporary alignment is required so that the new, longer bridge over Highway 7 can be constructed while train operations continue on the temporary alignment. The ultimate railroad alignment will follow the existing alignment. The following features are part of this alternative:

- To construct the temporary alignment, approximately 500 feet of the existing railroad track will be temporarily impacted along the southern curve, and approximately 600 feet of existing track will be temporarily impacted along the northern curve (see A on the enclosed graphic).

- The widening of State Highway 7 will require the removal of approximately 25 to 35 feet of existing track on the north side of the highway. This portion of the track alignment will ultimately be on the future bridge structure over the highway (see B on the enclosed graphic).

- A temporary bridge will be required to carry the temporary rail alignment over the Cottonwood Ditch (C on the graphic). The temporary bridge will be removed following the project.

FHWA and CDOT have determined that the permanent impact to 25 to 35 feet of the railroad segment will result in an *adverse effect* to the historic Colorado Southern - Burlington Northern RR segment (5BL400.5) because that portion of the railroad will be removed.

Cottonwood Ditch #2 (5BL4488.3): As noted above, for the preferred alternative a temporary bridge will be required to carry the temporary rail alignment over the Cottonwood Ditch #2 (C on the graphic). The temporary bridge will be removed following the project. In addition, a permanent bridge will be required to replace the existing railroad bridge over the Cottonwood Ditch #2. The proposed bridge will be similar in configuration to the existing bridge (approximately 15-foot span vs. existing 12-foot span), and will not alter the current alignment of the ditch; the ditch will retain its natural earthen bottom.

The Cottonwood Ditch #2 currently crosses SH 7 just east of the Colorado Southern - Burlington Northern railroad bridge in an inverted siphon pipe. This existing structure will be replaced with a new inverted siphon. In order to accommodate the SH 7 improvements, the inlet end of the siphon pipe (south end) will remain at its existing location, whereas the north end of the siphon pipe will be situated approximately 20 feet north of its existing outlet location. This 20-foot portion of the existing open ditch

will be piped. FHWA and CDOT have determined that this will result in an *adverse effect* to this eligible irrigation ditch.

Enterprise Ditch (5BL4164.4) and 7195 Arapahoe Road (5BL9617): Neither of these resources is NRHP-eligible, and as such the project will result in *no historic properties affected.*

We request your comments on the determinations of eligibility and effect, as well as the boundary revisions, described herein within 30 days of receipt. Given your past reviews of this project corridor, we would appreciate an expedited review. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations.

We have concurrently sent a request for eligibility and effects review to the State Historic Preservation Officer (SHPO) for review and comment. We will forward their response to you when received.

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

Very truly yours,

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures
Site Forms (5BL400.5, 5BL4488.3, 5BL4614.4, 5BL8917, 5BL9021, 5BL9617)
Graphic—BNSF Alternative
Aerial photo—Gas Station and ROW

cc: Carol Parr, CDOT Region 4
Helen Peiker, CDOT Region 4
Gina McAfee, Carter & Burgess
Gray Clark, Muller Engineering

Boulder County

Post Office Box 471 • Boulder, Colorado 80306

Land Use Department

Courthouse Annex
2045 13th Street • 13th & Spruce Streets • Boulder, Colorado 80302 • (303) 441-3930

January 4, 2005

Mark Gosselin
CDOT
1050 Lee Hill Rd.
Boulder, CO 80302

Re: Highway 7-Arapaho Road widening, Boulder County
CDOT Project STA 0072-010, SH 7, Arapahoe Road

Dear Mark:

Thank you and everyone for coming to our November 4, 2004 Historic Preservation Advisory Board meeting, and for the opportunity to comment on this project. The Boulder County Historic Preservation Advisory Board discussed the project and the affected properties at their meeting and asked that a letter be sent outlining their concerns.

There is still concern about the impact of the project on the historic landscaping and we would urge CDOT to follow up with Clark Misner on the County's offer to help maintain replanted trees.

At earlier meetings we discussed our concern about the Brown-Debacker farm and this was once again raised as an issue. The board indicated that it was once the property of Peter M. Housel who was the first probate judge elected in Boulder County and was a prominent local pioneer. I've attached information from the book, *Historic Homes of Boulder County*, which features this property. Considering this information the property might be eligible for the National Register.

There were a number of questions raised regarding how context and setting affect eligibility. Some members expressed a concern that properties were written off as ineligible because they had incompatible development around them. They then raised the concern that the impact of the widening project would negatively impact the context and setting of the corridor as a whole.

The Goodview Hill/Veterans' Memorial Park is another area of concern. The use of cut slopes and/or retaining walls in this area could have a major impact on the park area.

We would like to be able to comment on the design plans for widening as they become available. The HPAB is concerned about the historic corridor and would like to be able to provide feedback on the overall design of the project. If you have any questions or concerns, please feel free to call me at (303) 441-3930.

Sincerely,

Denise Grimm
Planner II

cc: SHPO, Barbara Norgren, Brad Bechham, Karla Harding, letter log, Arapaho Rd. file

Paul Danish
County Commissioner

Ronald K. Stewart
County Commissioner

Tom Mayer
County Commissioner

From "Historic Homes of Boulder County"
by Jane Valentine Banker
1979

2

Brown-DeBacker Farm

Every Fourth of July and Colorado Day, for more than half a century, the stars and stripes and the Colorado banner have flown over the DeBacker home at 7602 Arapahoe Avenue. The flags remind the family of their heritage, which includes grandparents who immigrated to the United States and who, as farmers and freighters, helped settle Colorado.

The house was built in stages. The original part was probably constructed in the early 1870s by Boulder's first school teacher Abner Brown. This two-story section now contains the dining room and a bedroom downstairs, and two bedrooms upstairs. It is in the middle of the present structure. What were once exterior walls are made of groute; the upstairs floors have the original wide pine boards. A five-sectioned bow window is a focal point in the dining room.

About 1907 an addition was put on the front, and in 1963 a new section was added at the back. The exterior looks like a typical turn-of-the-century Colorado farmhouse. It is frame construction, with a large porch and white pillars. The interior is arranged with the formal living area at the front and a kitchen-family room across the back.

The second owner of the house was Peter Housel, a native of Pennsylvania who had come to Colorado with a group of gold seekers in 1859. His wife and children joined him, and the family lived in Gold Hill for a while.

They later moved to Boulder, and in 1862, Housel was elected the first probate judge of Boulder County. The family lived near Valmont, but after the railroad came into that area, they sold the property and moved to Arapahoe Road.

In an article in the *Boulder Daily Camera* (March 16, 1950), Miriam Rieder, Housel's granddaughter, stated: "This land was bought from Abner Brown. He had purchased it from the state for $480, and had fallen behind with his payments. The Housels took over from him in 1875, and the deed from the State is dated 1882."

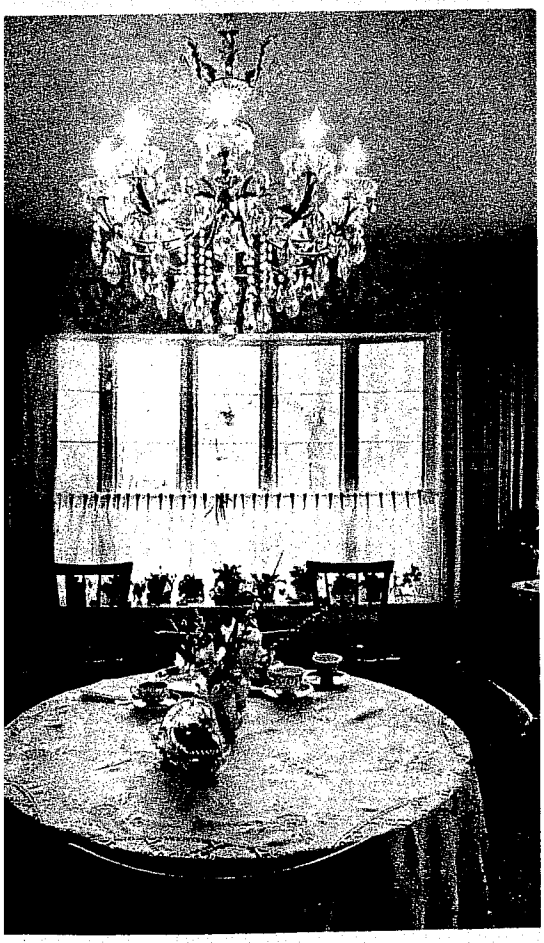
Mrs. Rieder said that the Housels planted "hundreds of cottonwood trees." After one hundred years many of the trees still lined the property. Housel was one of the organizers of the Fairview school on east Arapahoe, which for many years was known as the Housel school.

In 1900 Judge Housel sold the house to Hugh and Nellie McGillivray, who had then recently come to Boulder from Forestburg, South Dakota. The McGillivrays' daughter Katheryn attended Fairview elementary school and graduated from Mount Saint Gertrude Academy in Boulder. On June 5, 1907, she married Jerome DeBacker.

DeBacker was born near Antwerp, Belgium, in January 1881. That spring his parents, Leopold and Rosalie DeBacker, set out with him across the North Atlantic for the United States. The voyage, aboard an old side-wheeler, lasted six weeks.

Leopold's older brother John had settled some twenty years earlier in the Fairview district of Boulder County. He had written to Leopold about the opportunities the area offered, and encouraged him to take up farming. Although Leopold had worked only as a carpenter in Belgium, he bought eighty acres on Little Dry Creek and began farming.

3



Archeological/ Paleontological Resources

STATE OF COLORADO

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

RECEIVED

JAN 2 0 2005

CHS/OAHP

RECEIVED

APR 1 4 2006

Muller Engineering Company, Inc.

January 14, 2005

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

Dear Ms. Contiguglia:

Subject: Eligibility and Effects Determination (Archaeology), Project STA 0072-013, SH 7, Cherryvale to 75th St. Environmental Assessment

Enclosed for your review is the archaeological resources survey report for the Colorado Department of Transportation (CDOT) project referenced above. The undertaking proposes the reconstruction and widening of State Highway 7 (Arapahoe Road) between Cherryvale Road and North 75th Street in Boulder County, an action being documented in an Environmental Assessment. The Area of Potential Effects (APE) established for the archaeological inventory includes 3.6 km (1.95 mi) segment of Arapahoe Road (mileposts 54.8-57.05), and involves the highway right-of-way (ROW) and a band of private property extending 45 m north and south of the ROW. In addition, improvements are proposed at the North 63rd Street and North 75th Street intersections, and also to the Burlington Northern Railroad crossing near the east end of the corridor, all of which were subsumed within the APE.

A file search conducted at the Office of Archaeology and Historic Preservation revealed that portions of the study area were previously surveyed, but no archaeological resources had been documented within or near the APE. A pedestrian survey of the study area was completed in December 2004, resulting in the documentation of three historic archaeological resources (5BL5458, 5BL9621, and 5BL9622).

Site 5BL5458 was first documented in 1995 as a single family residence; in 2001 the site was reevaluated, at which time it was evaluated as officially not eligible for listing on the National Register of Historic Places (NRHP). The 2004 inventory found that the primary living structure has been removed, leaving only a garage, well, and assorted concrete pavement intact. The site exhibits no evidence of potentially significant archaeological deposits, and as such CDOT concurs with the existing determination of not NRHP eligible.

Site 5BL9621 also consists of the remains of a residential property. All structural remains have been removed, including foundations, leaving only a driveway, a cistern, a small concrete foundation, random small depressions, three large (probably pond) depressions, and a recent tree limb enclosure and tree house. There is no evidence of significant subsurface cultural deposition and archival data indicates that the property is not associated with significant historic figures or events. Based on its diminished integrity, the lack of supporting archival documentation, and the lack of significant archaeological deposition, 5BL9621 is recommended as not eligible to the National Register.

Site 5BL9622 is comprised of a refuse dump located in an abandoned gravel pit on the north end of Hoover Hill, south of SH 7. Several deposits of historic trash are extant, situated primarily in the eastern two-thirds

of the pit, and include construction material and residential debris. There is no evidence of excavation and burial of materials. The refuse appears to date primarily from the 1940s to 1960s, although there is one deposit clearly from the 1970s. This does not represent a designated community or county dump, but instead appears to have been limited to isolated dumping episodes by local residents. Based on the recent nature of the materials and lack of significant historic archaeological strata, 5BL9622 is recommended as not eligible for nomination to the National Register.

All three sites discussed above and in the accompanying report are recommended as not eligible for inclusion on the NRHP, and consequently no historic properties will be affected by the project. We request your concurrence with the eligibility and effects determinations for the sites outlined herein. A concurrence line is provided below for your convenience.

If you have questions or require additional information in order to complete your review, please contact CDOT Senior Staff Archaeologist Dan Jepson at (303)757-9631, or via Email at daniel.jepson@dot.state.co.us.

Very truly yours,

Brad Beckham, Manager
Environment Programs Branch

Enclosure

cc: CF

I concur: _____ Date: January 21, 2005
Georgianna Contiguglia

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9011

DATE: October 12, 2004

TO: Carol Parr

FROM: Steven M. Wallace SM Wallace

SUBJECT: Paleontological assessment for project STA 0072-013, State Highway 7 Environmental Assessment, Cherryvale Road – East

Attached are two copies of the paleontological assessment report for project STA 0072-013, State Highway 7 Environmental Assessment, Cherryvale Road – East, submitted September 30, 2004, by Dr. Emmett Evanoff for Centennial Archaeology, Inc.. I have read the report and found it acceptable. As a result of the negative findings in Dr. Evanoff's report, I am recommending paleontological clearance with no attached mitigation stipulations for project STA 0072-013, and for any future construction projects permitted by the approval of the SH 7, Cherryvale Road – East EA. If paleontological resources are uncovered during project construction, I should be notified immediately.

SMW:smw
cc: RF, CF, Wallace

SOUTHERN UTE INDIAN TRIBE

August 11, 2004

Mr. Dan Jepson
CDOT Native American Consultation Liaison
Colorado Federal Aid Division
12300 W. Dakota Avenue, Suite 180
Lakewood, Colorado 80228

Re: State Highway 7, Cherryvale to 75th St. Environmental Assessment, Boulder County, Colorado

Dear Mr. Jepson:

I have reviewed your letter regarding the proposed improvements to a segment of State Highway 7 in eastern Boulder County, Colorado. At this time, the Southern Ute Tribe does not object to The Federal Highway Administration and Colorado Department of Transportation's Environmental Assessment that will address congestion and safety issues. In the event of inadvertent discoveries of Native American cultural sites, artifacts or human remains, the Southern Ute Indian Tribe would appreciate immediate notification.

Should you have any questions or require additional information, please do not hesitate to contact me at the number listed below, extension 2209.

Sincerely,

Neil B. Cloud

Neil B. Cloud
NAGPRA Coordinator

Cc: Howard D. Richards Sr., Chairman
Southern Ute Indian Tribe

P.O. Box 737 • Ignacio, CO 81137 • Phone: 970-563-0100

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

PROJECT: State Highway 7, Cherryvale to 75th St. Environmental Assessment
The SO. UTE IND TRIBE Tribe [is / is not] (**circle one**) interested in becoming a consulting party for the Colorado Department of Transportation project referenced above, for the purpose of complying with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800). If your tribe will be a consulting party, please answer the questions below.

Signed: Neil B. Cloud - NAGPRA COOR.
Name and Title

CONSULTING PARTY STATUS [36 CFR §800.2(c)(3)]
Do you know of any specific sites or places to which your tribe attaches religious and cultural significance that may be affected by this project? ALSO, OUR ORIGINAL HOME LAND.

(Yes) No If yes, please explain the general nature of these places and how or why they are significant (use additional pages if necessary). Locational information is not required.
SAM AS ABOVE.

SCOPE OF IDENTIFICATION EFFORTS [36 CFR §800.4(a)(4)]
Do you have information you can provide us that will assist us in identifying sites or places that may be of religious or cultural significance to your tribe?

(Yes) No If yes, please explain. IF YOU ARE AT A CERTAIN LOCATION,

CONFIDENTIALITY OF INFORMATION [36 CFR §800.11(c)]
Is there any information you have provided here, or may provide in the future, that you wish to remain confidential?

Yes (No) If yes, please explain.

Please complete and return this form within 60 days via US Mail or fax to:

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

U.S. Department
Of Transportation
Federal Highway
Administration

Colorado Federal Aid Division
12300 W. Dakota Avenue
Suite 180
Lakewood, CO 80228

August 4, 2004

Mr. Howard Richards, Chairman
Southern Ute Indian Tribe
P.O. Box 737
Ignacio, CO 81137

Dear Mr. Richards:

Subject: Request for Section 106 Consultation; State Highway 7, Cherryvale to 75th St. Environmental Assessment, Boulder County, Colorado

The Federal Highway Administration (FHWA) and Colorado Department of Transportation (CDOT) are presently gathering information for inclusion in an Environmental Assessment (EA) that will address the effects of proposed improvements to a segment of State Highway 7 in eastern Boulder County, Colorado. The study area is located in a fast-growing residential and commercial section of the City of Boulder that has become increasingly congested as a result of rising population and traffic volumes.. The EA will address congestion and safety issues, and upgrade out-dated transportation facilities in an effort to improve mobility and the efficiency of the overall transportation system along the State Highway 7 corridor. Pursuant to the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality (CEQ) implementing regulations (40 CFR 1500-1508), FHWA and CDOT are documenting the potential social, economic and environmental consequences of this action. Please refer to the enclosed maps for specific locational information.

The FHWA will serve as the lead agency for this undertaking, and CDOT staff will facilitate the tribal consultation process. The agencies are seeking the participation of regional Native American tribal governments in cultural resources consultation for the undertaking, as described in Section 106 of the National Historic Preservation Act and implementing regulations 36 CFR 800 et seq. As a consulting party, you are offered the opportunity to identify concerns about cultural resources and comment on how the project might affect them. Further, if it is found that the project will impact cultural resources that are eligible for inclusion on the National Register of Historic Places and are of religious or cultural significance to your tribe, your role in the consultation process may also include participation in resolving how best to avoid, minimize, or mitigate those impacts. It is our hope that by describing the proposed undertaking we can be more effective in protecting areas important to American Indian people. If you have interest in this undertaking and in cultural resources that may be of religious or cultural significance to your tribe, we invite you to be a consulting party.

BUCKLE UP AMERICA

The Area of Potential Effect (APE) for the project, as defined in 36 CFR 800.16(d), is located in a partially developed suburban area that includes both residential and commercial properties (see the enclosed aerial photo and APE map). A comprehensive survey and assessment of historic properties within the APE has not yet been conducted. Once this task has been completed, all interested parties and consulting tribes will be apprised of the results and asked to comment.

The Denver/Boulder metropolitan area is home to a number of urban Indian people. As such, if you are aware of members of your tribe living in proximity to the State Highway 7 study area who would be interested in participating in the NEPA consultation process on some level, please notify us so that we may facilitate that interaction.

We are committed to ensuring that tribal governments are informed of and involved in decisions that may impact places with cultural significance. If you are interested in becoming a consulting party for the State Highway 7 EA project, please complete and return the enclosed Consultation Interest Response Form to CDOT Native American consultation liaison Dan Jepson within 60 days at the address or facsimile number listed at the bottom of that sheet. Mr. Jepson can also be reached via Email at Daniel.Jepson@dot.state.co.us, or by telephone at (303) 757-9631. The 60-day period has been established to encourage your participation at this early stage in project development. Failure to respond within this time frame will not prevent your tribe from becoming a consulting party at a later date. However, studies and decision-making will proceed and it may become difficult to reconsider previous determinations or findings, unless significant new information is introduced.

Thank you for considering this request for consultation.

Sincerely yours,

Michael E Vandehoef

for Douglas Bennett
Acting Division Administrator

Enclosures
cc: Mr. Neil Cloud, NAGPRA Representative
D. Jepson, CDOT Env. Programs
C. Parr, CDOT Region 4
T. Halouska, Carter-Burgess
S. Sands (FHWA)

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MR. JOHN YELLOWBIRD, PRESIDENT
OGLALA SIOUX TRIBAL COUNCIL
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Original Letters Mailed
to all of the above

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OFFICER
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MR HOWARD BROWN, CHAIR
ECONOMIC DEVELOPMENT COMMISSION
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BOX 675 – RSTSCRM COMMITTEE
ROSEBUD, SD 57555

List of Individuals Who Received Copies
of Letter based on Tribe

LWCF/6(f) Resources

Boulder County

Post Office Box 471 • Boulder, Colorado 80306

Parks and Open Space Department

5201 St. Vrain Road • Longmont, Colorado 80503 • (303) 678-6200 • Fax: (303) 678-6180
Fairgrounds: 9595 Nelson Road • Longmont, Colorado 80501 • (303) 678-6235 • Event Line: (303) 441-3927

PROJECT: STA 0072-013
LOCATION: SH 7 EA
CODE: 14802

May 17, 2005

Colorado Department of Transportation
1050 Lee Hill Road
Boulder, CO 80302
Attn: Mark Gosselin

Dear Mr. Gosselin,

This letter concerns impacts to Legion Park with regard to proposed road improvements associated with the State Highway 7 (SH 7) Environmental Assessment. The Boulder County Parks and Open Space Department agrees that the proposed road improvements will not have an adverse impact on the use of Legion Park, and that the project meets the criteria for temporary occupancy as outlined in the Section 4(f) regulations. An agreement between the Colorado Department of Transportation (CDOT) and Boulder County with regard to the following is currently in negotiation.

1. According to CDOT the project will require approximately one year to construct. The time required for the construction of the main access and removal of the secondary access will take less than one month. The duration of construction of the cut slopes along SH 7 will take approximately two months. The cut slopes are a result of the lowering of the hill adjacent to Legion Park and are not related to the construction of the Legion Park access. This work will take place under temporary easements and the ownership of Legion Park will not change. We consider the scope of work to be minor in nature and magnitude. The main access will require minor improvements to re-connect to SH 7. The secondary access will be removed to improve safety. The cut slopes are considered minor and will not change the use of the park in any way.
2. The project will not have any adverse impacts to Legion Park and the park will remain open during construction activities.
3. The affected portion of the Legion Park property will be returned to a condition that will not impact the use of the park or diminish the park setting.

Sincerely,

Richard Koopmann
Resource Planning Manager

Cc.
Ron Stewart: County Open Space
Carol Parr, CDOT – R4Environmental
Lisa Schoch, CDOT
Gray Clark, Muller Engineering
File

Tom Mayer
County Commissioner

Ben Pearlman
County Commissioner

Will Toor
County Commissioner

STATE OF COLORADO

COLORADO STATE PARKS

1313 Sherman Street, Room 618
Denver, Colorado 80203
Phone (303) 866-3437
FAX (303) 866-3206

FILE COPY
SH7

December 5, 2001

Kirk Webb
Environmental Planner
Carter-Burgess, Inc.
216 16th Street Mall
Denver, CO 80202

RE: LWCF 6(f) Boundaries

Dear Mr. Webb:

This letter is in response to your request for LWCF properties and 6(f) boundaries within the limits of project #070702.400.1.0001.

No LWCF 6(f) boundaries in T1N, R70W, Sections 25, 26, 27, 34, 35 and 36 will be impacted by the project. Specifically, this area is two hundred feet west of Cherryvale Road along SH 7 to two thousand feet east of 75th Street; and two hundred and fifty feet north of the railroad grade as it crosses north of Legion Park, and two hundred and fifty feet south of where it crosses 75th Street. The nearest 6(f) boundary is north of the project area within Sawhill Ponds which will not be affected by the project.

Thank you for your cooperation. Please contact me with any questions.

Sincerely,

Tom Easley

Tom Easley
Statewide Programs Manager
Enclosures

Bill Owens
Governor

Greg E. Walcher
Executive Director
Department of
Natural Resources

Laurie Mathews
Director
Colorado State Parks

Colorado Board of P.
and Outdoor Recreat

Robin (Bob) Hernreic
Chair

Edward C. Callaway
Secretary

Howard Kenison
GOCO Representativ

Doug Cole
Member

John W. Singletary
Member

DEPARTMENT OF TRANSPORTATION

4201 East Arkansas Avenue
Denver, Colorado 80222
(303) 757-9011

DEPARTMENT OF TRANSPORTATION

January 10, 2006

Margie Perkins
Director, Air Pollution Control Division
Colorado Department of Public Health and Environment
4300 Cherry Creek Drive South
Denver, CO 80222

Re: SH-7, Cherryvale Road to 75th Street Environmental Assessment

Dear Ms. Perkins:

The Colorado Department of Transportation is preparing an environmental assessment for proposed improvements to State Highway 7 (Arapahoe Road) between Cherryvale Road and 75th Street east of Boulder (see attached project vicinity map). Alternatives being evaluated include widening the existing segment of SH-7 to four lanes and intersection improvements (see attached project alternatives map).

The results of the traffic analysis showed that for any of the build alternatives, the two signalized intersections in the area included in the project improvements under the preferred alternative would operate at level of service (LOS) C or better in the year 2030 (please see attached traffic analysis summary). EPA modeling guidance states that intersections that operate at LOS C or better are not likely to cause a violation of the federal 8-hour average carbon monoxide (CO) standard. Thus, CO hotspot modeling for these intersections is not required.

One of the intersections reported in the EA, the intersection of 75th Street and SH-7, is projected to operate at LOS D with the preferred alternative. This intersection, however, was improved under a separate action and will not be changed with the preferred alternative for this project. Cleared under a categorical exclusion in 2002-2003 (please refer to the attached clearance letter prepared for this analysis in 2002), this intersection was modeled at that time, using estimated volumes for the 2025 future year. The resulting worst case 8-hour CO concentration was 5.5 ppm, which is below the 9.0 ppm standard. The traffic volumes that were used for that analysis were compared to the most recent projections developed for this EA to ensure that the 2002 analysis would still be appropriate. It was determined that the traffic volumes used for the previous analysis were higher than the most recent projections, thus the previous analysis represents a worst-case scenario that demonstrates that the CO standard will not be exceeded with the current project.

This project was originally included in the conforming 2025 Interim Denver Regional Transportation Plan (RTP) and the DRCOG 2003-2008 (now 2005-2010) Transportation Improvement Program (TIP #1997-033, STIP-ID# DR2072).

Pursuant to the conformity provisions of the Clean Air Act Amendments of 1990, this project will not:

(i) cause or contribute to any new violation of any standard;
(ii) increase the frequency or severity of any existing violations of any standard;
(iii) delay timely attainment of any standard or any required interim emission reductions.

If you concur with the results of the air quality analysis and the conclusions regarding conformity of this project, please sign below and return this letter by February 10, 2006.

Thank you.

Very truly yours,

Bradley J. Beckham
Manager
CDOT Environmental Programs Branch

I Concur: Margie M. Perkins 1-19-06
Margie Perkins, Director Date

DEPARTMENT OF THE ARMY
CORPS OF ENGINEERS, OMAHA DISTRICT
DENVER REGULATORY OFFICE, 9307 S. PLATTE CANYON ROAD
LITTLETON, COLORADO 80128-6901

December 18, 2001

Ms. Laura Backus
Carter & Burgess, Inc.
216 16th Street, Suite 1700
Denver, CO 80202

RE: Approved Jurisdictional Determination, Colorado Department of Highway Transportation
Arapahoe Road Improvements, Wetlands
Corps File No. 200180866

Dear Ms. Backus:

Reference is made to the above-mentioned project on behalf of the applicant, Colorado Department of Transportation. This project is located in Sections 27 and 34 west 1/2, Section 26 and 35, and Sections 25 and 36, Township 1 North, Range 70 West, Boulder County, Colorado.

This project has been reviewed in accordance with Section 404 of the Clean Water Act under which the U.S. Army Corps of Engineers regulates the discharge of dredged and fill material, and any excavation activities associated with a dredged and fill project, into waters of the United States. Waters of the United States include ephemeral, intermittent and perennial streams, their surface connected wetlands and adjacent wetlands and certain lakes, ponds, drainage ditches and irrigation ditches that have a nexus to interstate commerce.

Based upon the ruling by the Supreme Court in the matter of Solid Waste Agency of Northern Cook County v. U.S. Army Corps of Engineers, No. 99-1178 (January 9, 2001), the Department of the Army's regulatory jurisdiction over isolated, non-navigable, intrastate waters has been eliminated if the sole nexus to interstate commerce was use of the waters by migratory birds. Wetlands that are surface connected or adjacent to a river/tributary are waters of the United States. Bed and bank areas (Other Waters) that connect to a larger river system are also waters of the United States.

Wetlands 1, 4a, 4b, 6a, 6b, 6d, 9a, 9b, 9c and 9d are a waters of the U.S. If a proposed activity requires work in these waters of the U.S., a proponent of the project should notify this office for proper Department of the Army permits. The attached **Jurisdictional Determination** form provides the basis jurisdiction for these waters. This letter is to inform you that our office considers the **wetland delineation maps and report dated November 29, 2001**for this project accurate and acceptable.

If the applicant wishes to appeal this approved jurisdictional determination the attached **Notification of Administrative Appeal Options** form should be completed and sent to this office. This jurisdictional delineation is valid for a period of five years from the date of this letter unless new information warrants revision of the determination before the expiration date.

Wetlands 2a, 2b, 2c, 2d, 3, 5a, 5b, 5c, 5d, 5e, 7a, 7b, 7c, 6c, 8a, 8b, and 8c are not waters of the U.S.

If you have any questions concerning this matter, please feel free to call me at **(303) 979-4120** and **reference Corps File No. 200180866.**

Sincerely,

Terry McKee

Terry McKee
Natural Resource Specialist

tm

Colorado State University

Knowledge to Go Places

May 9, 2005

Colorado Natural Heritage Program
Colorado State University
8002 Campus Delivery
Fort Collins, Colorado 80523-8002
(970) 491-1309
FAX: (970) 491-3349
www.cnhp.colostate.edu

Laura Backus
Environmental Scientist
Carter & Burgess
216 Sixteenth Street Mall, Suite 1700
Denver, CO 80202

Dear Laura:

The Colorado Natural Heritage Program (CNHP) is in receipt of your request for information regarding the SH 7 proposed project area of interest. In response, I have searched our Biological and Conservation Datasystem (BCD) for natural heritage elements (occurrences of significant natural communities and rare, threatened or endangered plants and animals) documented from the vicinity of the area specified in your request, specifically within the vicinity of the boundaries between Sections 27 and 34 (west 1/2), Sections 26 and 35, and Sections 25 and 36, Township 1 North, Range 70 West in Boulder County.

The enclosed report describes natural heritage resources known from this area and gives location (by Township, Range, and Section), precision information, and the date of last observation of the element at that location. This report includes elements known to occur within the specified project site, as well as elements known from similar landscapes near the site. Please note that "precision" reflects the resolution of original data. For example, an herbarium record from "4 miles east of Colorado Springs" provides much less spatial information than a topographic map showing the exact location of the occurrence. "Precision" codes of Seconds, Minutes, and General are defined in the footer of the enclosed report.

The report also outlines the status of known elements. We have included status according to Natural Heritage Program methodology and legal status under state and federal statutes. Natural Heritage ranks are standardized across the Heritage Program network, and are assigned for global and state levels of rarity. They range from "1" for critically imperiled or extremely rare elements, to "5" for those that are demonstrably secure.

You may notice that some occurrences do not have sections listed. Those species have been designated as "sensitive" due to their rarity and threats by human activity. Peregrine falcons, for example, are susceptible to human breeders removing falcon eggs from their nests. For these species, CNHP does not normally provide location information beyond township and range. Please contact us should you require more detailed information for sensitive occurrences.

There are CNHP designated Potential Conservation Areas (PCAs) located within your project area (see enclosed site report and PCA map). In order to successfully protect populations or occurrences, it is necessary to delineate conservation areas. These conservation areas focus on capturing the ecological processes that are necessary to support the continued existence of a particular element of natural heritage significance. Conservation areas may include a single occurrence of a rare element or a suite of rare elements or significant features.

Natural Heritage Program COLORADO

The goal of the process is to identify a land area that can provide the habitat and ecological processes upon which a particular element or suite of elements depends for their continued existence. The best available knowledge of each species' life history is used in conjunction with information about topographic, geomorphic, and hydrologic features, vegetative cover, as well as current and potential land uses. The proposed boundary does not automatically exclude all activity. It is hypothesized that some activities will cause degradation to the element or the process on which they depend, while others will not. Consideration of specific activities or land use changes proposed within or adjacent to the preliminary conservation planning boundary should be carefully considered and evaluated for their consequences to the element on which the conservation unit is based.

The Colorado Division of Wildlife has legal authority over wildlife in the state. CDOW would therefore be responsible for the evaluation of and final decisions regarding any potential effects a proposed project may have on wildlife. If you would like more specific information regarding these or other vertebrate species in the vicinity of the area of interest, please contact the Colorado Division of Wildlife.

The information contained herein represents the results of a search of Colorado Natural Heritage Program's (CNHP) Biological and Conservation Data System (BCD), and can be used as notice to anticipate possible impacts or identify areas of interest. Care should be taken in interpreting these data. Sensitive elements are currently known from within the proposed project area, and additional, but undocumented, elements may also exist (see enclosed reports, one with a search in the aforementioned sections only and one with a 1-mile buffer area of those sections). Please note that the absence of data for a particular area, species, or habitat does not necessarily mean that these natural heritage resources do not occur on or adjacent to the project site, rather that our files do not currently contain information to document their presence. CNHP information should not replace field studies necessary for more localized planning efforts, especially if impacts to wildlife habitat are possible.

Although every attempt is made to provide the most current and precise information possible, please be aware that some of our sources provide a higher level of accuracy than others, and some interpretation may be required. CNHP's data system is constantly updated and revised. Please contact CNHP for an update or assistance with interpretation of this natural heritage information.

The data contained in the report is the product and property of the Colorado Natural Heritage Program (CNHP), a sponsored program at Colorado State University (CSU). The data contained herein are provided on an as is, as available basis without warranties of any kind, expressed or implied, including (but not limited to) warranties of merchantability, fitness for a particular purpose, and non-infringement. CNHP, CSU and the state of Colorado further expressly disclaim any warranty that the data are error free or current as of the date supplied.

Sincerely,

Michael Menefee
Environmental Review Coordinator

Enc.

Conservation Site Report

Name Colorado Tallgrass Prairie **Site Code** S.USCOHP*1706

IDENTIFIERS

Site ID 1805 **Site Class** Standard site

Site Alias South Boulder Creek

Network of Conservation Areas (NCA)

NCA Site ID	NCA Site Code	NCA Site Name
-		No Data

Site Relations No Data

LOCATORS

Nation United States

State Colorado

Quad Code	Quad Name
39105-H2	Louisville
40105-A2	Niwot
39105-H3	Eldorado Springs

County

Boulder (CO)

Watershed Code	Watershed Name
10190005	St. Vrain

Township/Range	Section	Meridian	Note
001S070W	02	6P	
001S070W	03	6P	
001S070W	04	6P	
001S070W	09	6P	
001S070W	10	6P	
001S070W	11	6P	
001S070W	14	6P	
001S070W	15	6P	
001S070W	16	6P	
001S070W	17	6P	
001S070W	20	6P	
001S070W	21	6P	
001N070W	34	6P	

SITE DESCRIPTION

Minimum Elevation - **Feet** - **Meters**

Maximum Elevation - **Feet** - **Meters**

Site Description

The site is Boulder Creek Valley South and east of Boulder. The mesic grasslands of the valley are remnant types and mostly tall grass or mid-grass prairie.

Key Environmental Factors

No Data

Climate Description

No Data

Land Use History

No Data

Cultural Features

No Data

SITE DESIGN

Site Map P - Partial **Mapped Date** 09/12/1994

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Conservation Site Report

Name Colorado Tallgrass Prairie **Site Code** S.USCOHP*1706

Designer Pague, C.A.

Boundary Justification

Includes all occurrences within the area and all adjacent habitat. The area is dissected by US 36 and Coloradc 93. Note that upstream areas are important to the long term viability of this site through the management of hydrological processes.

Primary Area 3,085.66 **Acres** 1,248.73 **Hectares**

SITE SIGNIFICANCE

Biodiversity Significance Rank B2: Very High Biodiversity Significance

Biodiversity Significance Comments

Biodiversity rank is based on a good (B-ranked) occurrence of a globally imperiled (G2) species.

Other Values Rank No Data

Other Values Comments

No Data

MANAGEMENT/PROTECTION

Land Use Comments

No Data

Natural Hazard Comments

No Data

Exotics Comments

No Data

Offsite

No Data

Information Needs

No Data

ELEMENTS OF BIODIVERSITY

Element State ID	State Scientific Name	State Common Name	Global Rank	State Rank	Driving Site Rank
17998	*Spiranthes diluvialis*	Ute Ladies' Tresses	G2	S2	Yes
23563	*Apios americana*	American Groundnut	G5	S1	No
23563	*Apios americana*	American Groundnut	G5	S1	No
23563	*Apios americana*	American Groundnut	G5	S1	No
21289	*Zapus hudsonius preblei*	Meadow Jumping Mouse Subsp	G5T2	S1	No
23563	*Apios americana*	American Groundnut	G5	S1	No
24811	*ANDROPOGON GERARDII-SORGHASTRUM NUTANS-(SPARTINA PECTINATA)*	Mesic Tallgrass Prairie	G2	S1S2	No

REFERENCES

Reference ID	Full Citation
-	No Data

ADDITIONAL TOPICS

Additional Topics

No Data

VERSION

Lead Responsibility No Data

Version Date 09/12/1994

Version Author Pague, C.A.

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Colorado Natural Heritage Program Environmental Review

Locations and Status of Rare and/or Imperiled Species and Natural Communities known from or likely to occur within the a one-mile radius of the proposed SH 7 project area of interest in Boulder County

Report generated: 9 May 2005

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EO_ID	major group	scientific name	common name	prec	last obs	trs	grank	srank	eorank	ESA	fed stat	st stat
5,064	Birds	*Buteo regalis*	Ferruginous Hawk	G	1984-06-01	001S070W 16,21;	G4	S3B,S4N	H		BLM/ USFS	SC
7,691	Birds	*Buteo regalis*	Ferruginous Hawk	G	1993-05-17	001S070W 27;	G4	S3B,S4N			BLM/ USFS	SC
10,510	Birds	*Himantopus mexicanus*	Black-necked Stilt	M	1984-06-01	001N070W 16;	G5	S3B	H	PS		
11,057	Birds	*Pelecanus erythrorhynchos*	American White Pelican	M	1994-07-20	001N069W 30;	G3	S1B			BLM	
7,012	Fish	*Nocomis biguttatus*	Hornyhead Chub	G	1904-04-23	001N069W 11,01,02,10,17,18,16,15; 001N070W 14,30,31,29,27,23,28,32,13,22; 001N071W 34,32,35,36,27,25,31,26,33; 001N072W 35,36,34; 001S071W 06; 002N068W 31; 002N069W 36;	G5	SX	X		USFS	
2,724	Fish	*Phoxinus eos*	Northern Redbelly Dace	G	1903-10-01	001N070W 22;	G5	S1	H		USFS	SE
2,723	Fish	*Phoxinus eos*	Northern Redbelly Dace	M	1912-07-25	001N070W 13;	G5	S1	H		USFS	SE
11,074	Fish	*Phoxinus eos*	Northern Redbelly Dace	M	1949-11-11	001N070W 22;	G5	S1	H		USFS	SE
6,047	Insects	*Callophrys mossii schryveri*	Moss's Elfin	G	1952-04-22	001N071W 26;	G4T3	S2S3				
10,430	Insects	*Callophrys mossii schryveri*	Moss's Elfin	G	1962-04-14	001N071W 14;	G4T3	S2S3				

precision codes: S = "seconds", location known within 100m; M = "minutes", location known within 1 mile; G = "general", location known within 5 miles

Colorado Natural Heritage Program Environmental Review

Locations and Status of Rare and/or Imperiled Species and Natural Communities known from or likely to occur within the a one-mile radius of the proposed SH 7 project area of interest in Boulder County

Report generated: 9 May 2005

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EO_ID	major group	scientific name	common name	prec	last obs	trs	grank	srank	eorank	ESA	fed stat	st stat
5,738	Insects	*Callophrys mossii schryveri*	Moss's Elfin	G	1970-05-17	001N071W 14;	G4T3	S2S3				
8,395	Insects	*Erynnis martialis*	Mottled Dusky Wing	G	1965-06-14	001N071W 34;	G3G4	S2S3				
5,688	Insects	*Hesperagrion heterodoxum*	Painted Damsel	G	1962-07-26	001N071W 14;	G5	S1				
10,594	Insects	*Hesperia ottoe*	Ottoe Skipper	G	1961-07-07	001S070W;	G3G4	S2	H		USFS	
10,930	Insects	*Hesperia ottoe*	Ottoe Skipper	G	1973-07-10	001S070W;	G3G4	S2	H		USFS	
5,448	Mammals	*Gulo gulo*	Wolverine	G	1870-99-99	001N071W;	G4	S1	H		USFS	SE
9,819	Mammals	*Plecotus townsendii pallescens*	Townsend's Big-eared Bat Subsp	G	9999-99-99	001N071W 34;	G4T4	S2	H		BLM/ USFS	SC
2,941	Mammals	*Zapus hudsonius preblei*	Meadow Jumping Mouse Subsp	G	1913-08-04	001N069W; 001N070W; 001S069W; 001S070W;	G5T2	S1	H	LT		ST
573	Mammals	*Zapus hudsonius preblei*	Meadow Jumping Mouse Subsp	G	1918-05-31	001S070W;	G5T2	S1	H	LT		ST
5,553	Mammals	*Zapus hudsonius preblei*	Meadow Jumping Mouse Subsp	M	1967-07-20	001N070W;	G5T2	S1	H	LT		ST
5,627	Mollusks	*Anodontoides ferussacianus*	Cylindrical Papershell	S	1912-07-02	001N070W 22;	G5	S2	H			SC
3,821	Mollusks	*Anodontoides ferussacianus*	Cylindrical Papershell	S	1915-06-08	001N070W 26;	G5	S2	H			SC
7,866	Mollusks	*Anodontoides ferussacianus*	Cylindrical Papershell	S	1964-10-30	001N070W 26,27;	G5	S2	H			SC
1,231	Natural Communities	*STIPA COMATA - EAST*	Great Plains Mixed Grass Prairie	S	1983-09-12	001N070W 35;	G2	S2	C			
1,075	Vascular Plants	*Apios americana*	American Groundnut	S	2000-08-03	001N070W 34; 001S070W 03;	G5	S1	C			

precision codes: S = "seconds", location known within 100m; M = "minutes", location known within 1 mile; G = "general", location known within 5 miles

Colorado Natural Heritage Program Environmental Review

Locations and Status of Rare and/or Imperiled Species and Natural Communities known from or likely to occur within the a one-mile radius of the proposed SH 7 project area of interest in Boulder County

Report generated: 9 May 2005

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EO_ID	major group	scientific name	common name	prec	last obs	trs	grank	srank	eorank	ESA	fed stat	st stat
5,248	Vascular Plants	*Apios americana*	American Groundnut	S	2000-08-08	001N069W 31;	G5	S1	C			
7,042	Vascular Plants	*Liatris ligulistylis*	Gay-feather	G	9999-08-11	001S071W 12;	G5?	S1S2				
697	Vascular Plants	*Rotala ramosior*	Toothcup	M	1979-99-99	001N070W 35,34,33; 001S070W 11,04,10,02,03,09;	G5	S1	H			
1,143	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1990-09-01	001N070W;	G2	S2	C	LT		
5,874	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1993-07-30	001N070W;	G2	S2	C	LT		
5,258	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1993-08-99	001N070W;	G2	S2	C	LT		
2,717	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1994-03-08	001N070W;	G2	S2	D	LT		
4,021	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1996-08-13	001N070W;	G2	S2		LT		
4,020	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1996-08-20	001S070W;	G2	S2		LT		
8,861	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1996-08-20	001S070W;	G2	S2		LT		
1,245	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1996-08-99	001N070W;	G2	S2		LT		
2,012	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1997-08-99	001S070W;	G2	S2		LT		
4,511	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1997-08-99	001N070W; 001S070W;	G2	S2	B	LT		
6,204	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1997-08-99	001S070W;	G2	S2		LT		
6,458	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1997-08-99	001S070W;	G2	S2		LT		

precision codes: S = "seconds", location known within 100m; M = "minutes", location known within 1 mile; G = "general", location known within 5 miles

Colorado Natural Heritage Program Environmental Review

Locations and Status of Rare and/or Imperiled Species and Natural Communities known from or likely to occur within the a one-mile radius of the proposed SH 7 project area of interest in Boulder County

Report generated: 9 May 2005

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EO_ID	major group	scientific name	common name	prec	last obs	trs	grank	srank	eorank	ESA	fed stat	st stat
8,185	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1997-08-99	001S070W;	G2	S2		LT		
9,786	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1997-08-99	001N070W; 001S070W;	G2	S2		LT		

110

precision codes: S = "seconds", location known within 100m; M = "minutes", location known within 1 mile; G = "general", location known within 5 miles

Colorado Natural Heritage Program Environmental Review

Locations and Status of Rare and/or Imperiled Species and Natural Communities known from or likely to occur within the the proposed SH 7 project area of interest in Boulder County

Report generated: 9 May 2005

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EO_ID	major group	scientific name	common name	prec	last obs	trs	grank	srank	eorank	ESA	fed stat	st stat
5,064	Birds	*Buteo regalis*	Ferruginous Hawk	G	1984-06-01	001S070W 16,21;	G4	S3B,S4N	H		BLM/ USFS	SC
7,691	Birds	*Buteo regalis*	Ferruginous Hawk	G	1993-05-17	001S070W 27;	G4	S3B,S4N			BLM/ USFS	SC
11,057	Birds	*Pelecanus erythrorhynchos*	American White Pelican	M	1994-07-20	001N069W 30;	G3	S1B			BLM	
7,012	Fish	*Nocomis biguttatus*	Hornyhead Chub	G	1904-04-23	001N069W 11,01,02,10,17,18,16,15; 001N070W 14,30,31,29,27,23,28,32,13,22; 001N071W 34,32,35,36,27,25,31,26,33; 001N072W 35,36,34; 001S071W 06; 002N068W 31; 002N069W 36;	G5	SX	X		USFS	
2,724	Fish	*Phoxinus eos*	Northern Redbelly Dace	G	1903-10-01	001N070W 22;	G5	S1	H		USFS	SE
11,074	Fish	*Phoxinus eos*	Northern Redbelly Dace	M	1949-11-11	001N070W 22;	G5	S1	H		USFS	SE
6,047	Insects	*Callophrys mossii schryveri*	Moss's Elfin	G	1952-04-22	001N071W 26;	G4T3	S2S3				
10,430	Insects	*Callophrys mossii schryveri*	Moss's Elfin	G	1962-04-14	001N071W 14;	G4T3	S2S3				
5,738	Insects	*Callophrys mossii schryveri*	Moss's Elfin	G	1970-05-17	001N071W 14;	G4T3	S2S3				
5,688	Insects	*Hesperagrion heterodoxum*	Painted Damsel	G	1962-07-26	001N071W 14;	G5	S1				

111

precision codes: S = "seconds", location known within 100m; M = "minutes", location known within 1 mile; G = "general", location known within 5 miles

Colorado Natural Heritage Program Environmental Review

Locations and Status of Rare and/or Imperiled Species and Natural Communities known from or likely to occur within the the proposed SH 7 project area of interest in Boulder County

Report generated: 9 May 2005

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EO_ID	major group	scientific name	common name	prec	last obs	trs	grank	srank	eorank	ESA	fed stat	st stat
10,594	Insects	*Hesperia ottoe*	Ottoe Skipper	G	1961-07-07	001S070W;	G3G4	S2	H		USFS	
10,930	Insects	*Hesperia ottoe*	Ottoe Skipper	G	1973-07-10	001S070W;	G3G4	S2	H		USFS	
2,941	Mammals	*Zapus hudsonius preblei*	Meadow Jumping Mouse Subsp	G	1913-08-04	001N069W; 001N070W; 001S069W; 001S070W;	G5T2	S1	H	LT		ST
573	Mammals	*Zapus hudsonius preblei*	Meadow Jumping Mouse Subsp	G	1918-05-31	001S070W;	G5T2	S1	H	LT		ST
5,553	Mammals	*Zapus hudsonius preblei*	Meadow Jumping Mouse Subsp	M	1967-07-20	001N070W;	G5T2	S1	H	LT		ST
3,821	Mollusks	*Anodontoides ferussacianus*	Cylindrical Papershell	S	1915-06-08	001N070W 26;	G5	S2	H			SC
7,866	Mollusks	*Anodontoides ferussacianus*	Cylindrical Papershell	S	1964-10-30	001N070W 26,27;	G5	S2	H			SC
1,231	Natural Communities	*STIPA COMATA - EAST*	Great Plains Mixed Grass Prairie	S	1983-09-12	001N070W 35;	G2	S2	C			
1,075	Vascular Plants	*Apios americana*	American Groundnut	S	2000-08-03	001N070W 34; 001S070W 03;	G5	S1	C			
7,042	Vascular Plants	*Liatris ligulistylis*	Gay-feather	G	9999-08-11	001S071W 12;	G5?	S1S2				
697	Vascular Plants	*Rotala ramosior*	Toothcup	M	1979-99-99	001N070W 35,34,33; 001S070W 11,04,10,02,03,09;	G5	S1	H			
4,021	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1996-08-13	001N070W;	G2	S2		LT		
1,245	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1996-08-99	001N070W;	G2	S2		LT		

precision codes: S = "seconds", location known within 100m; M = "minutes", location known within 1 mile; G = "general", location known within 5 miles

Colorado Natural Heritage Program Environmental Review

Locations and Status of Rare and/or Imperiled Species and Natural Communities known from or likely to occur within the the proposed SH 7 project area of interest in Boulder County

Report generated: 9 May 2005

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EO_ID	major group	scientific name	common name	prec	last obs	trs	grank	srank	eorank	ESA	fed stat	st stat
4,511	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1997-08-99	001N070W; 001S070W;	G2	S2	B	LT		
9,786	Vascular Plants	*Spiranthes diluvialis*	Ute Ladies' Tresses	S	1997-08-99	001N070W; 001S070W;	G2	S2		LT		

precision codes: S = "seconds", location known within 100m; M = "minutes", location known within 1 mile; G = "general", location known within 5 miles

Conservation Site Report

Name Hoover Hill **Site Code** S.USCOHP*7909

IDENTIFIERS

Site ID 586 **Site Class** Standard site

Site Alias None

Network of Conservation Areas (NCA)

NCA Site ID	NCA Site Code	NCA Site Name
-		No Data

Site Relations No Data

LOCATORS

Nation United States

State Colorado

Quad Code	Quad Name
40105-A2	Niwot

County

Boulder (CO)

Watershed Code	Watershed Name
10190005	St. Vrain

Township/Range	Section	Meridian	Note
001N070W	35	6P	

SITE DESCRIPTION

Minimum Elevation	-	**Feet**	-	**Meters**
Maximum Elevation	-	**Feet**	-	**Meters**

Site Description

The soil is ascalon-otero, valmont (argiustolls) and the geology consists of slocum and verdos fm (pleist alluv). The site includes all aspects of slopes from 0-20 degrees at approximately 5400'. It is dominated by a small peninsular ridge and sideslope.

Key Environmental Factors

No Data

Climate Description

No Data

Land Use History

No Data

Cultural Features

No Data

SITE DESIGN

Site Map Y - Yes **Mapped Date** 03/27/1997

Designer Kittel, G.M.

Boundary Justification

Boundary includes habitat around the occurrence boundary and abuts subdivision and roads in the area.

Primary Area 85.17 **Acres** 34.47 **Hectares**

SITE SIGNIFICANCE

Biodiversity Significance Rank B3: High Biodiversity Significance

Biodiversity Significance Comments

A fair (C-ranked) occurrence of a globally imperiled (G2 S2) community. The community is surrounded by subdivision and development which lowers the rank of the occurrence and therefore the biodiversity rank.

Other Values Rank No Data

Other Values Comments

No Data

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Conservation Site Report

Name Hoover Hill **Site Code** S.USCOHP*7909

MANAGEMENT/PROTECTION

Land Use Comments
No Data

Natural Hazard Comments
No Data

Exotics Comments
No Data

Offsite
No Data

Information Needs
No Data

ELEMENTS OF BIODIVERSITY

Element State ID	State Scientific Name	State Common Name	Global Rank	State Rank	Driving Site Rank
24703	*STIPA COMATA - EAST*	Great Plains Mixed Grass Prairie	G2	S2	Yes

REFERENCES

Reference ID	Full Citation
-	No Data

ADDITIONAL TOPICS

Additional Topics
No Data

VERSION

Lead Responsibility No Data
Version Date 03/27/1997
Version Author Kittel, G.M.

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Conservation Site Report

Name South Boulder Canyon Ditch **Site Code** S.USCOHP*7769

IDENTIFIERS

Site ID 343 **Site Class** Standard site

Site Alias None

Network of Conservation Areas (NCA)

NCA Site ID	NCA Site Code	NCA Site Name
-		No Data

Site Relations No Data

LOCATORS

Nation United States

State Colorado

Quad Code	Quad Name
40105-A2	Niwot

County

Boulder (CO)

Watershed Code	Watershed Name
10190005	St. Vrain

Township/Range	Section	Meridian	Note
001N069W	31	6P	
001N070W	36	6P	

SITE DESCRIPTION

Minimum Elevation - **Feet** - **Meters**

Maximum Elevation - **Feet** - **Meters**

Site Description

A ditch which supports a rare plant on its banks surrounded by Bromus inermis, Spartina pectinata, Apocynum androsaenifolium, Thalictrum and Salix fragalis. Graminoids dominate the site. The manmade riparian zone is within city limits and is surrounded by development.

Key Environmental Factors

No Data

Climate Description

No Data

Land Use History

No Data

Cultural Features

No Data

SITE DESIGN

Site Map P - Partial **Mapped Date** 03/20/1997

Designer Fayette, K.K.

Boundary Justification

Included in the site is the intermittent flowing ditch and a small buffer surrounding the banks to deter direct disturbance especially from maintenance on the utility ditch.

Primary Area 119.61 **Acres** 48.41 **Hectares**

SITE SIGNIFICANCE

Biodiversity Significance Rank B5: General Biodiversity Interest

Biodiversity Significance Comments

This site is based on an occurrence of a state rare plant species.

Other Values Rank No Data

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Conservation Site Report

Name South Boulder Canyon Ditch **Site Code** S.USCOHP*7769

Other Values Comments

No Data

MANAGEMENT/PROTECTION

Land Use Comments

No Data

Natural Hazard Comments

No Data

Exotics Comments

No Data

Offsite

No Data

Information Needs

No Data

ELEMENTS OF BIODIVERSITY

Element State ID	State Scientific Name	State Common Name	Global Rank	State Rank	Driving Site Rank
23563	*Apios americana*	American Groundnut	G5	S1	Yes

REFERENCES

Reference ID	Full Citation
-	No Data

ADDITIONAL TOPICS

Additional Topics

No Data

VERSION

Lead Responsibility No Data

Version Date 03/20/1997

Version Author Fayette, K.K.

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CNHP Potential Conservation Areas (PCAs) Known from the Vicinity of the Carter & Burgess Area of Interest in Boulder County

Universal Transverse Mercator (UTM), Nad 27, Zone 13

0 1 2 3 4 5 Miles

N

Natural Heritage Program COLORADO

Colorado State University
Knowledge to Go Places

Colorado Natural Heritage Program
Colorado State University
8002 Campus Delivery
Fort Collins, CO 80523-8002

Map Created
09 May 2005
CNHP Environmental Review.mdm

General SH7 Area of Interest

Potential Conservation Areas

- **B1: Outstanding Biodiversity Significance**
- **B2: Very High Biodiversity Significance**
- **B3: High Biodiversity Significance**
- **B4: Moderate Biodiversity Significance**
- **B5: General Biodiversity Interest**

Highways
Major Roads
Local Roads
Lakes and Reservoirs
Rivers, Streams, and Creeks
Municipal Boundaries

The accuracy of the data shown on this map is not guaranteed. The Colorado Natural Heritage Program is not responsible and shall not be liable to the user for incidental, consequential or special damages arising from its use or interpretation

The absence of data for a particular area or habitat does not necessarily mean that the species does not occur on or adjacent to the project site, rather that our files do not currently contain information to document their presence.

Although every attempt is made to provide the most current and precise information possible, please be aware that some of our sources provide a higher level of accuracy than others, and some interpretation may be required. CNHP's data system is constantly updated and revised. Please contact CNHP for an update or assistance with interpretation of this natural heritage information.

Data are not appropriate for site level planning or evaluation.

NRCS **United States Department of Agriculture**

Natural Resources Conservation Service
Longmont Field Office
9595 Nelson Road – Suite D
Longmont, CO 80501

303-776-4034 Office
303-684-9893-FAX
tim.carney@co.usda.gov

Serving Boulder, Broomfield, SW Weld, and NW Adams Counties

January 7, 2002

Troy Halouska
Carter – Burgess
216 16th Street, Suite 1700
Denver, Colorado 80202

Mr. Halouska,

As requested, enclosed find a completed Farmland Conversion Impact Rating form for the SH 7 project near Boulder.

Call if you have questions.

Tim Carney
District Conservationist

U.S. Department of Agriculture

FARMLAND CONVERSION IMPACT RATING

PART I *(To be completed by Federal Agency)*	Date Of Land Evaluation Request 11/29/01
Name Of Project SH 7 (Arapahoe Road) Categorical Exclusion	Federal Agency Involved Department of Transportation
Proposed Land Use Highway Right-of-Way	County And State Boulder County, CO
PART II *(To be completed by SCS)*	Date Request Received By SCS 12/6/01

Does the site contain prime, unique, statewide or local important farmland? Yes ☑ No ☐
(If no, the FPPA does not apply — do not complete additional parts of this form).

Major Crop(s)	Farmable Land In Govt. Jurisdiction	Acres Irrigated	Average Farm Size
Grain Corn	Acres: 108220 % 70	85000	212
Name Of Land Evaluation System Used	**Name Of Local Site Assessment System**	**Amount Of Farmland As Defined in FPPA**	**Date Land Evaluation Returned By SCS**
LESA		Acres: 71020 % 46	11/7/02

PART III *(To be completed by Federal Agency)*	Alternative Site Rating			
	Site A	Site B	Site C	Site D
A. Total Acres To Be Converted Directly	6.06			
B. Total Acres To Be Converted Indirectly	0			
C. Total Acres In Site	11.48			
PART IV *(To be completed by SCS)* Land Evaluation Information				
A. Total Acres Prime And Unique Farmland	11.3			
B. Total Acres Statewide And Local Important Farmland	0			
C. Percentage Of Farmland In County Or Local Govt. Unit To Be Converted	.01%			
D. Percentage Of Farmland In Govt. Jurisdiction With Same Or Higher Relative Value	35.6%			
PART V *(To be completed by SCS)* Land Evaluation Criterion				
Relative Value Of Farmland To Be Converted *(Scale of 0 to 100 Points)*	91			

PART VI *(To be completed by Federal Agency)* Site Assessment Criteria *(These criteria are explained in 7 CFR 658.5(b)*	Maximum Points				
1. Area In Nonurban Use	15	8			
2. Perimeter In Nonurban Use	10	4			
3. Percent Of Site Being Farmed	20	5			
4. Protection Provided By State And Local Government	20	0			
5. Distance From Urban Builtup Area	n/a	0			
6. Distance To Urban Support Services	n/a	0			
7. Size Of Present Farm Unit Compared To Average	10	0			
8. Creation Of Nonfarmable Farmland	25	3			
9. Availability Of Farm Support Services	5	3			
10. On-Farm Investments	20	12			
11. Effects Of Conversion On Farm Support Services	25	0			
12. Compatibility With Existing Agricultural Use	10	8			
TOTAL SITE ASSESSMENT POINTS	160	43			
PART VII *(To be completed by Federal Agency)*					
Relative Value Of Farmland *(From Part V)*	100	91			
Total Site Assessment *(From Part VI above or a local site assessment)*	160	43			
TOTAL POINTS *(Total of above 2 lines)*	260	134			

Site Selected:	Date Of Selection	Was A Local Site Assessment Used? Yes ☐ No ☐

Reason For Selection:

See Instructions on reverse side)

USDA United States Department of Agriculture
Natural Resources Conservation Service (NRCS)
Longmont Field Office
9595 Nelson Road
Suite D
Longmont , CO 80501-6359

Serving Boulder, SW Weld, and NW Adams Counties

Telephone: 303-776-4034 X105 **tim.carney@co.usda.gov** **Fax:303-684-9893**

September 21, 2001

Troy Halouska
Carter – Burgess
216 16th Street, Suite 1700
Denver, Colorado 80202

Mr. Halouska,

As per your request I am providing a map, soils descriptions and related references regarding soils in the vicinity of proposed improvements to SH7 in Boulder County, Colorado.

I am not currently able to provide you with this data in digital format. I hope to have such capability within the next couple of years.

Call if you have questions.

Tim Carney
District Conservationist

Carter Burgess

216 Sixteenth Street Mall
Suite 1700
Denver, Colorado 80202-5131
Phone: 303.820.5240
Fax: 303.820.2402
www.c-b.com

September 5, 2001

Mr. Tim Carney
USDA NRCS
9595 Nelson Road
Longmont, Colorado 80501

RE: State Highway 7 (Arapahoe Road) Categorical Exclusion

Dear Mr. Carney:

Carter & Burgess, Inc. is providing environmental consulting services for a project that would include improvements to a section of SH 7 from Cherryvale Road to 75th Street in Boulder County, Colorado. We are currently compiling the necessary documentation and coordination to prepare a Categorical Exclusion for the project. The general legal description for the project area is T1N, R70W, Sections 25, 26, 27, 34, 35 and 36.

Enclosed for your review is a highlighted USGS map of the project corridor. Could you please send us a soil survey map(s) of the area and indicate whether any soils within the legal description are Prime Farmland, Unique Farmland, Farmland of Statewide Importance, and/or Farmland of Local Importance. If you have the map(s) in digital format, that would be preferred. If not, a hard copy will be acceptable. Also, please send a request for payment of any fees along with the products. The map(s) and information can be sent to the following address:

Carter & Burgess
216 16th Street, Suite 1700
Denver, CO 80202
Attn: Troy Halouska

If you have any questions, or need further information, please call me at 303.820.4898.

Sincerely,

Troy Halouska
Environmental Planner

Enclosure

cc: File #070702

East Boulder/Cottonwood/ Enterprise Ditch Correspondance

Love & Associates, Inc.

[illegible] Front Street
[illegible]
Phone [illegible] FAX [illegible]
e-mail: [illegible]

September 21, 2001

Ms. Tracy Brekel
Design Engineer
Muller Engineering Company, Inc.
Irongate 4, Suite 100
777 South Wadsworth Boulevard
Lakewood, CO 80226-4331

REF: 8620G – Enterprise Ditch crossing at Arapahoe Road, Boulder County, CO
CDOT Project No. STA 0072-010, 11873
MEC Project No. 01021

Dear Tracy:

I apologize in taking so long getting back to you in regards to your request for information regarding the Enterprise Ditch crossing at Arapahoe Road in Boulder County, CO. Love & Associates, Inc., as the Ditch Company's engineer, has inspected the ditch crossing (10' wide by 3' high box culvert), reviewed its current slope which is very minimal and have discussed the ditch crossing with Ditch Board members.

Based upon the current size, the maintenance problems that currently exist with this ditch crossing and taking into account long term ditch operations, we would request if the existing box culvert is to be replaced or lengthened that it be constructed, at a minimum, the same size (nothing smaller) than existing, that guard rails and handrails be provided, that CDOT install a trash rack on the upstream side of the box and CDOT provide on-going, regular maintenance and cleaning of the trash rack and box culvert in perpetuity. We have not researched the Ditch Company records, but we believe that either CDOT or Boulder County Transportation constructed this existing box culvert structure. This particular crossing has required a considerable amount of maintenance over the years by the Ditch Superintendent due to minimal height and slope through this segment of the ditch. As can be seen by the attached photographs (one inlet, one outlet) you can see the sediment buildup which diminishes the capacity of the ditch over time. Additionally, tumble weed and trash builds up in the ditch especially over the winter months and requires a significant effort to clean out prior to ditch startup in the spring/summer.

The Ditch Company requires that any proposed improvements to the ditch and its associated facilities be reviewed and approved by the Ditch Engineer and approval given to any ditch modifications. An easement/maintenance agreement will also be required prior to approval of any changes to the Ditch.

The Ditch Company requires a $500.00 minimum design review fee to be paid to the Ditch Company by any entity requesting modifications to the Ditch prior to any review and/or approval being undertaken by the Ditch Company. This fee is a minimum fee. Depending upon how extensive the design modifications are being proposed, this fee could increase based upon the out-of-pocket expenses the Ditch Company incurs during the review process. Additionally, the Ditch Company will require that all legal expenses incurred by the Ditch Company be paid by the requesting entity if easements and/or maintenance agreements are required by the Ditch Company.

We hope this letter provides you with the answers you have asked. Please feel free to contact Nancy Love of this office if you have any other questions regarding the ditch and its operations or when you have a preliminary design you would like to have reviewed by this office on behalf of the Ditch Company.

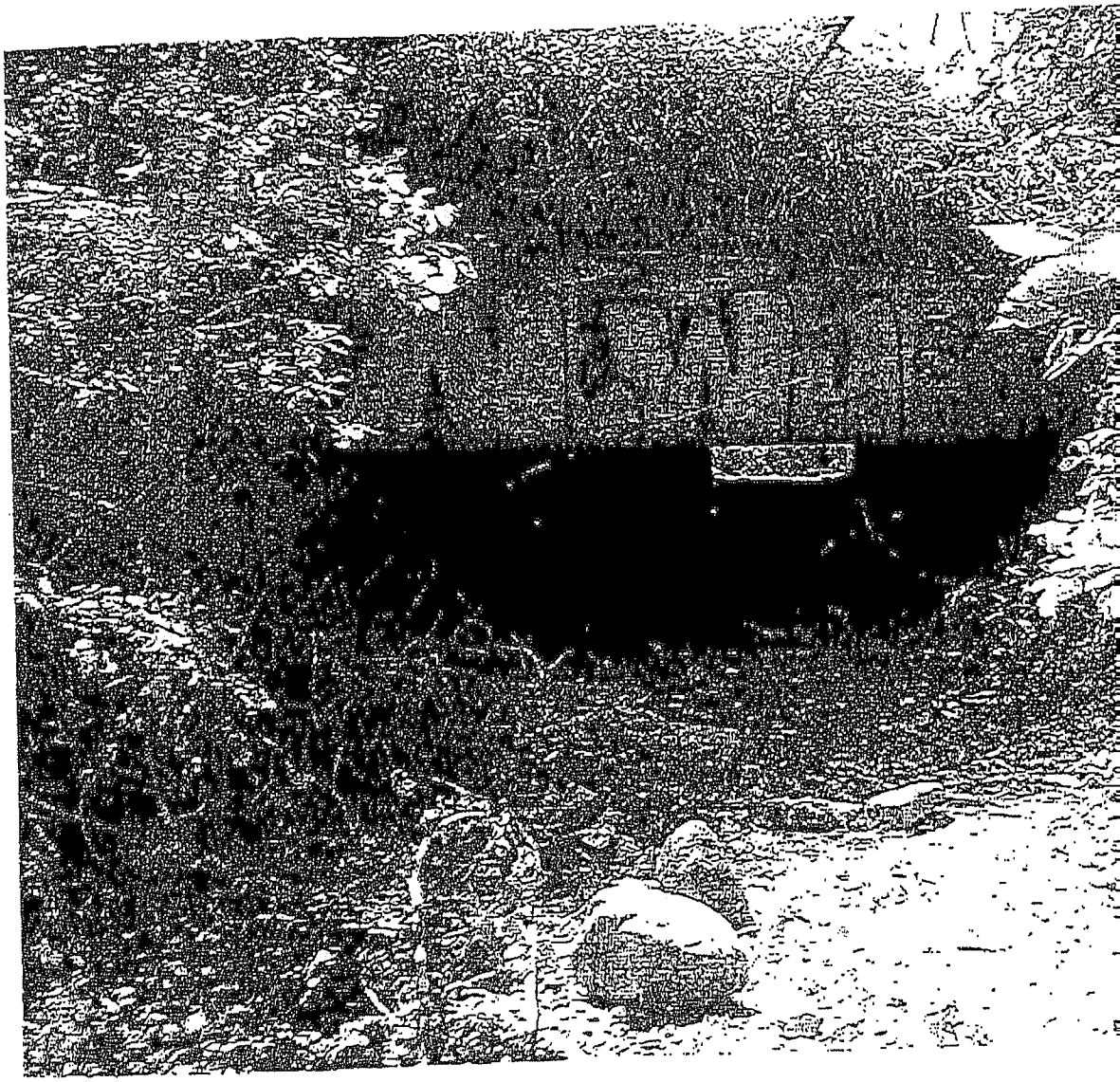
Sincerely,

LOVE & ASSOCIATES, INC.

By _____
David J. Love, P.E.
Representing the Enterprise Ditch Company

Enclosure: Photographs of Ditch Inlet and Outlet
cc: Jay Neibur, President – Enterprise Ditch Company
Randy Rhodes
Bob Crifasi
Nancy Love

Enterprise Ditch crossing at Arapahoe Road
Boulder COunty, CO - upstream face



Enterprise Ditch crossing at Arapahoe Road
Boulder County, CO - downstream face

~~ABC~~/ 01-021
Irric.

MULLER

Muller Engineering Company, Inc.
Consulting Engineers

Irongate 4, Suite 100
777 South Wadsworth Boulevard
Lakewood, Colorado 80226-4331
TEL (303) 988-4939
FAX (303) 988-4969

August 6, 2001

Mr. Bob Pherson
Cottonwood No. 2 Ditch
7350 Goodhue Blvd.
Boulder, CO 80303-4600

RE: Cottonwood Ditch No. 2 crossing at Arapahoe Road
CDOT Project # STA 0072-010, 11873
MEC Project #01021

Dear Bob:

I am writing this letter regarding the existing Cottonwood No. 2 Ditch crossing at Arapahoe Road, located just west of 75th Street. As I previously discussed with you, Muller Engineering (MEC) has a contract with the Colorado Department of Transportation (CDOT) to complete analysis and recommendations for roadway improvements along Arapahoe Road. These improvements could potentially include the replacement or modifications of the existing siphon under Arapahoe Road.

In order to progress into the design phase of this project, we need additional information about Cottonwood Ditch No. 2. The Ditch design flowrate, including any flow variances throughout the year, is extremely important information. We have completed a preliminary analysis of the existing ditch. Assuming a slope of 0.50% (which is typical), we estimated a full ditch capacity of approximately 100 cubic feet per second (cfs). Please provide feedback to the validity of this ditch flowrate.

Please provide any other information or guidance you can regarding the design of a new crossing (or modifications of existing crossing) at Arapahoe Road. Information that would be useful includes existing structure dimensions, proposed structure requirements, construction standards, etc. The more guidance we receive from you allows us to provide efficient recommendations to CDOT.

We appreciate your cooperation in this matter. Please feel free to contact me with any concerns or questions you may have at (303)988-4939. Thank you.

Sincerely,

MULLER ENGINEERING COMPANY, INC.

Tracy Brekel

Tracy Brekel
Design Engineer