

Appendix B

AGENCY COORDINATION LETTERS

Date	From	To	Subject
July 21, 2011	CDPHE	DRCOG	Conformity for Cycle I Amendments
April 10, 2012	CDOT	Colorado Historical Society	Revised Area of Potential Effect for Historic Survey within 6 th Ave. Corridor
April 18, 2012	Colorado Historical Society	CDOT	Re: Revised Area of Potential Effect for Historic Survey 6 th Ave. Corridor
June 22, 2012	CDOT	Colorado Historical Society	Determinations of Eligibility within the 6 th Ave. Corridor
June 29, 2012	Colorado Historical Society	CDOT	Re: Determinations of Eligibility within the 6 th Ave. Corridor
July 20, 2012	CDOT	Denver Parks and Recreation	Request for Concurrence with Mitigation Measures Pertaining to the Use of Section 4(f) Protected Properties and the Conversion of Section 6(f) Assisted Properties
August 2, 2012	CDOT	Colorado Historical Society	Section 106 Determinations of Effect within the 6 th Ave. Corridor. Notification of Section 4(f) net benefits evaluation and request for SHPO comment
August 6, 2012	Denver Parks and Recreation	CDOT	Concurrence with Mitigation Measures Pertaining to the Conversion of Section 6(f) Assisted Properties at Barnum Park North and the Temporary Closure of the South Platte River Trail for the Proposed US 6 Bridges Design Build Project
August 10, 2012	CDOT	Colorado Parks and Wildlife	Request for Permission to Convert One Property Funded with Land and Water Conservation Funds to as Transportation Use in Denver, Colorado: Barnum Park North; and Request for Permission for Temporary Transportation Use of One Property Funded with Land and Water Conservation Funds in Denver, Colorado: South Platte River Trail
August 23, 2012	Colorado Historical Society	CDOT	Re: 106 Determinations of Effect within the 6 th Avenue Corridor
October 2, 2012	CDOT	CDPHE	Re: US 6 Bridge Replacements and Federal Interchange Improvements Project

Date	From	To	Subject
November 6, 2012	CDOT	Colorado Parks and Wildlife	Request for Permission to Convert One Property Funded with Land and Water Conservation Funds to a Transportation Use in Denver, Colorado: Barnum Park North; and Request for Permission for Temporary Transportation Use of One Property Funded with Land and Water Conservation Funds in Denver, Colorado: South Platte River Trail
November 19, 2012	FHWA	FRA	Re: Notice of Record of Decision 2 (ROD2) for the I-25 (Valley Highway) from Logan Street to US 6 FEIS
November 19, 2012	FHWA	RTD	Re: Notice of Record of Decision 2 (ROD2) for the I-25 (Valley Highway) from Logan Street to US 6 FEIS
November 19, 2012	FHWA	FTA	Re: Notice of Record of Decision 2 (ROD2) for the I-25 (Valley Highway) from Logan Street to US 6 FEIS
November 20, 2012	Denver Parks and Recreation	CDOT	Concurrence with Mitigation Measures Pertaining to the Conversion of Section 6(f) Assisted
November 20, 2012	Colorado Parks and Wildlife	NPS	6 th Ave. Reconstruction
November 27, 2012	FTA	FHWA	Re: Notice of Record of Decision 2 (ROD2) for the I-25 (Valley Highway) from Logan Street to US 6 FEIS
December 6, 2012	Denver Parks and Recreation	CDOT	Concurrence with Mitigation Measures Pertaining to the Use of Section 4(f) Protected Properties at Barnum Park North and Barnum Park East, and the Temporary Occupancy of Barnum Park South and the South Platte River Trail for the Proposed US 6 Bridges Design Build Project
December 21, 2012	RTD	FHWA	Notice of ROD@ for I-25 (Valley Highway) from Logan Street to US 6 FEIS
January 24, 2013	CDOT Region 6	FHWA	Section 4(f) Net Benefits Programmatic for the Adverse Effect to the Historic Brick-Lined Sewer due to the US 6 Bridges Design Build Project

STATE OF COLORADO

John W. Hickenlooper, Governor
Christopher E. Urbina, MD, MPH
Executive Director and Chief Medical Officer

Dedicated to protecting and improving the health and environment of the people of Colorado

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Colorado Department
of Public Health
and Environment

DRCOG

JUL 26 2011

RECEIVED

July 21, 2011

Ms. Jennifer Schaufele
Executive Director
Denver Regional Council of Governments
1290 Broadway St., Suite 700
Denver, CO 80203

Dear Ms. Schaufele:

The Colorado Air Quality Control Commission has reviewed your agency's conformity determination document for Cycle 1 Amendments to the 2035 Regional Transportation Plan and 2012/2017 Transportation Improvement Program. We support the determination, finding that the plan and program presented to us today conform to the relevant SIP elements.

Air quality analyses indicate that area emissions budgets in current SIPs for carbon monoxide, PM-10, NOx associated with PM-10, and ozone precursors would not be exceeded in any of the horizon years.

Therefore, the Commission concurs with the determination that the plan presented meets the requirements of Clean Air Act conformity.

Should you have any questions regarding the Commission's action, please contact Mr. Michael Silverstein at (303) 692-3478.

Sincerely,

Barbara Roberts, Chair

Cc:
Wei Chen, DRCOG
Jill Schlaefter and Jeffrey Sudmeier, CDOT
Lisa Silva, APCD
Tim Russ, EPA
Bill Haas, FHWA

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6, Planning and Environmental
2000 South Holly Street
Denver, CO 80222
(303) 757-9929
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April 10, 2012

Mr. Ed Nichols
State Historic Preservation Officer
Colorado Historical Society
1200 Broadway
Denver, CO 80202

RE: Revised Area of Potential Effect for Historic Survey within the 6th Avenue Corridor of the I-25 Valley Highway Environmental Impact Statement Project

Dear Mr. Nichols:

On behalf of the Federal Highway Administration (FHWA), the Colorado Department of Transportation (CDOT) is requesting comments from the State Historic Preservation Officer (SHPO) and Section 106 consulting parties on a revised Area of Potential Effect for improvements to the 6th Avenue Freeway within the Valley Highway Environmental Impact Statement (EIS) (November 2006) and phased Record of Decision (ROD) (July 2007). This project will provide some of the improvements outlined in the 2007 ROD, and will also incorporate some items that were identified in the 2006 EIS but not included in the 2007 ROD; this will require a that a new phased ROD be developed and signed. As part of that process CDOT is re-evaluating the design and impacts using the most up-to-date data.

The project will be constructed as a design-build contract and will implement the Preferred Alternative for the US 6 portion of the Valley Highway EIS. The project will correct functional deficiencies along I-25 and US 6 to meet current design standards and to provide a safer, more efficient, and more reliable transportation system. The project limits include the 6th Avenue highway between Knox Court on the west and the BNSF Railroad Bridge on the east. It includes the following elements:

- Ramp improvements at the I-25/US 6 interchange.
- Improvements to I-25 include a designated collector/distributor road that will direct northbound traffic on I-25 to either east or west bound US Highway 6 from the east side of the interstate. This collector/distributor road might also be extended to the 8th Avenue interchange (see Figure 1). These improvements will not result in any changes or modifications to the structures that carry I-25 over a railroad spur (F-16-EG) or 8th Ave. (F-16-DX). In addition, the vertical profile of I-25 will be lowered by several feet in the vicinity of the 6th Avenue Bridge to account for additional overhead clearances of traffic underneath the bridge.
- The on-ramp from Federal Blvd to eastbound US 6 will be relocated from its present location south of Barnum East Park to the north side of Barnum East Park. The park will be reconstructed to accommodate this change. This will result in a more standard diamond interchange at US 6/Federal Blvd. As a result, 5th Avenue will convert to a two-way street east of Federal Boulevard.
- Construction of a bicycle/pedestrian bridge over US 6, west of Federal Boulevard, to connect Barnum East Park (which is east of the highway between 5th and 6th avenues.) and Barnum North Park (which is north of 6th and west of Federal).
- Closure of the eastbound US 6 off-ramp to Bryant Street. Reconfiguration of the eastbound US 6 on-ramp from Bryant and the westbound US 6 off ramp to Bryant.

- A permanent water quality pond (the location is a vacant parcel north of US 6 between Canosa and Decatur streets).
- A cul-de-sac on Canosa Street will be constructed to terminate on the north side of 6th Avenue to accommodate the ramps and collector-distributor road.

The project will replace five bridges along US 6. Of the five bridges, three were included in the Section 106 consultation for the Valley Highway EIS. Two others were not and require determinations of eligibility and effect. The five bridges are:

Bridge Name/Number	Site No.	Date of Construction	Results of Valley Highway EIS consultation
US 6 over Federal/F-16-EK	5DV7083	1958	NA
US 6 over Bryant Street/F-16-EN	5DV7085	1958	Officially not eligible/no historic properties affected
US 6 over the South Platte River/F-16-EF	5DV7080	1956	Officially not eligible/no historic properties affected
US 6 over the Burlington Northern Santa Fe (BNSF) Railroad east of I-25/F-16-EJ	5DV7082	1956	NA
US 6 over I-25/F-16-DU	5DV7076	1958	Officially not eligible/no historic properties affected

While the Federal Bridge replacement was included in the 2007 ROD, Section 106 consultation never took place on this resource. CDOT will prepare an eligibility and effects determination for this bridge as part of this project.

The Area of Potential Effect for this phase of the project has been revised because more is known about the project design at this time. In addition, the methodology of defining an APE has changed since 2004 as described in an attachment to the 2010 Programmatic Agreement among FHWA, the Advisory Council on Historic Preservation, the Colorado State Historic Preservation Officer, and CDOT.

Consultation with your office on the APE initially took place in 2004. At that time, the APE was delineated to encompass all properties potentially subject to impacts from the Valley Highway Project. The APE (see **Figure 1**) was defined as a line located 1000 feet from, and parallel to, the perimeter encompassing the design alternatives. All properties meeting the minimum age requirement (45 years) transected by the APE line were evaluated. In addition, although there is no record of this, several properties outside of the APE were also evaluated based on the age of the structures.

CDOT will survey all properties within the APE meeting the minimum age requirement (45 years) for structures built in or before 1967. These parcels are outlined in purple and dark blue in **Figure 1**.

These are the basic differences between the original APE for the EIS and the revised APE for the current project:

1. On the west end of the project, the APE was narrowed to the 6th Avenue roadway between Federal Blvd and Knox Court because the only work that will take place in this section is pavement overlay of the existing lanes. There is no work planned outside of existing ROW and no widening or new lanes will be added in this section.
2. The APE south of Barnum East Park includes the properties on Short Place because there are temporary easements planned for the northern edge of these properties where they back up to West 5th Ave. There is a potential for direct and indirect effects from noise and visual effects.

3. The finger of the APE on the north side east of Federal (at what should be Decatur Street) was initially drawn because engineers were looking at connecting Decatur Street through these parcels. This is no longer going to happen, so the APE was revised in this location.
4. The APE on Federal between 6th and 7th includes the total acquisition of the parcel on the southeast corner of 7th and Federal. The parcel to the north of this is within the APE to assess whether any indirect effects might occur, although direct effects are not anticipated at this time. The APE ends south of 7th Avenue because no project improvements will take place north of 7th.
5. The APE north and south of 6th Avenue follows the parcel boundary lines for the properties next to US 6. While there will be small property easements and acquisitions from these properties for the slip ramps, and potential audible and visual effects, no total acquisitions (i.e., demolishing of buildings) are expected for the parcels directly adjacent to US6. There is very little chance for indirect effects to parcels on the other side of the parcels that are in the first row because the buildings will still remain in their original location. So only the first row of parcels on either side of US6 was included between Decatur and Alcott to assess potential indirect and direct effects.
6. On the east end, the bridge that carries US 6 over the BNSF railroad is the eastern edge of the project. The railroad grades are included within the APE, but there are no known property acquisitions or easements at this time for the properties on the southeast or northeast quadrants of US 6 and this bridge. There are potential sliver acquisitions and easements for the properties that are north of the ramp that connects westbound US 6 to northbound I-25, so the first row of properties will be surveyed. No buildings will be acquired for the ramp improvements.
7. The 8th Avenue ramp improvements will be located west of or behind the buildings at 8th and Vallejo, so the parcels with structures built in 1967 or later on the west side of this street will be surveyed. These are shown in blue on the attached Figure 1.

This revised Section 106 APE consultation is also being copied to the City of Denver Preservation Landmark Commission as a potential Section 106 consulting party. If they choose to become a consulting party and we receive their comments on these findings, we will forward them to you. Please provide any comments, questions, or concerns to Dianna Litvak at (303) 757-9461 or Dianna.litvak@dot.state.co.us.

Sincerely,



Elizabeth Kemp-Herrera
Region 6 Planning and Environmental Manager

cc: Jordan Rudel, CDOT Region 6
Stephanie Gibson, FHWA
George Gause, City of Denver Landmark Preservation Commission

Attachments: Figure 1, Revised Area of Potential Effect

April 18, 2012

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

Re: Revised Area of Potential Effect for Historic Survey within the 6th Avenue Corridor of the I-25 Valley Highway Environmental Impact Statement Project. (CHS #40477)

Dear Ms. Kemp-Herrera:

Thank you for your correspondence dated April 10, 2012 and received by our office on April 12, 2012 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106). After review of the provided additional information, we do not object to the proposed revised Area of Potential Effects (APE) for the above-mentioned project.

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

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Manager, at (303) 866-4678.

Sincerely,



Edward C. Nichols
State Historic Preservation Officer

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6, Planning and Environmental
2000 South Holly Street
Denver, CO 80222
(303) 757-9929
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June 22, 2012

Mr. Ed Nichols
State Historic Preservation Officer
Colorado Historical Society
1200 Broadway
Denver, CO 80202

SUBJECT: Determinations of Eligibility within the 6th Avenue Corridor of the I-25 Valley Highway Environmental Impact Statement Project (CDOT Subaccount 18838; CHS #40477)

Dear Mr. Nichols:

On behalf of the Federal Highway Administration (FHWA), the Colorado Department of Transportation (CDOT) is requesting comments from the State Historic Preservation Officer (SHPO) on the Section 106 determinations of eligibility for historic properties within the revised Area of Potential Effect for the 6th Avenue Freeway phase of the Valley Highway Environmental Impact Statement (EIS) (November 2006) and phased Record of Decision (ROD) (July 2007). We will follow up with determinations of effect in later correspondence after we have consulted on eligibility assessments.

Your office responded to CDOT's request for comments on the Area of Potential Effect (APE) in correspondence dated April 18, 2012, and did not object to CDOT's APE. In correspondence dated April 26, 2012, the City of Denver Landmark Commission staff concurred with the APE and also stated the city did not want to be a consulting party under Section 106 (letter attached).

Properties were surveyed in three phases for this project and survey forms completed by Jason Marmor, Dianna Litvak, CDOT Region 6, and Jake Lloyd, architectural historian at FHU. The enclosed survey report was completed by Jake Lloyd. In addition, the West and Southside Interceptor (Metro Wastewater sanitary sewer) was surveyed by Gail Keeley of Hermsen Consultants as part of a research project on the history of Denver's remaining brick-lined sewers.

Eligibility Determinations

Dianna Litvak consulted Compass on June 11, 2012, and a file search was conducted for this project by Ms. Litvak and Mr. Lloyd in April and May 2012. Detailed results of the file search can be found in the attached survey report.

Discussion of NRHP-eligible bridge assessments: Eligibility assessments in Compass do not reflect SHPO's official determinations of eligibility for bridge structures that were first consulted on as part of the 2000 Colorado Historic Bridge Inventory, and found to be *officially not eligible* by SHPO in 2002. In addition, these structures were referred to as *officially not eligible* in the Cultural Resources Inventory for the Valley Highway EIS in 2004. These structures include 5DV.7076 (US Highway 6 and I-25); 5DV.7085 (US 6 overpass at Bryant), and 5DV.7080 (US 6 overpass at South Platte River). In Compass, these structures are assessed as *not eligible-field*.

In addition, two other bridge structures were not included in the Valley Highway EIS project but are part of the current project for US Highway 6 improvements. These structures were also initially assessed as part of the 2000 Colorado

Historic Bridge Inventory. These structures are 5DV.7083 (US 6 underpass at Federal), and 5DV.7082 (US 6 overpass at BNSF). They also are assessed in Compass as *not eligible-field*.

CDOT and SHPO have been operating under the following methodology for bridge eligibility assessments while the 2010 Historic Bridge Inventory is in the process of being completed. If a bridge was assessed as *not eligible-field* in 2000 as part of the historic bridge inventory in that year, SHPO officially concurred with the determination in 2002 and the bridge does not need to be re-evaluated. If a bridge was assessed as *possibly eligible* in 2000, and SHPO did not subsequently determine whether the bridge does or does not meet NR criteria, CDOT re-evaluates it using a historic bridge inventory form. According to this methodology, four of the six bridges within the current APE should be considered *officially not eligible* (see table below). Only one bridge that is part of the current project must be re-evaluated: 5DV.7083, the overpass at Federal because it was evaluated as *possibly eligible* in 2000. In addition, 5DV7084 (US 6 underpass at Knox) was evaluated as *possibly eligible* in 2000. That bridge is within the Area of Potential Effect for the current project, but no work will be done to it except for an overlay of US 6 underneath the bridge. The final eligibility assessment for the Knox Court underpass will be done as part of TranSystems historic bridge inventory.

The following tables include the eligibility assessments of resources that were previously recorded and re-evaluated as part of this survey, and those that were recorded as part of this survey. The first table is for previously recorded resources within the APE; site forms are attached for all of these resources. The second table is for newly recorded resources within the APE. For more detail on the eligibility assessments of newly recorded resources, please refer to the Cultural Resources Inventory Report for the US 6 Bridge Reconstruction (attached).

In addition, the original Cultural Resources Inventory for the Valley Highway EIS, completed in 2004, inventoried fourteen historic buildings and four linear sites within the current APE. All of the buildings were assessed as *officially not eligible* based on consultations that took place on the survey in 2004 and do not require re-evaluations unless the structures were not built 50 or more years ago in 2004. Three such structures were re-evaluated as part of the current survey. In addition, two other structures were initially evaluated as part of other surveys and were also re-evaluated in this survey.

Previously Recorded Cultural Resources within APE

Site No.	Site ID	Site Type	NRHP-Eligibility	Date Eval.	Survey Completed By	Remarks
Historic Bridges						
5DV7076	US-6, Underpass at I-25	Historic Bridge	Not Eligible-Official	2002	Fraser Design	Compass assessment is <i>not eligible-field</i>
5DV7080	US-6, S. Platte River Bridge	Historic Bridge	Not Eligible-Official	2002	Fraser Design	Compass assessment is <i>not eligible-field</i>
5DV7082	US 6, Overpass at BNSF	Historic Bridge	Not Eligible	2002	Fraser Design	Compass assessment is <i>not eligible-field</i>
5DV7083	US-6, Overpass at Federal	Historic Bridge	Not Eligible-Field	2002 & 2012	Fraser Design and Jason Marmor	Re-evaluated <i>not eligible</i> in Feb. 2012
5DV7084	Knox Court Underpass	Historic Bridge	Not Eligible-Field	2002	Fraser Design	Not re-evaluated as part of this project

Site No.	Site ID	Site Type	NRHP-Eligibility	Date Eval.	Survey Completed By	Remarks
5DV7085	US-6, Bryant Street Overpass	Historic Bridge	Not Eligible-Official	2002	Fraser Design	Compass assessment is <i>not eligible-field</i>
Historic Buildings and Structures						
5DV.5134	2214 West 8 th Ave.	Commercial	Officially Eligible	1996 & 2012	Hermesen Consultants and FHU	Re-evaluated as eligible in June 2012
5DV.8325	601 Bryant Street	Commercial	Not Eligible	2004, 2012	2004-FHU 2012-FHU	Re-evaluated <i>not eligible</i> in April 2012
5DV.9065	499 Federal Blvd.	Commercial	Not Eligible--Official	2004, 2012	2004-FHU 2012-Jason Marmor	Re-evaluated <i>not eligible</i> in April 2012
5DV.9848	450 Federal Boulevard	Commercial	Not Eligible-Officially	2007, 2012	2007-Tatanka Historical Associates 2012-FHU	Re-evaluated <i>not eligible</i> in April 2012
Historical Linear Sites						
5DV.4783.3	Atchison, Topeka & Santa Fe	Transportation-Railroad	Non-contributing segment of officially eligible resource	2004	FHU	Segment not re-evaluated; CDOT agrees with official determination. Recorded 5DV.4783.5 (see below)
5DV.6033.14	Valley Highway	Transportation-Highway	Not Eligible-Officially	2004	FHU	Not re-evaluated, resource is not NRHP eligible
5DV.6243.2	Denver, South Park & Pacific R.R.	Transportation-Railroad	Non-contributing segment of officially eligible resource	2004	FHU	Segment not re-evaluated; CDOT agrees with official determination. Recorded 5DV.6243.8 (see below)
5DV9105.2	Denver & New Orleans Railroad	Transportation-Railroad	Not Eligible--Officially	2004	FHU	Segment not re-evaluated; CDOT agrees with official determination. Recorded 5DV.9105.4 (see below)

Newly Recorded Cultural Resources within APE

Site No.	Site ID	Site Type	NRHP-Eligibility	Date Evaluated	Survey Completed By	Contrib. to NRHP District?
Historical Linear Sites						
5DV.3512.4	Denver West Side Line	Linear-Railroad	Non-contributing segment of officially eligible resource	2012	D. Litvak	No
5DV.4783.5	Atchison, Topeka & Santa Fe	Linear-Railroad	Non-contributing segment of officially eligible resource	2012	D. Litvak	No
5DV.6243.8	Denver, South Park & Pacific	Linear-Railroad	Non-contributing segment of officially eligible resource	2012	D. Litvak	No
5DV.9105.4	Denver & New Orleans	Linear-Railroad	Not Eligible--field	2012	D. Litvak	No
5DV.10635.6	West & South Side Interceptor	Linear-Sewer	Contributing segment of field eligible resource (Criterion D)	2012	G. Keeley	Yes--brick-lined sewer district
5DV.11289.1	US Highway 6	Linear--Highway	Non-contributing segment of officially eligible resource	2012	D. Litvak	No
Historic Buildings and Structures						
5DV.11256	620 Federal Boulevard	Commercial	Not Eligible--Field	2012	J. Marmor	No
5DV.11260	690 Federal Boulevard	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11261	2627 West 6 th Avenue	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11262	2525 West 6 th Avenue	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11263	781 Vallejo Street	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11264	745 Vallejo Street	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11265	2120 West 7 th Avenue	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11266	2050 West 7 th Avenue	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11267	2038 West 7 th Avenue	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11268	535 Alcott Street	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11269	516 Bryant Street	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11270	543 Bryant Street	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11271	505 Bryant Street	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11272	525 Bryant Street	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11273	2650 West 6 th Avenue	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11274	2700 West 6 th Avenue	Commercial	Not Eligible--Field	2012	FHU	No
5DV.11275	2947 West Short Place	Commercial	Not Eligible--Field	2012	FHU	No

We hereby request your concurrence with these determinations of eligibility. 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. Please provide any comments, questions, or concerns to Dianna Litvak at (303) 757-9461 or Dianna.litvak@dot.state.co.us.

Sincerely,

for 

Elizabeth Kemp-Herrera
Region 6 Planning and Environmental Manager

cc: Jordan Rudel, CDOT Region 6
Stephanie Gibson, FHWA

Attachments: Letter from CCD on consulting party status
Cultural Resources Inventory Report for the US6 Bridges Reconstruction Project, Phases 1 and 5 of the
Valley Highway EIS
Site Forms



June 29, 2012

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

Re: Determination of Eligibility within the 6th Avenue Corridor of the I-25 Valley Highway
Environmental Impact Statement Project (CHS #40477)

Dear Ms. Hann,

Thank you for your correspondence dated June 22, 2012 and received by our office on June 25, 2012 regarding the review of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we concur with the recommended determinations of eligibility for the National Register of Historic Places for the properties listed below. Please note that in regards to the segment surveys, the term “supporting” or “not supporting” is more appropriate than “non-contributing” or “contributing” as stated in the cover letter. In our concurrence of segments, we are applying the supporting and not supporting terms.

- 5DV.7076
- 5DV.7080
- 5DV.7082
- 5DV.7083
- 5DV.7084
- 5DV.7085
- 5DV.5134
- 5DV.8325
- 5DV.9065
- 5DV.9848
- 5DV.4783.3
- 5DV.6243.2
- 5DV.9105.2
- 5DV.3512.4
- 5DV.4783.5
- 5DV.6243.8
- 5DV.10635.6
- 5DV.11289.1
- 5DV.11256
- 5DV.11260
- 5DV.11261
- 5DV.11262
- 5DV.11263
- 5DV.11264
- 5DV.11265
- 5DV.11266
- 5DV.11267
- 5DV.11268
- 5DV.11269
- 5DV.11270
- 5DV.11271
- 5DV.11272
- 5DV.11273
- 5DV.11274
- 5DV.11275

- 5DV.6033.14: Our office wants to confirm the determination of eligibility for this resource. In our opinion, the entire linear resource 5DV.6033 is eligible for the National Register and segment 5DV.6033.14 does not support the overall eligibility of the entire linear resource. We recognize that the FHWA/ACHP Interstate exemption applies to I-25.
- 5DV.9105, including segment 5DV.9105.4. According to the site form, the entire resource was recommended as not eligible, but the form is filled out for a segment. After review of the information, we concur that the entire linear resource 5DV.9105 is not eligible for the NRHP.

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

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

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

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

Sincerely,

A handwritten signature in black ink, appearing to read "E. C. Nichols". The signature is stylized with a large initial "E" and a long horizontal stroke at the end.

Edward C. Nichols
State Historic Preservation Officer

A small, handwritten mark or signature in black ink, located to the left of the typed name and title.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6
2000 South Holly Street
Denver, CO 80222
(303) 757-9251
(303) 757-9073 FAX



July 20, 2012

Ms. Lauri Dannemiller
Manager
Denver Parks and Recreation Department
201 W. Colfax, Dept. 601
Denver, Colorado 80202

Subject: Request for Concurrence with Mitigation Measures Pertaining to the Use of Section 4(f) Protected Properties and the Conversion of Section 6(f) Assisted Properties at Barnum Park North, Barnum Park East, and the South Platte River Trail for the Proposed US 6 Bridges Design Build Project, Denver, Colorado

Dear Ms. Dannemiller:

The Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) are planning improvements to an approximate one-mile segment of US 6 between Knox Court and the Interstate 25 (I-25)/US 6 interchange in Denver, Colorado (Figure 1). The purpose of the transportation improvement is to: (1) correct roadway deficiencies along US 6 to meet current design standards and provide a safer, more efficient, and more reliable transportation system; and (2) increase safety along and across the corridor for motorists, pedestrians, and bicyclists.

We are preparing a new Record of Decision (ROD) that addresses the next phase of construction identified in the 2006 Valley Highway Environmental Impact Statement (VHEIS) and any changes in environmental impacts since that time. Part of this new ROD process will obtain clearance for impacts to park properties and recreational facilities that are protected under Section 4(f) of the Department of Transportation Act and Section 6(f) of the Land and Conservation Fund Act. These impacts have changed since the VHEIS and in some cases have been reduced. This letter is requesting concurrence from the City and County of Denver (CCD) for the current mitigation measures described below. These measures, in part, are based upon a summary of commitments described in a Letter of Commitment from the CCD Public Works Department and Parks and Recreation Department dated May 2, 2012, CDOT's response to this letter dated June 11, 2012, and CCD's response dated July 19, 2012. It is also understood that the details of this mitigation will be formalized in an Intergovernmental Agreement between CCD and CDOT.

US 6 Widening and Ramp Improvements at Federal Boulevard

Project Description

The project will include the following actions:

- Construction of a diamond interchange at US 6/Federal Boulevard, including an eastbound US 6 off-ramp and a westbound US 6 on-ramp at Federal Boulevard;
- Relocation of the on-ramp from Federal Boulevard to eastbound US 6 from the south and east sides of Barnum Park East to the north side of Barnum Park East;
- Conversion of 5th Avenue to two-way operations east of Federal Boulevard;
- Partial closure of the interchange at US 6 and Bryant Street, with Bryant Street access provided via slip ramps and a collector-distributor system included in the interchange improvements at US 6 and Federal Boulevard;
- Widening of Federal Boulevard and replacement of the Federal Boulevard bridge over US 6 with associated improvement;
- Reconstruction of Barnum Park East.

Section 4(f) Properties

Barnum Park North, which is located in the northwest quadrant of the US 6/Federal Boulevard interchange (Figure 2), consists of 13.6 acres of public recreation lands that include a lighted baseball field, drinking fountain, restroom, lighted soccer field, and a bicycle/pedestrian trail that also serves as a maintenance road. The ball fields are located approximately 400 feet west of Federal Boulevard and 140 feet north of the existing US 6 westbound on-ramp. Construction of the new westbound on-ramp at Federal Boulevard will result in an approximate 0.9-acre use of Barnum Park North, including an approximate 0.27-acre permanent easement required for maintenance of a retaining wall (Figure 3). This use will impact the location of the bicycle/pedestrian trail, currently located in CDOT right of way.

Barnum Park East is an 11.8-acre park located in the southeast quadrant of the US 6/Federal Boulevard interchange (Figure 1) that provides lighted baseball and soccer fields. The relocation of the eastbound US 6 on-ramp from Federal Boulevard from the south and east sides of the park to the north side of Barnum Park East will result in an approximate 1.64-acre encroachment into the park (Figure 4), resulting in the use of land containing existing ball fields for transportation purposes. This encroachment is a reduction to what was documented in the 2007 ROD.

Barnum Park (also known as Barnum Park South) is a 35.6-acre park located in the southwest quadrant of the US 6/Federal Boulevard interchange (Figure 1) that provides multiple recreational facilities. There are currently no acquisitions at this park due to a revision of the proposed design. This is a change from what is documented in the VHEIS.

Section 6(f) Assisted Properties

As stated in the 2007 ROD, Section 6(f) funds have been used on various facilities within Barnum Park North. None of these facilities will be impacted by the acquisition of the approximate 0.9-acre area. It is unclear if the impacts described above and shown on Figure 3 result in a conversion of Section 6(f) assisted property. However, for purposes of this letter and

until consultation with State and National Parks is complete, it will be assumed that these impacts will result in a 0.63-acre conversion. The 0.27-acre permanent easement required for maintenance of a retaining wall will not preclude recreation in that area and therefore is not considered a conversion.

For clarification, the permanent easement is considered a use under Section 4(f); however, because it will not preclude recreation, it is not considered a conversion under Section 6(f).

Avoidance Considerations

US 6 operates as a major east-west transportation corridor that provides access to I-25 and already passes through the Barnum Park complex east and west of Federal Boulevard. Alignment shifts to the on-ramp construction, and interchange modifications at Federal Boulevard that avoid or lessen park impacts are not possible because of the immediate proximity of US 6 to Barnum Park North, as well as to Barnum Park East and Barnum Park South. The widening of Federal Boulevard has been shifted slightly to the east of the eastern park boundaries to avoid additional intrusion into Barnum Park North and any intrusion into Barnum Park South. In addition, retaining walls have been used at the eastbound on-ramp to US 6 to minimize impacts at Barnum Park East.

Proposed Mitigation

Section 4(f) Properties

- Relocate the bicycle/pedestrian trail in Barnum Park North to the open park area north of its existing location and away from the US 6 on-ramp. Construct a bicycle/pedestrian bridge over US 6, west of Federal Boulevard, to provide a direct connection between Barnum Park North and Barnum Park South, with appropriate Americans with Disabilities Act (ADA) connections to trails in each park, and improve pedestrian access across US 6 (Figure 5);
- Install landscaping and irrigation along the relocated trail;
- Maintain access to all recreational facilities and use areas in Barnum Park North;
- Provide detours and other appropriate accommodations for users of the trail during construction;
- Provide public notices of any closures or detour routes prior to construction onset;
- Reconstruct impacted portions of the large ball field in Barnum Park East;
- Redesign and reconstruct the small ball field in Barnum Park East;
- Replace existing facilities with new ones with enhanced ADA accessibility at Barnum Park East;
- Provide additional land for park use on the east side of the park by vacating the existing eastbound on-ramp from Federal Boulevard and acquiring a strip of land from an adjacent property owner totaling approximately 0.9-acre (Figure 6).

Section 6(f) Assisted Properties

The mitigation for the potential Section 6(f) conversion at Barnum Park North is the new bicycle/pedestrian bridge over US 6 that is also the mitigation for the Section 4(f) use. This includes the relocation of the trail in Barnum Park North and the installation of the landscaping and irrigation along this trail. The fair market valuation associated with the bridge and trail

improvements should exceed the fair market value of the 0.63-acre of land being converted based upon a fair market valuation according to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

I-25/US 6 Interchange: Bridge and Ramp Improvements

Project Description

The project will include the replacement and widening of the US 6 bridge over the South Platte River, west of the interchange, as well as improvements to the ramp connections to and from the west between US 6 and I-25. The planned improvements at the US 6 river crossing and the I-25/US 6 interchange are needed to improve interchange operations, to correct roadway deficiencies and satisfy current highway design standards, and improve traffic operations.

Section 4(f) Property

The South Platte River Trail, which extends 19 miles north and south of US 6, offers both commuter and recreational bicycle and pedestrian mobility through the project area. In the vicinity of the I-25/US 6 interchange, the trail is located on the east side of the river and serves Frog Hollow and Milstein parks. The trail is a major destination for residents from neighborhoods adjacent to the freeways. Construction of the new bridge over the South Platte River and ramp improvements will require a temporary occupancy of the South Platte River Trail (Figure 7). This activity will meet the requirements of the temporary occupancy exception in 23 CFR 774.13(d). The US 6 bridge replacement will increase the clearance over the trail, thereby eliminating the existing low clearance that is dark, uninviting, and restricts maneuverability. The replacement bridge clearance will provide a greater opening underneath that will encourage trail usage and enhance the recreational experience.

Section 6(f) Assisted Property

The 6(f) boundary associated with the South Platte River Trail includes the Denver-owned lands in the South Platte River floodplain. Currently, there is not an assumed need for conversion within the floodplain, but because this project is being constructed as a design/build project, it is possible that the final design may include some conversion, such as new bridge piers. As such, CDOT is working on the assumption that as much as five acres may be converted from the South Platte River floodplain. CDOT will assure that there is an equal value exchange for all Section 6(f) properties acquired. Such exchange will be valued according to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. If there is the potential for greater than five acres as design progresses, CDOT shall reopen coordination on the conversion and work with CCD and State Parks to determine appropriate next steps.

Avoidance Considerations

The planned replacement and widening of the US 6 bridge will occur on the current alignment, as will the ramp improvements between I-25 and US 6. Alternative alignments are not feasible because they would significantly disrupt traffic flow through the area, result in greater adverse impacts to surrounding businesses and residential areas, and substantially increase project construction costs beyond current funding levels.

Proposed Mitigation

- Provide public notices of any closures or detour routes prior to construction onset;
- Provide detours and other appropriate accommodations for users of the trail during construction in order to maintain trail access. A potential detour has been identified, and its tie-in locations with the existing trail will be finalized with CCD after the facility details are verified. From the existing South Platte River Trail around West 8th Avenue, the potential detour would connect to the unmaintained trail along the west side of the Platte River (instead of crossing the river), travel along West 7th Avenue, then along Bryant Street, then along 5th Avenue and on to Yuma Street, along West 2nd Avenue, then along Tejon Street, then along West 3rd Avenue, and finally along the pedestrian/bicycle bridge over the river to the existing South Platte River Trail. The detour work would include installing an all-weather surface on the unmaintained trail.

Requested Concurrence

CDOT is requesting your concurrence with the mitigation measures that have been proposed above to address the Section 4(f) and Section 6(f) impacts at Barnum Park North, Barnum Park South, Barnum Park East, and the South Platte River Trail. Alternatives to the use and conversion of park land and temporary occupancy of the trail have been evaluated and dismissed from further consideration, and replacement areas in the parks have been identified.

If we can provide additional materials or assistance, please contact me at (303) 972-9112.

Thank you for your time and consideration.

Sincerely,

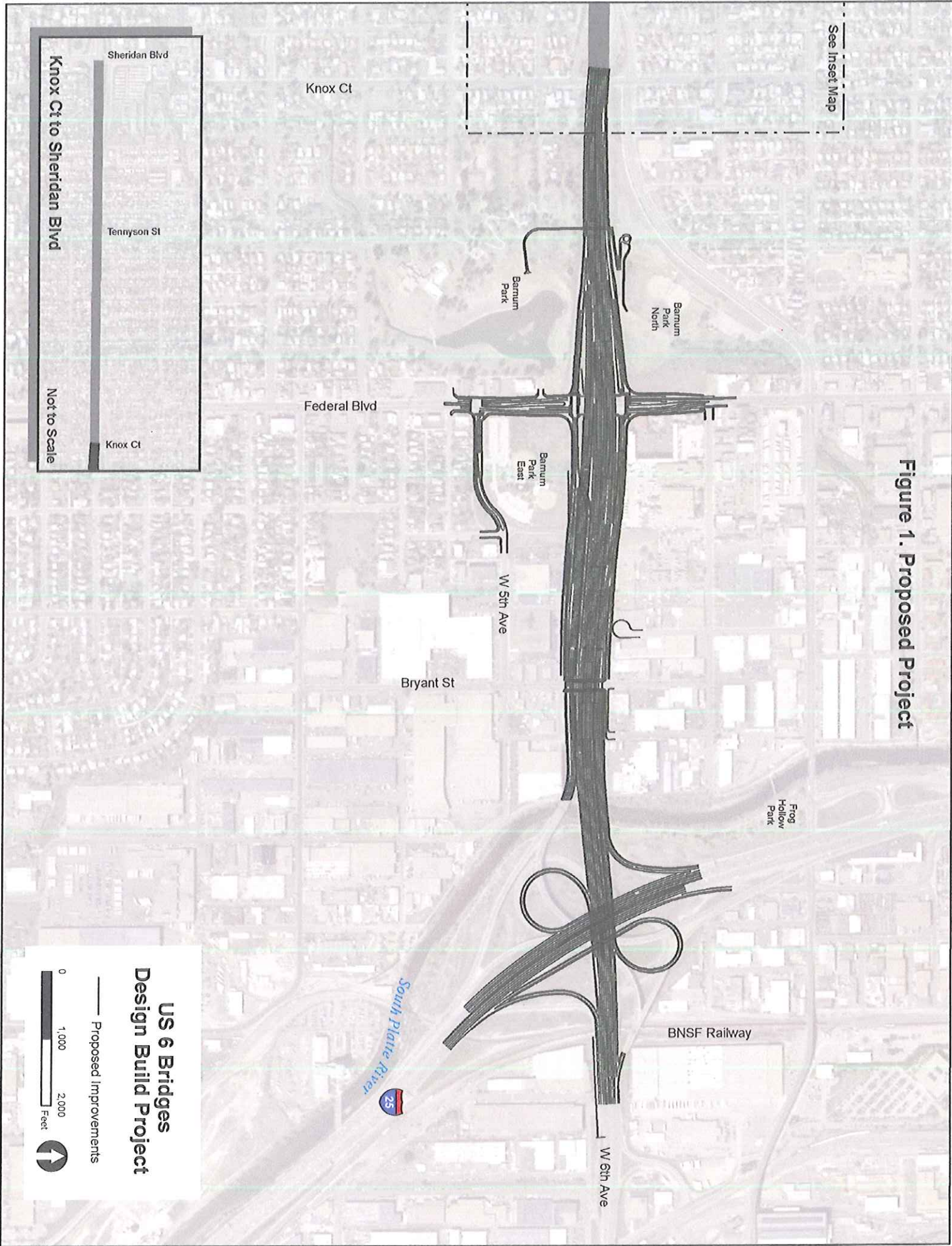


Kevin Sullivan
Project Director
CDOT Region 6

CC: Scott Gilmore, City and County of Denver
Gordon Robertson, City and County of Denver
Matt Pacheco, CDOT
Jordan Rudel, CDOT

Attachments: Figures

Figure 1. Proposed Project



**US 6 Bridges
Design Build Project**

Proposed Improvements

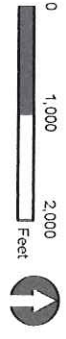
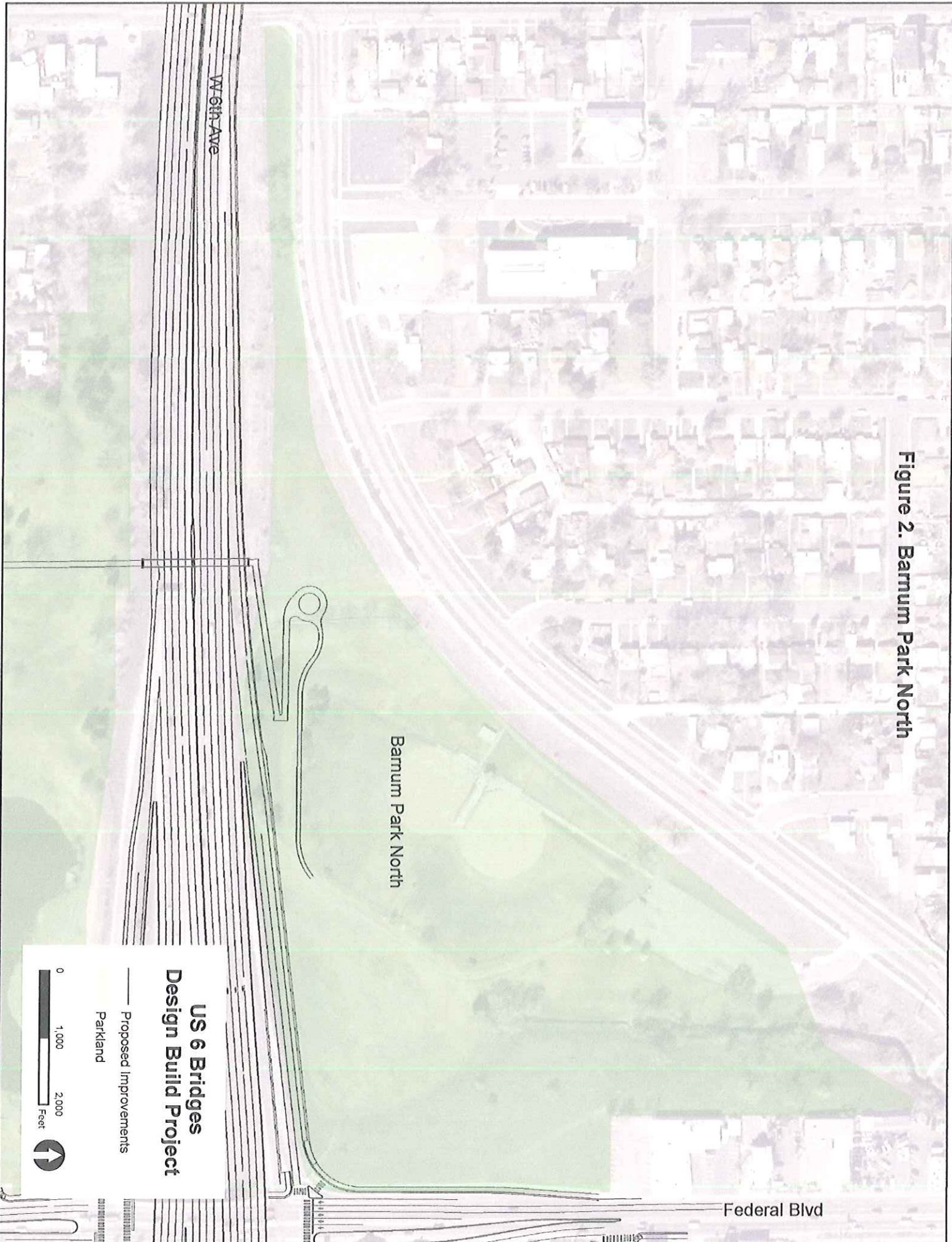


Figure 2. Barmum Park North



Federal Blvd

Barmum Park North

W 6th Ave

**US 6 Bridges
Design Build Project**

— Proposed Improvements
Parkland

0 1,000 2,000
Feet



Figure 3. Barnum Park North Encroachment

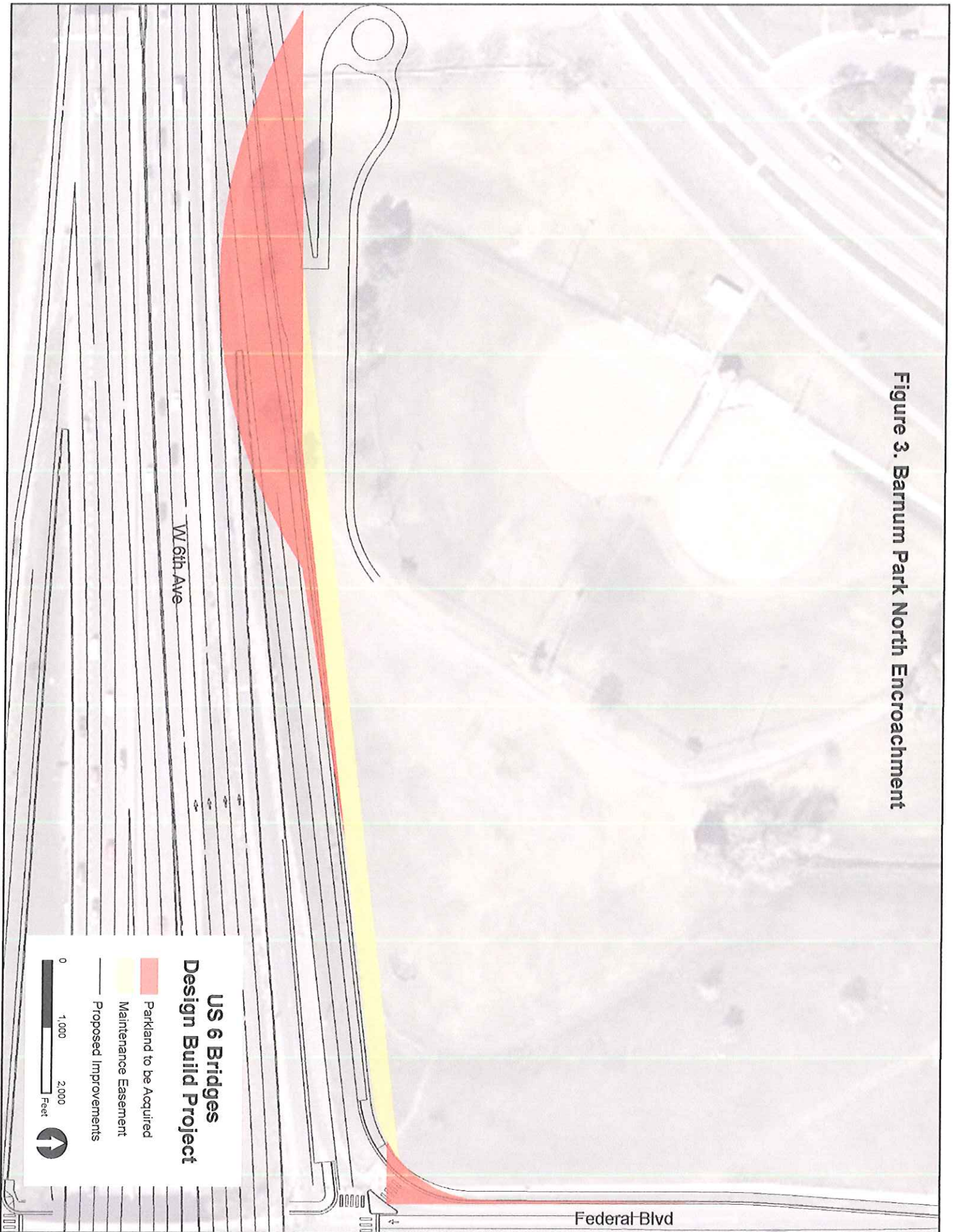
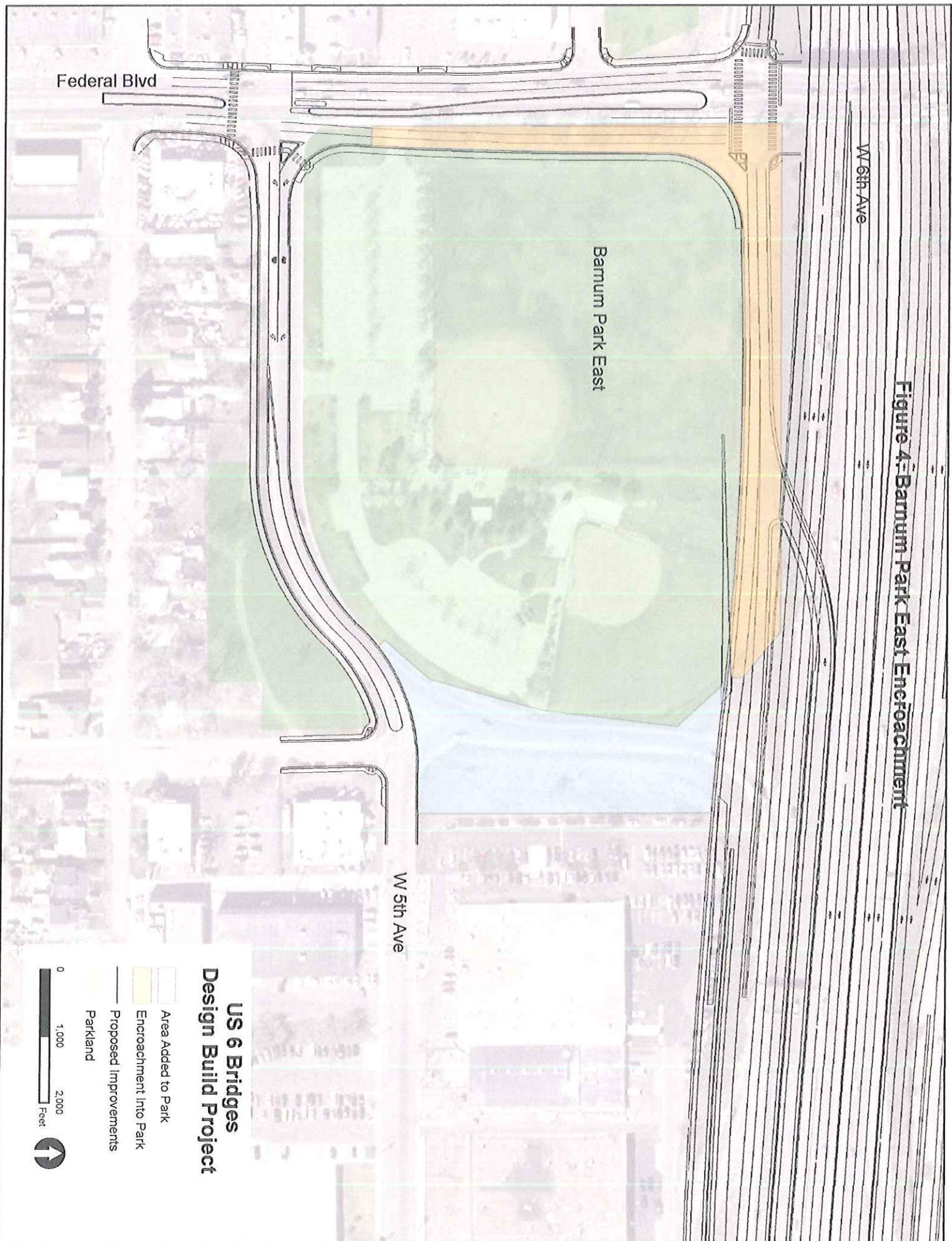


Figure 4: Bannum Park East Encroachment

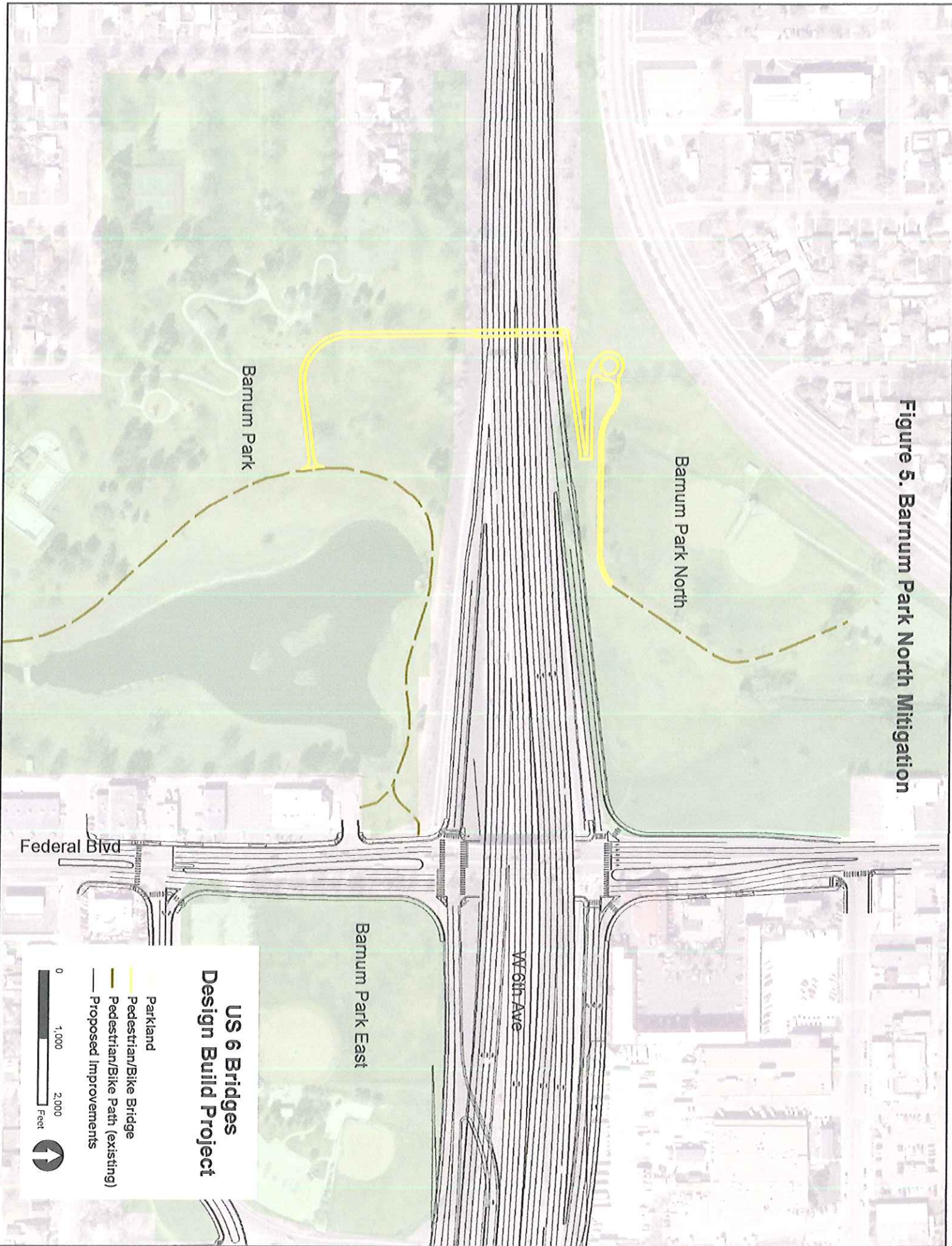


**US 6 Bridges
Design Build Project**

- Area Added to Park
- Encroachment Into Park
- Proposed Improvements
- Parkland



Figure 5. Barnum Park North Mitigation

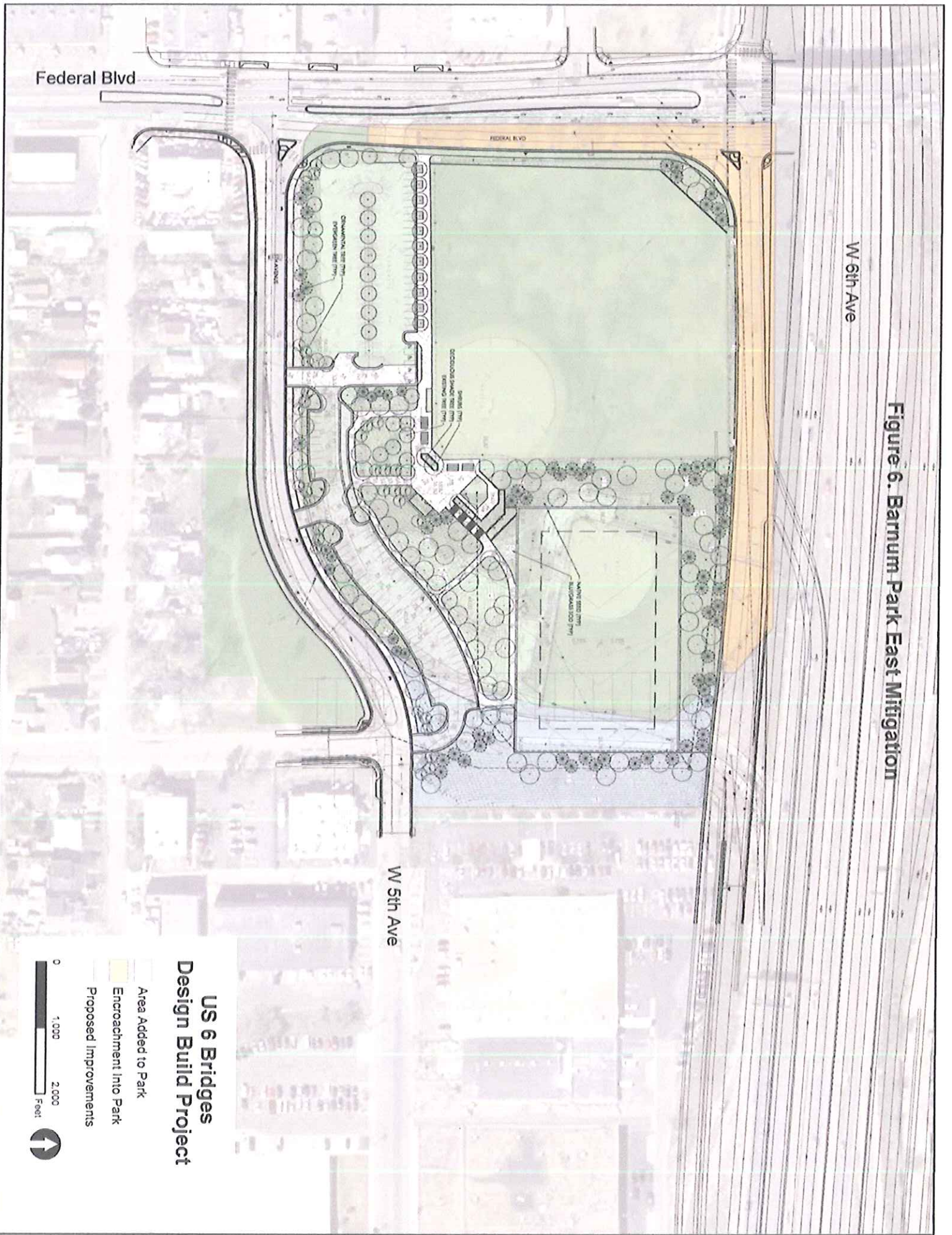


**US 6 Bridges
Design Build Project**

- Parkland
- Pedestrian/Bike Bridge
- Pedestrian/Bike Path (existing)
- Proposed Improvements



Figure 6. Barnum Park East Mitigation



W 6th Ave

W 5th Ave

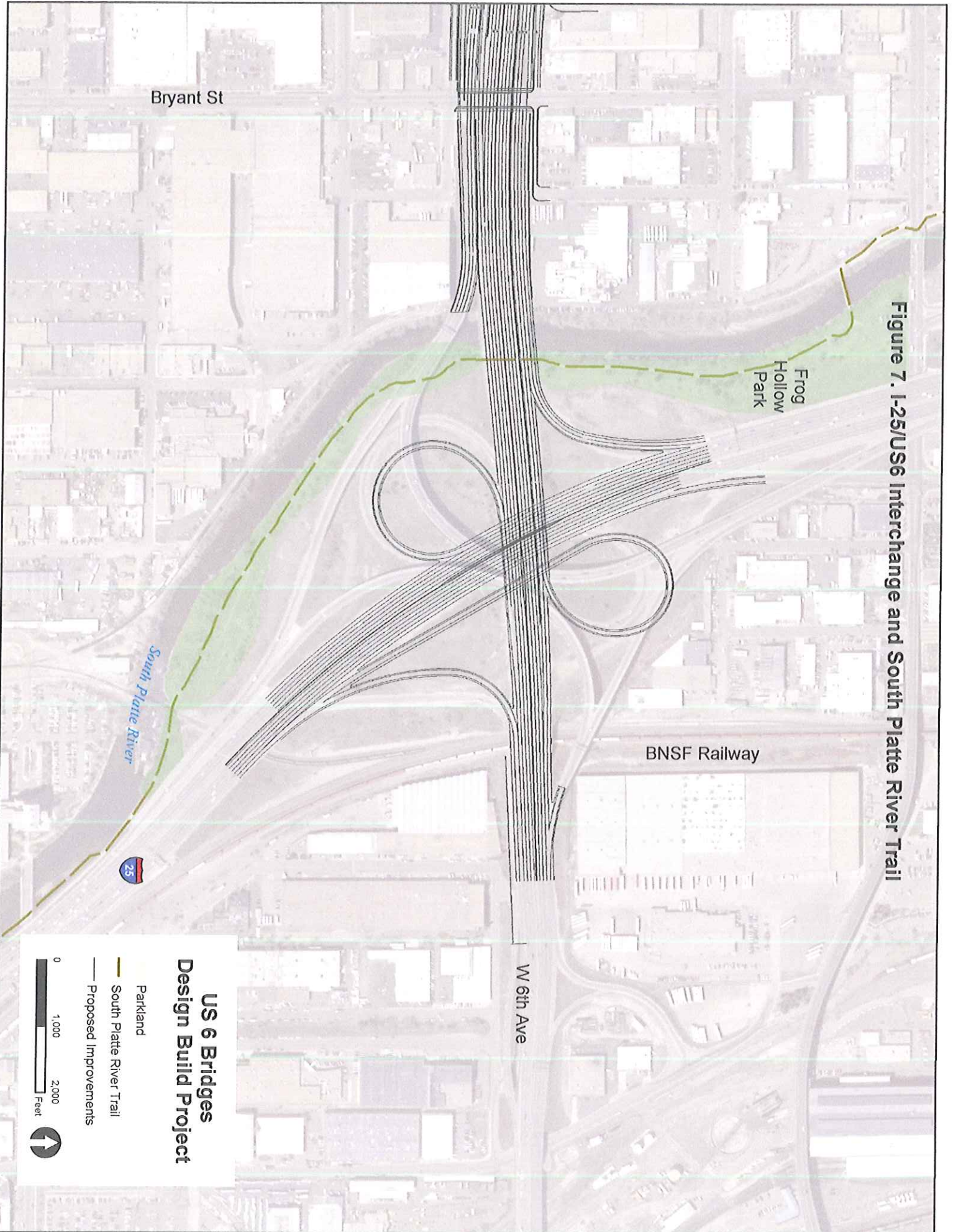
Federal Blvd

**US 6 Bridges
Design Build Project**

- Area Added to Park
- Encroachment Into Park
- Proposed Improvements



Figure 7. I-25/US6 Interchange and South Platte River Trail



Bryant St

Frog Hollow Park

South Platte River

BNSF Railway

W 6th Ave



**US 6 Bridges
Design Build Project**

- Parkland
- South Platte River Trail
- Proposed Improvements



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



August 2, 2012

Mr. Ed Nichols
State Historic Preservation Officer
Colorado Historical Society
1200 Broadway
Denver, CO 80202

- SUBJECT:**
- Section 106 Determinations of Effect within the 6th Avenue Corridor of the I-25 Valley Highway Environmental Impact Statement Project (CDOT Subaccount Nos. 18838, 18202, and **18192 [overall project number]**; CHS #40477)
 - Notification of Section 4(f) net benefits evaluation and request for SHPO comment

Dear Mr. Nichols:

On behalf of the Federal Highway Administration (FHWA), the Colorado Department of Transportation (CDOT) is requesting comments from the State Historic Preservation Officer (SHPO) on Section 106 determinations of effect for historic properties within the revised Area of Potential Effect for the 6th Avenue Freeway phase of the Valley Highway Environmental Impact Statement (EIS) (November 2006) and phased Record of Decision (ROD) (July 2007).

Your office responded to CDOT's request for comments on National Register of Historic Places eligibility determinations in correspondence dated June 29, 2012. You requested additional information on the NRHP eligibility of the Valley Highway, 5DV.6033, and that has been included in this letter. You agreed with CDOT's determinations of eligibility for newly surveyed and previously surveyed properties, clarified the *not eligible* assessment for the overall resource, 5DV.9105 (the Denver & New Orleans Railway), and explained that linear segments should be referred to as "supporting" or "non-supporting" of the eligibility of the overall resource. We have noted these clarifications.

Effects to individual properties (not part of a larger resource) that have been determined to be not eligible to the NRHP have not been included in detail in this correspondence. The resulting Section 106 determinations of effect for these resources will be *no historic properties affected*. Proposed impacts to segments of linear resources that have been determined to be eligible to the NRHP (with either supporting or not supporting segments) have been described in detail and CDOT prepared Section 106 determinations of effect for these resources.

Project Description

CDOT will issue a design-build contract to replace five bridges on US 6 and redesign US Highway 6 between the BNSF and Federal Blvd to correct safety deficiencies. The entrance ramp from Federal to eastbound US 6 and I-25 (including the Bryant Street interchange) is currently one of the most hazardous sections of highway in the state and the Denver Regional Council of Governments and CDOT have identified this area as a "bottleneck" location.

Under the current schedule, CDOT plans to address the additions to the project in a new Record of Decision in fall 2012 and award a design-build contract in early winter 2013. Because this is a design/build project, the contractor may propose additional improvements, including new right of way acquisitions or easements for potentially historic properties that had not been previously consulted upon in the Section 106 process. If this occurs, the contractor will be required to submit these changes to CDOT and reopen consultation with SHPO under Section 106, and under Section 4(f), if required by project circumstances.

The project description in the correspondence to your office on April 10, 2012 remains the same except for small changes as follows.

- Federal Blvd at 7th Ave: Initially project improvements did not extend north of the intersection of 7th and Federal, but engineers determined there will be a temporary easement on the northeast corner of Federal and 7th. This parcel (710 Federal), consists of a building that was built in 1980 and does not meet the age criteria to be surveyed as a potential historic resource.
- Modifications to the exit ramp from northbound I-25 to 8th Ave, to incorporate the ramp into a collector/distributor road on the east side of I-25, will remain within the existing ROW.

Valley Highway Eligibility, 5DV.6033.14

Consultation regarding the eligibility determination for the Valley Highway, 5DV6033, first took place in 1999 and 2000 as part of the Southeast Corridor Improvements. This project included the widening of I-25 and construction of the light rail line on I-25 between Broadway to Lincoln Ave. in Douglas County, and I-225 from I-25 to Parker Road (commonly referred to as TREX). At the time of the cultural resource survey for this project, no site form was prepared for 5DV6033, but point numbers were given to the original Valley Highway bridges within the project area. SHPO and CDOT agreed that major changes had obscured the original highway between 52nd Avenue and Evans Avenue to the extent that it did not retain integrity and could no longer convey significance to be considered eligible for listing on the National Register. The highway was determined to meet the criteria for the State Register, however. In correspondence dated February 12 and 19, 2004 SHPO and CDOT agreed upon the same approach for the 5DV6033 as part of the Valley Highway EIS consultation. CDOT upholds the determination that the resource is eligible for the State Register, but not the National Register.

Table 1: Section 106 Effect Determinations

Site No.	Site ID	Site Type	NRHP-Eligibility	Section 106 Determination of Adverse Effect	Remarks
Historic Buildings and Structures					
5DV.5134	2214 West 8 th Ave.	Commercial	Officially Eligible	No Historic Properties Affected	
Historical Linear Sites					
5DV.3512.4	Denver West Side Line	Linear-Railroad	Non-contributing segment of officially eligible resource	No Historic Properties Affected	Property is outside of proposed improvements
5DV.4783.3	Atchison, Topeka & Santa Fe	Transportation-Railroad	Non-contributing segment of officially eligible resource	No Adverse Effect	
5DV.4783.5	Atchison, Topeka & Santa Fe	Linear-Railroad	Non-contributing segment of officially eligible resource	No Adverse Effect	
5DV.6243.2	Denver, South Park & Pacific R.R.	Transportation-Railroad	Non-contributing segment of officially eligible resource	No Adverse Effect	
5DV.6243.8	Denver, South Park & Pacific	Linear-Railroad	Non-contributing segment of officially eligible resource	No Adverse Effect	
5DV.10635.6	West & South Side Interceptor	Linear-Sewer	Contributing segment of field eligible resource (Criterion D)	Adverse Effect	Adverse effect will be mitigated as part of the PA for Denver brick-lined sewers
5DV.11289.1	US Highway 6	Linear--Highway	Non-contributing segment of officially eligible resource	No Adverse Effect	

Effects Determinations

5DV.5134: 2214 West 8th Ave.

The ramp behind this property that carries traffic from northbound I-25 to eastbound 8th Avenue might be modified as part of a new collector/distributor road, but all of the work will remain within existing ROW. There will be no direct impact to the property. Indirect changes in setting are minor. The setting of the gas station, which once served a largely residential area, has already changed radically as this area has become more industrial. No major improvements in capacity are anticipated, but the location of the ramp might be moved slightly within ROW. The Section 106 determination of effect is *no historic properties affected* because the ramp improvements represent very little change from the current conditions and will not have a direct or indirect effect on any of the characteristics that make the property eligible to the NRHP.

5DV3512: Denver West Side Line RR

The replacement of the South Platte River Bridge will take place near this resource. This segment does not support the eligibility of the overall resource. Please refer to Attachment 3 for more details. On the north side of the bridge, the tracks have been removed and very little remains of the grade. On the south side, the tracks begin approximately 200 feet south of the ramp that carries eastbound US 6 traffic to north or southbound I-25. There is no work planned on the ramp, just the replacement of the bridge. The Section 106 determination of effect is *no historic properties affected*.

5DV.4783: Atchison, Topeka, Santa Fe and 5DV6243 Denver, South Park & Pacific

Three historical lines are consolidated under BNSF ownership in the eastern part of the APE. From west to east, the lines are the Denver, South Park & Pacific, the Denver & New Orleans Railway, and the Atchison, Topeka, Santa Fe. Two lines are eligible for the National Register of Historic Places (DSP&P and ATSF) while the Denver & New Orleans Railway is not eligible to the NRHP. Please refer to the attached graphics (Attachments 1 and 2) for more detail.

The existing bridge (F-16-EJ or 5DV.7082) over the BNSF tracks will be replaced by a longer two-span bridge within CDOT's existing easement over the BNSF tracks. There are currently two bridge piers within the railroad ROW, as shown in Attachment 1. The proposed bridge is 34.5 feet longer (159.53') than the existing bridge (124.95'). Both proposed abutments will be outside of existing BNSF right of way. Although the bridge will be slightly wider than the existing (required for phasing of traffic), the north/south limits of the proposed bridge are still within the current easement that CDOT has over the railroad. One new pier will be built within the ROW on the east side of the tracks, and it is approximately 17 feet east of the existing pier (5DV.4783, former ATSF). This makes the new pier at least 25 feet east of Siding Track 2, as required by the railroad's "Grade Separation Guidelines."

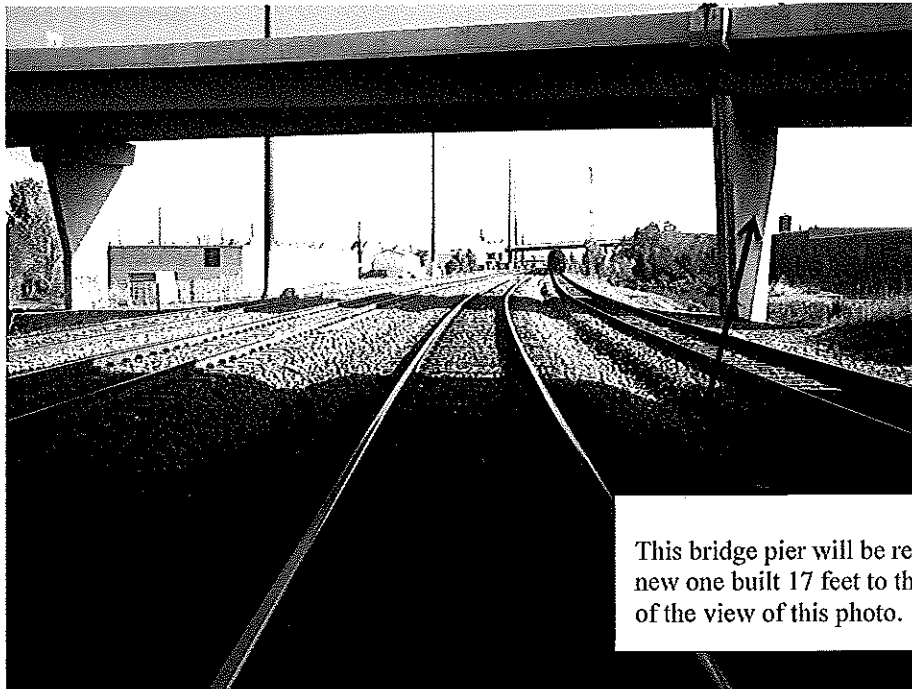


Figure 1; Current bridge (F-16-EJ) over the BNSF that will be replaced. From left to right, the historic railroad lines are Denver, South Park & Pacific (5DV6243), Denver & New Orleans (5DV9105), and Atchison, Topeka, Santa Fe (5DV.4783). The fourth track on the far right side is a small section of siding. View is to north.

This bridge pier will be removed and a new one built 17 feet to the east, outside of the view of this photo.

The existing west abutment and foundation will be removed. Based on preliminary design, the proposed west abutment and soil nail wall type combination will be constructed within CDOT's existing ROW. Please refer to the section view of Attachment 2 for more details.

BNSF has reviewed and provided comments on the bridge design. The railroad does not have any plans for additional tracks or geometric adjustments to the existing tracks. The BNSF requested adequate clearance on the west edge of the railroad tracks for a maintenance road, next to Siding Track 1 (5DV.6243, the former Denver, South Park & Pacific tracks). BNSF has confirmed that the new bridge meets the vertical clearance requirements in the guidelines. The current easement on US Highway 6 for the BNSF overpass that CDOT holds with the BNSF is depicted on the attached graphics.

The segments of the two NRHP-eligible railroads do not support the eligibility of the overall resource due to substantial changes in the historic setting. The placement of a new pier within the railroad ROW will not change or modify any of the characteristics that make the railroads eligible to the NRHP. No historical features of the railroads will be disturbed by this action as the pier will be built in an area that is currently part of the grade and there are no other objects that will be removed. CDOT has determined that this action will result in the Section 106 finding of *no adverse effect* for 5DV.4783 and 5DV.6243. A Section 106 effect description was not done for the D&NO because the resource is not eligible to the NRHP, therefore the resulting effect for this resource is *no historic properties affected*.

5DV.10635.6, West and Southside Interceptor:

The construction of a new bridge over the South Platte River will require 240 feet of this segment of the West and Southside Interceptor to be relocated. This brick-lined sewer segment under the bridge could possibly sustain damage due to the amount of pile driving and drilling that will take place on the west side of the bridge, so engineers have determined it is a better idea to relocate the affected portion. The 240-foot section will be removed and replaced with a new concrete pipe. Please refer to Attachment 3 for more details.

5DV10635.6 is a 2401' segment of the large West and Southside Interceptor, a sanitary sewer that extends from Rocky Mountain Lake in Berkeley to the South Platte River and University Park in southeast Denver. The entire sewer is approximately 129,000 linear feet (about 24 miles). About 39,000 linear feet (about 7 miles) was constructed in brick, while 89,731 linear (17 miles) feet was constructed in concrete pipe.

A large amount of the original brick sewer of this interceptor is still in operation today. The minor amount that will be relocated due to the bridge construction is .1 percent of the segment between 3rd and 6th avenues, and a much smaller portion of the larger system. The removal of such a small section, especially in light of the overall length of the resource, will not dramatically change the integrity of the resource and does not change or modify the characteristics that make the resource NRHP-eligible. However, 800.5(a)(2)(i) states that physical destruction of or damage to all or part of the property constitutes an adverse effect. As such, CDOT finds that the work to the resource will result in the Section 106 finding of *adverse effect*.

Consultation to mitigate the adverse effect to this resource will be formalized with the development and execution of a Programmatic Agreement between SHPO, FHWA, the Advisory Council, City and County of Denver, Metro Wastewater, and CDOT regarding brick-lined sewers in the City and County of Denver. Work on this draft agreement will begin in August 2012 between the agencies. Creative mitigation for

the adverse effect has already been completed and consists of a detailed historic context recently prepared by Gail Keeley on the history of Denver's brick sewers.

5DV.11289, US Highway 6

The project will correct functional deficiencies along I-25 and US 6 to meet current design standards and to provide a safer, more efficient, and more reliable transportation system. The footprint of US Highway 6 will widen slightly, but the overall number of lanes will remain the same. This widening will take place within a segment that does not support the eligibility of the overall resource. It will not alter any of the characteristics that make the resource eligible to the NRHP. The work will not physically destroy any of the resource. As such, CDOT has determined the work will result in *No Adverse Effect* to 5DV.11289.

Notification of Net Benefits Evaluation

FHWA intends to evaluate the adverse effects to the West and Southside Interceptor as part of the programmatic Section 4(f) Evaluation and Approval for Transportation Projects That Have a Net Benefit to a Section 4(f) property. The 4(f) evaluation requires coordination with the official with jurisdiction over the Section 4(f) property to agree in writing with the assessment of the impacts; the proposed measures to minimize harm; the mitigation necessary to preserve, rehabilitate, and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property.

CDOT has determined that preserving the sewer line in place is not prudent due to the potential for impacts to the line due to vibration and pile driving caused by the construction of the South Platte River Bridge. Measures to minimize harm include limiting the amount of sewer that is replaced to the smallest amount necessary, which has been calculated as 240 feet of the 44" brick-lined segment at this location. FHWA has determined that more can be learned about the brick-lined sewer system in Denver through creative mitigation of the adverse effect. As mentioned above, CDOT prepared an in-depth report on the history of the development of Denver's brick-lined sewers and is in the process of finalizing a draft Programmatic Agreement for brick-lined sewers in Denver. These measures have resulted in a net benefit by enhancing understanding of the historical development of Denver's brick-lined sewer lines.

Please respond to this notification of net benefits finding, and note specifically that you understand this adverse effect will be mitigated in the future with the execution of the Denver brick-lined sewers Programmatic Agreement, anticipated for signature by October 2012. Please also comment on the assessment of impacts; measures to minimize harm; the creative mitigation that has already been prepared to mitigate adverse effects to the sewer system, and whether your office agrees with the net benefit finding.

We request your concurrence with these determinations of effects and the Net Benefits Evaluation. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act (as amended) and with the Advisory Council on Historic Preservation's regulations.

Thank you in advance for your prompt attention to this matter. If you require additional information, please contact Dianna Litvak at (303) 757-9461.

Sincerely,

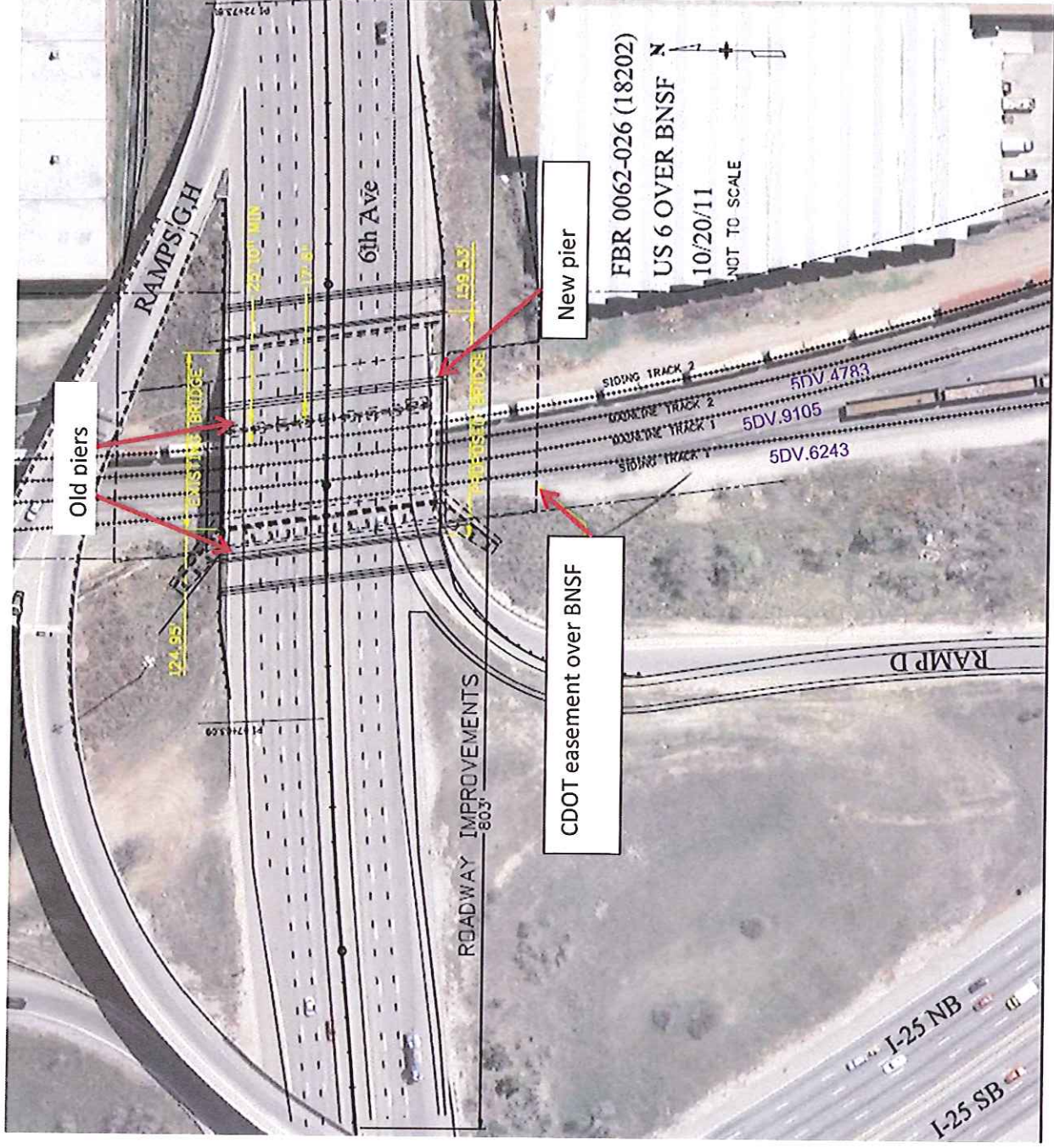


for Elizabeth Kemp-Herrera
Region 6 Planning and Environmental Manager

cc: Jordan Rudel, CDOT Region 6
Stephanie Gibson, FHWA

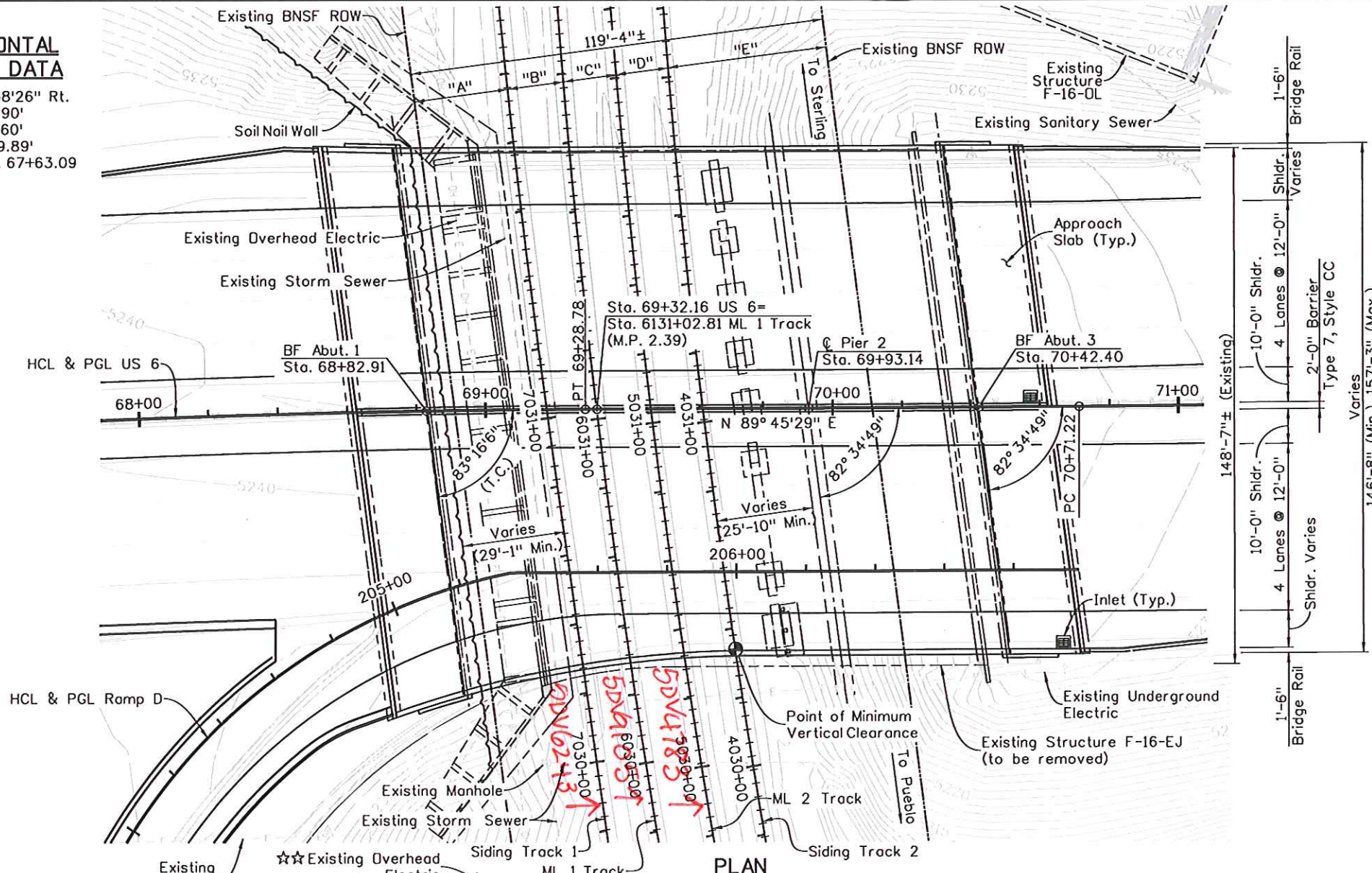
Attachments: Attachment 1: aerial photo of BNSF bridge replacement
Attachment 2: section and plan view of BNSF bridge replacement
Attachment 3: South Platte River Bridge Replacement with West and Southside
Interceptor

Attachment 1
BNSF bridge replacement
Effects to Historic Railroads



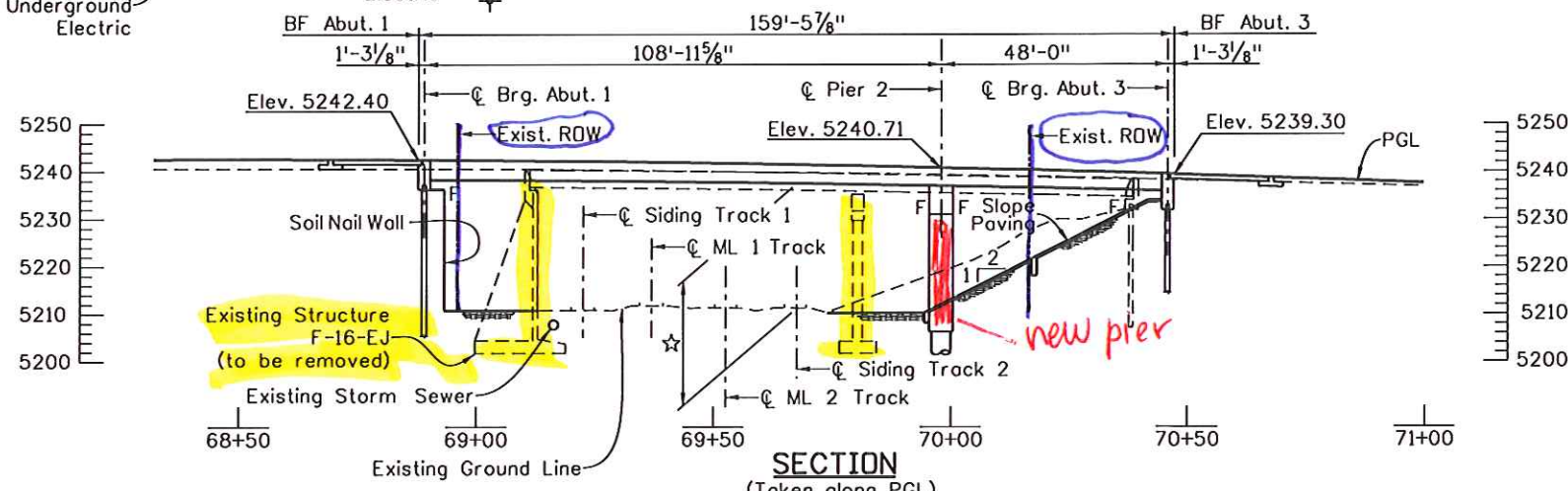
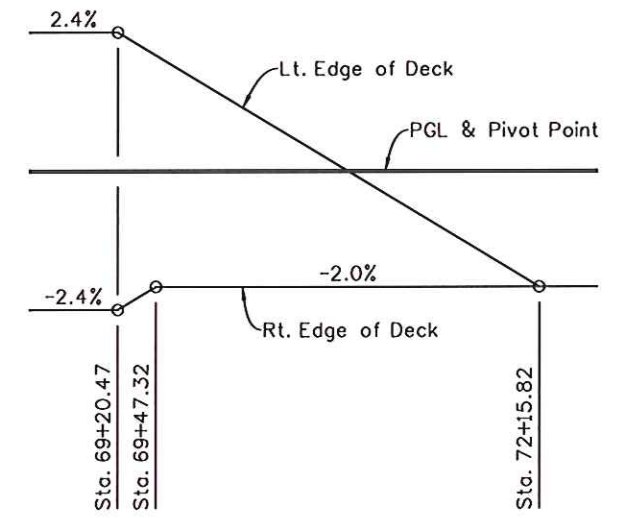
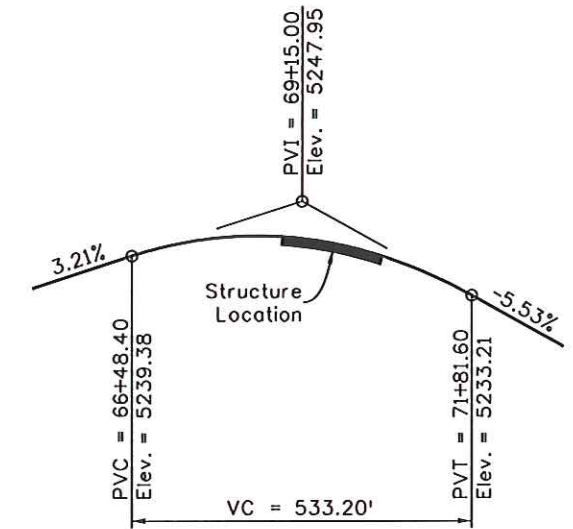
HORIZONTAL CURVE DATA

Δc = 4° 58' 26" Rt.
 Tc = 165.90'
 Lc = 331.60'
 Rc = 3819.89'
 PI = Sta. 67+63.09



TRACK CLEARANCE TABLE

"A"	"B"	"C"	"D"	"E"
Varies 26'-3" Min.	Varies 13'-7" Min.	Varies 15'-4" Min.	Varies 14'-8" Min.	Varies 46'-10" Min.



☆ Minimum Vertical Clearance: 23'-9" Concrete Alternate 23'-6" Steel Alternate
 ☆☆ Minimum Vertical Clearance to Existing Overhead Electric at HCL = 47'-6"

Attachment 2

FIR
 3/30/2012

Print Date: 3/29/2012
 File Name: 18202BRDG_GeneralLayout.dgn
 Horiz. Scale: 1:12 Vert. Scale: As Noted
 Staff Bridge Branch - Unit 022X Unit Leader Initials
WILSON & COMPANY

Sheet Revisions		
Date:	Comments	Init.

Colorado Department of Transportation

 8833 South Wadsworth Court
 Littleton, CO 80128
 Phone: 303-972-9112 FAX: 303-972-9114
 Region 6 MP

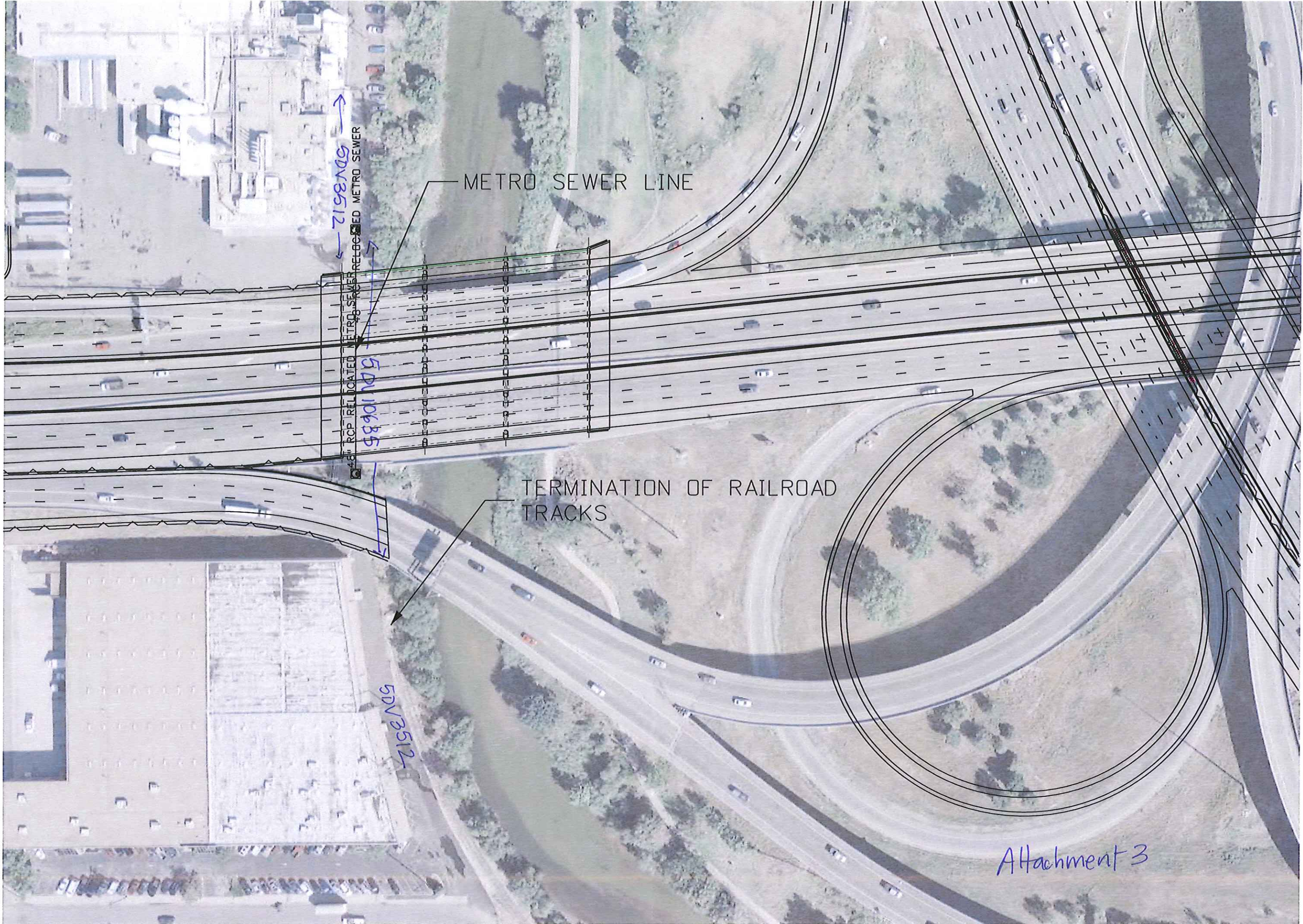
As Constructed
 No Revisions:
 Revised:
 Void:

US 6 OVER BNSF GENERAL LAYOUT
 Designer: B. Allen
 Detailer: D. Anderson
 Sheet Subset: BRIDGE
 Structure Numbers: F-16-YJ
 Subset Sheets: B1 of BX

Project No./Code
 FBR 0062-026
 18202
 Sheet Number 27

DRAnderson 11:22:34 AM c:\pwworking\wilson_projects\dranderson\dms6192\18202BRDG_GeneralLayout.dgn

Design		Detail		Quantities	
INITIAL	DATE	INITIAL	DATE	INITIAL	DATE



METRO SEWER LINE

TERMINATION OF RAILROAD TRACKS

SDV3512

SDV10635

SDV3512

48" RCP RELICATED METRO SEWER
← 50' RCP RELOCATED METRO SEWER

Attachment 3



DENVER
THE MILE HIGH CITY

Denver Parks & Recreation
Manager's Office

201 West Colfax Ave., Dept. 601
Denver, CO 80202
p: 720-913-0739
f: 720913-0784
www.denvergov.org/parks

August 6, 2012

Kevin Sullivan
Project Director
CDOT Region 6
2000 S. Holly Street, Room 200
Denver, Colorado 80222

Subject: Concurrence with Mitigation Measures Pertaining to the Conversion of Section 6(f) Assisted Properties at Barnum Park North and the Temporary Closure of the South Platte River Trail for the Proposed US 6 Bridges Design Build Project, Denver, Colorado

Dear Mr. Sullivan:

The Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) are planning improvements to an approximate one-mile segment of US 6 between Knox Court and the Interstate 25 (I-25)/US 6 interchange in Denver, Colorado. The purpose of the transportation improvement is to: (1) correct roadway deficiencies along US 6 to meet current design standards and provide a safer, more efficient, and more reliable transportation system; and (2) increase safety along and across the corridor for motorists, pedestrians, and bicyclists.

A letter dated July 20, 2012 was received by the City and County of Denver (CCD) requesting concurrence for the current mitigation measures for the conversion of Section 6(f) assisted properties as described below. These measures, in part, are based upon a summary of commitments described in a Letter of Commitment from the CCD Public Works Department and Parks and Recreation Department dated May 2, 2012, CDOT's response to this letter dated June 11, 2012, and CCD's response dated July 19, 2012. It is also understood that the details of this mitigation will be formalized in an Intergovernmental Agreement between CCD and CDOT.

US 6 Widening and Ramp Improvements at Federal Boulevard

Section 6(f) Assisted Properties

Barnum Park North, which is located in the northwest quadrant of the US 6/Federal Boulevard interchange, consists of 13.6 acres of public recreation lands that include a lighted baseball field, drinking fountain, restroom, lighted soccer field, and a bicycle/pedestrian trail that also serves as a maintenance road. The ball fields are located approximately 400 feet west of Federal Boulevard and 140 feet north of the existing US 6 westbound on-ramp. Construction of the new westbound on-ramp at Federal Boulevard will result in an approximate 0.9-acre acquisition of Barnum Park North, including an approximate 0.27-acre permanent easement required for maintenance of a retaining wall. This acquisition will impact the location of the bicycle/pedestrian trail, currently located in CDOT right of way.

As stated in the 2007 ROD, Section 6(f) funds have been used on various facilities within Barnum Park North. None of these facilities will be impacted by the acquisition of the approximate 0.9-acre area. It is unclear if the impacts described above result in a conversion of Section 6(f) assisted property. However, for purposes of this letter and until consultation with State and National Parks is complete, it will be assumed that these impacts will result in a 0.63-acre conversion. The 0.27-acre permanent easement required for maintenance of a retaining wall will not preclude recreation in that area and therefore is not considered a conversion.





DENVER
THE MILE HIGH CITY

Denver Parks & Recreation
Manager's Office

201 West Colfax Ave., Dept. 601
Denver, CO 80202
p: 720-913-0739
f: 720913-0784
www.denvergov.org/parks

Avoidance Considerations

US 6 operates as a major east-west transportation corridor that provides access to I-25 and already passes through the Barnum Park complex east and west of Federal Boulevard. Alignment shifts to the on-ramp construction, and interchange modifications at Federal Boulevard that avoid or lessen park impacts are not possible because of the immediate proximity of US 6 to Barnum Park North. The widening of Federal Boulevard has been shifted slightly to the east of the eastern park boundary to avoid additional intrusion into Barnum Park North.

Proposed Mitigation

The mitigation for the potential Section 6(f) conversion at Barnum Park North is the new bicycle/pedestrian bridge over US 6. This includes the relocation of the trail in Barnum Park North and the installation of the landscaping and irrigation along this trail. The fair market valuation associated with the bridge construction and trail improvements should exceed the fair market value of the 0.63-acre of land being converted based upon a fair market valuation according to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

I-25/US 6 Interchange: Bridge and Ramp Improvements

Section 6(f) Assisted Property

The South Platte River Trail, which extends 19 miles north and south of US 6, offers both commuter and recreational bicycle and pedestrian mobility through the project area. In the vicinity of the I-25/US 6 interchange, the trail is located on the east side of the river and serves Frog Hollow and Milstein parks. The trail is a major destination for residents from neighborhoods adjacent to the freeways. Construction of the new bridge over the South Platte River and ramp improvements will require temporary closure of the South Platte River Trail. The US 6 bridge replacement will increase the clearance over the trail, thereby eliminating the existing low clearance that is dark, uninviting, and restricts maneuverability. The replacement bridge clearance will provide a greater opening underneath that will encourage trail usage and enhance the recreational experience.

The 6(f) boundary associated with the South Platte River Trail includes the Denver-owned lands in the South Platte River floodplain. Currently, there is not an assumed need for conversion within the floodplain, but because this project is being constructed as a design/build project, it is possible that the final design may include some conversion, such as new bridge piers. As such, CDOT is working on the assumption that as much as five acres may be converted from the South Platte River floodplain. CDOT will assure that there is an equal value exchange for all Section 6(f) properties acquired. Such exchange will be valued according to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. If there is the potential for greater than five acres as design progresses, CDOT shall reopen coordination on the conversion and work with CCD and State Parks to determine appropriate next steps.

Avoidance Considerations

The planned replacement and widening of the US 6 bridge will occur on the current alignment, as will the ramp improvements between I-25 and US 6. Alternative alignments are not feasible because they would significantly disrupt traffic flow through the area, result in greater adverse impacts to surrounding businesses and residential areas, and substantially increase project construction costs beyond current funding levels.





DENVER
THE MILE HIGH CITY

Denver Parks & Recreation
Manager's Office

201 West Colfax Ave., Dept. 601
Denver, CO 80202
p: 720-913-0739
f: 720-913-0784
www.denvergov.org/parks

Proposed Mitigation

- Provide public notices of any closures or detour routes prior to construction onset;
- Provide detours and other appropriate accommodations for users of the trail during construction in order to maintain trail access. A potential detour route is currently being planned. The detour work would include installing an all-weather surface on any unmaintained portion of the trail.

Concurrence

Denver Parks and Recreation concurs with the mitigation measures that have been proposed above to address impacts at Barnum Park North and the temporary closure of the South Platte River Trail. Alternatives to the conversion of park land and the temporary closure of the trail have been evaluated and dismissed from further consideration. At the completion of construction, the Denver community would have a net gain in Section 6(f) protected recreational function.

Sincerely,

Lauri Dannemiller, Manager
Denver Parks and Recreation

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6
2000 South Holly Street
Denver, CO 80222
(303) 757-9251
(303) 757-9073 FAX



August 10, 2012

Mr. Thomas Morrissey, PE
State Trails Program Manager
Colorado Parks and Wildlife Division
1313 Sherman Street Room 618
Denver, Colorado 80201

Subject: Request for Permission to Convert One Property Funded with Land and Water Conservation Funds to a Transportation Use in Denver, Colorado: Barnum Park North; and Request for Permission for Temporary Transportation Use of One Property Funded with Land and Water Conservation Funds in Denver, Colorado: South Platte River Trail

Dear Mr. Morrissey:

The Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) are planning improvements to an approximate two-mile segment of 6th Avenue (US 6) between Knox Court and the Interstate 25 (I-25)/US 6 interchange in Denver, Colorado (Figure 1) and are preparing supplemental environmental documentation to address this proposed work. This correspondence is intended to initiate approval of the conversion of portions of one Section 6(f) assisted property and the temporary use of portions of another Section 6(f) assisted property for the project, in accordance with Section 6(f) of the Land and Water Conservation Fund (LWCF) Act of 1965.

The purpose of the transportation improvement is to: (1) correct roadway deficiencies along US 6 to meet current design standards and provide a safer, more efficient, and more reliable transportation system; and (2) increase safety along and across the corridor for motorists, pedestrians, and bicyclists. The following information has been provided for review for each property:

- Project description
- Areas of conversion and impacts to Section 6(f) assisted properties
- Avoidance considerations for each property
- Proposed mitigation

CDOT has consulted with the owner of the Section 6(f) assisted properties (City and County of Denver Parks and Recreation Department) and has approval of the proposed mitigation for the project (see attached letter). The owner is also committed to maintaining the proposed improvements.

US 6 Widening and Ramp Improvements at Federal Boulevard

Project Description

The project will include the following actions:

- Construction of a diamond interchange at US 6/Federal Boulevard, including an eastbound US 6 off-ramp and a westbound US 6 on-ramp at Federal Boulevard;
- Relocation of the on-ramp from Federal Boulevard to eastbound US 6 from the south and east sides of Barnum Park East to the north side of Barnum Park East;
- Conversion of 5th Avenue to two-way operations east of Federal Boulevard;

- Partial closure of the interchange at US 6 and Bryant Street, with Bryant Street access provided via slip ramps and a collector-distributor system included in the interchange improvements at US 6 and Federal Boulevard;
- Widening of Federal Boulevard and replacement of the Federal Boulevard bridge over US 6 with associated improvements;
- Reconstruction of Barnum Park East.

Construction of the westbound US 6 on-ramp from Federal Boulevard will require construction and conversion of land in Barnum Park North, a Section 6(f) assisted property. The planned improvements at the Federal Boulevard interchange are needed to improve interchange operations, correct roadway deficiencies, and meet current highway design standards.

Conversion

Barnum Park North, which is located in the northwest quadrant of the US 6/Federal Boulevard interchange (Figure 2), consists of 13.6 acres of public recreation lands which include a lighted baseball field, drinking fountain, restroom, lighted soccer field, and a bicycle/pedestrian trail that also serves as a maintenance road. The ball fields are located approximately 400 feet west of Federal Boulevard and 140 feet north of the existing US 6 westbound on-ramp. Construction of the new westbound on-ramp at Federal Boulevard will result in a 0.63-acre encroachment into Barnum Park North. In addition there will be a 0.27-acre permanent easement for maintenance of the retaining wall associated with the new on-ramp (Figure 3). This conversion will impact the bicycle/pedestrian trail, currently located in CDOT right of way. This minor conversion of recreational land to transportation may be considered a *de minimis* conversion according to the 2008 Land and Water Conservation Fund State Assistance Program Manual.

Avoidance Considerations

US 6 operates as a major east-west transportation corridor that provides access to I-25 and already passes through the Barnum Park complex east and west of Federal Boulevard. Alignment shifts to the on-ramp construction, and interchange modifications at Federal Boulevard that avoid or lessen park impacts are not possible because of the immediate proximity of US 6 to Barnum Park North, as well as to Barnum Park East and Barnum Park South. The widening of Federal Boulevard has been shifted slightly to the east of the eastern park boundaries to avoid additional intrusion into Barnum Park North and any intrusion into Barnum Park South.

Proposed Mitigation

The mitigation for the potential Section 6(f) conversion at Barnum Park North is the new bicycle/pedestrian bridge over US 6 (Figure 4). This includes the relocation of the trail in Barnum Park North and the installation of the landscaping and irrigation along this trail. The fair market valuation associated with the bridge and trail improvements should exceed the fair market value of the 0.63-acre of land being converted based upon a fair market valuation according to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970.

I-25/US 6 Interchange: Bridge and Ramp Improvements

Project Description

The project will include the replacement and widening of the US 6 bridge over the South Platte River west of the interchange, as well as improvements to the ramp connections to and from the west between US 6 and I-25. The planned improvements at the US 6 river crossing and the I-25/US 6 interchange are needed to improve interchange operations, correct roadway deficiencies and satisfy current highway design standards, and improve traffic operations.

Conversion

The South Platte River Trail, which extends 19 miles north and south of US 6, offers both commuter and recreational bicycle and pedestrian mobility through the project area. In the vicinity of the I-25/US 6

interchange, the trail is located on the east side of the river (Figure 5). The trail is a major destination for residents from neighborhoods adjacent to the freeways. Construction of the proposed highway facilities will not result in the conversion of this recreational facility to transportation use, but it will require temporary closures and detours during bridge and ramp construction.

The 6(f) boundary associated with the South Platte River Trail includes the Denver owned lands in the South Platte River Floodplain. Currently, there is not an assumed need for conversion within the floodplain, but because this project is being constructed as a design/build project, it is possible that the final design may include some conversion, such as new bridge piers. As such, CDOT is working on the assumption that as much as five acres may be converted from the South Platte River floodplain. CDOT will assure that there is an equal value exchange for all Section 6(f) properties acquired. Such exchange will be valued according to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. If there is the potential for greater than five acres as design progresses, CDOT shall reopen coordination on the conversion and work with State Parks to determine appropriate next steps.

Avoidance Considerations

The planned replacement and widening of the US 6 bridge will occur on the current alignment, as will the ramp improvements between I-25 and US 6. Alternative alignments are not feasible because they would totally disrupt traffic flow through the area, result in greater adverse impacts to surrounding businesses and residential areas, and substantially increase project construction costs beyond current funding levels.

Proposed Mitigation

The US 6 bridge replacement will increase the clearance over the trail, thereby eliminating the existing low clearance that is dark, uninviting, and restricts maneuverability. The replacement bridge clearance will provide a greater opening underneath that will encourage trail usage and enhance the recreational experience.

In addition, public notices of any closures or detour routes will be provided prior to construction onset, and detours and other appropriate accommodations for users of the trail during construction will be provided in order to maintain trail access. A potential detour route is currently being planned. The detour work would include installing an all-weather surface on the unmaintained trail.

Summary

The following table summarizes the conversions associated with the projects and the total acres of land proposed as mitigation.

Project	LWCF Site	Acres of Conversion	Acres of Mitigation
US 6/Federal Boulevard Interchange	Barnum Park North	0.63	0.0
I-25/US 6 Interchange: Bridge and Ramp Improvements	South Platte River Floodplain	< 5	0.0
Total		0.63 – 5.62	0.0

As you can see no acres of land are planned for mitigation due to the *de minimis* nature of the impacts; however, CDOT will assure that there is an equal value exchange for all Section 6(f) properties acquired. Such exchange will be valued according to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 for both the property acquired and for any properties used as a part of the payment. In all situations where the valuation of the property acquired exceeds the value

of the property to be used as payment, the difference shall be paid as cash, and that cash shall be used in a manner consistent with 6(f) principles. Appraisals are conducted as part of CDOT's right-of-way process, which occurs once design is more complete and project funds have been identified.

CDOT is requesting approval from the Colorado Parks and Wildlife Division to convert Section 6(f) assisted land within Barnum Park North for US 6 transportation improvements in Denver. CDOT is also requesting the Colorado Parks and Wildlife Division to accept the mitigation measures that have been proposed to address impacts at Barnum Park North and the South Platte River Trail. Alternatives to the conversion of park land and temporary usage of the trail have been evaluated and dismissed from further consideration. At the completion of construction, the Denver community would have a net gain in Section 6(f) protected recreational function.

CDOT understands that the Colorado Parks and Wildlife Division will need to submit a formal conversion request to the National Park Service for review and discussion.

If we can provide additional materials or assistance, please contact Troy Halouska with the CDOT Region 6 Environmental Unit at (303) 757-9935.

Thank you for your time and consideration.

Sincerely,

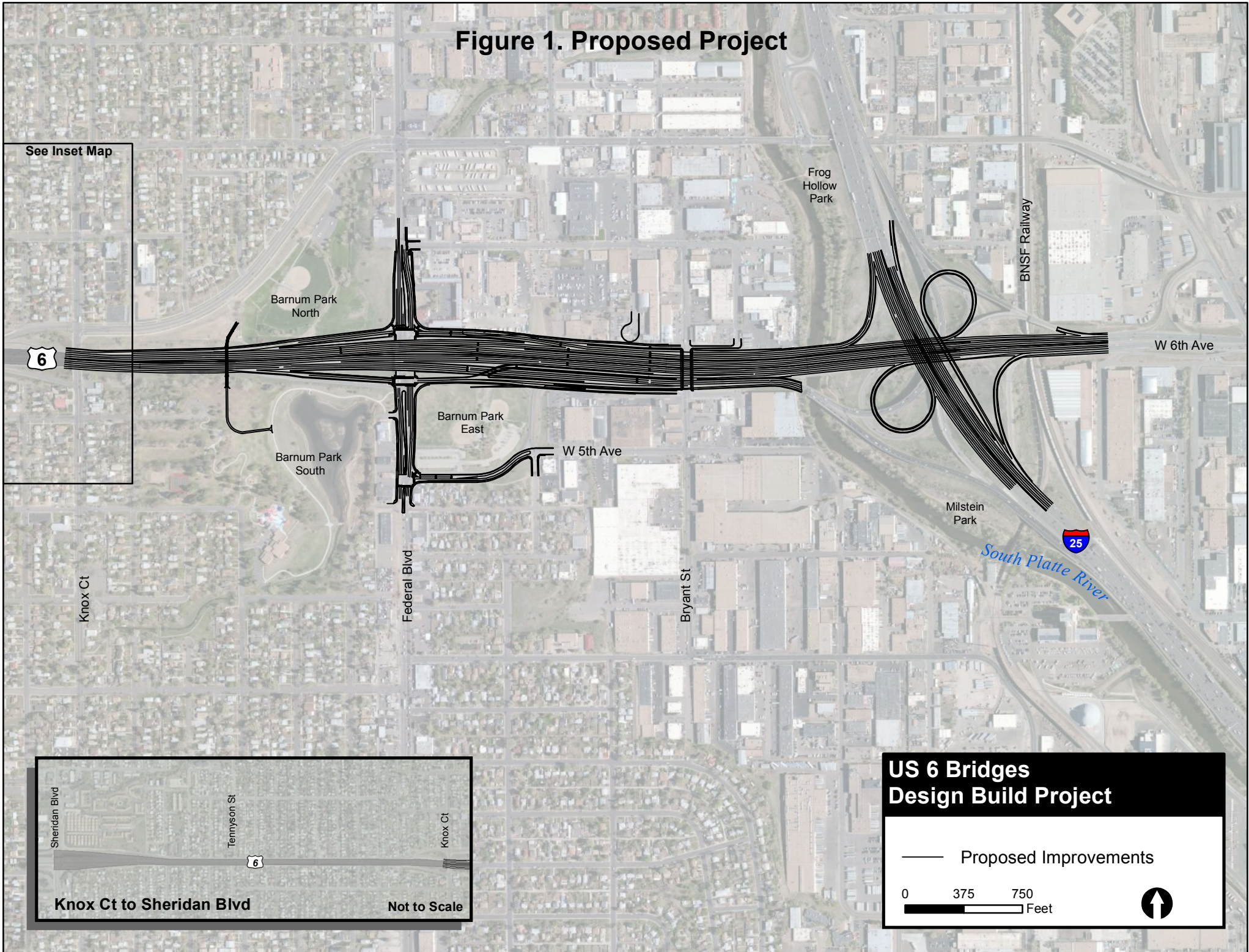


for
Lizzie Kemp
Regional Environmental and Planning Manager
CDOT Region 6

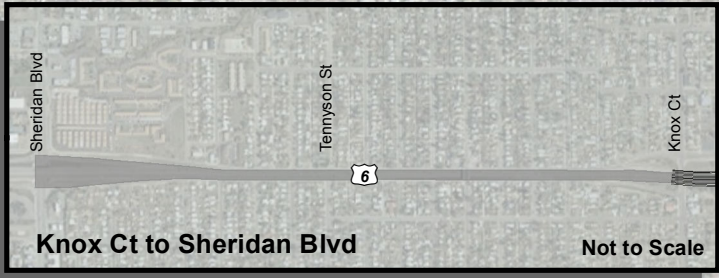
cc: Kevin Sullivan, CDOT Project Director
Jordan Rudel, CDOT Environmental Project Manager
Troy Halouska, CDOT Environmental Specialist

Attachments: Figures (1-5)
Concurrence letter – Denver Parks and Recreation Department

Figure 1. Proposed Project



See Inset Map



**US 6 Bridges
Design Build Project**

— Proposed Improvements

0 375 750 Feet

Figure 2. Barnum Park North



W 6th Ave

Federal Blvd

Barnum Park North

**US 6 Bridges
Design Build Project**

- Proposed Improvements
- Parkland

0 100 200 Feet




Figure 3. Barnum Park North Encroachment

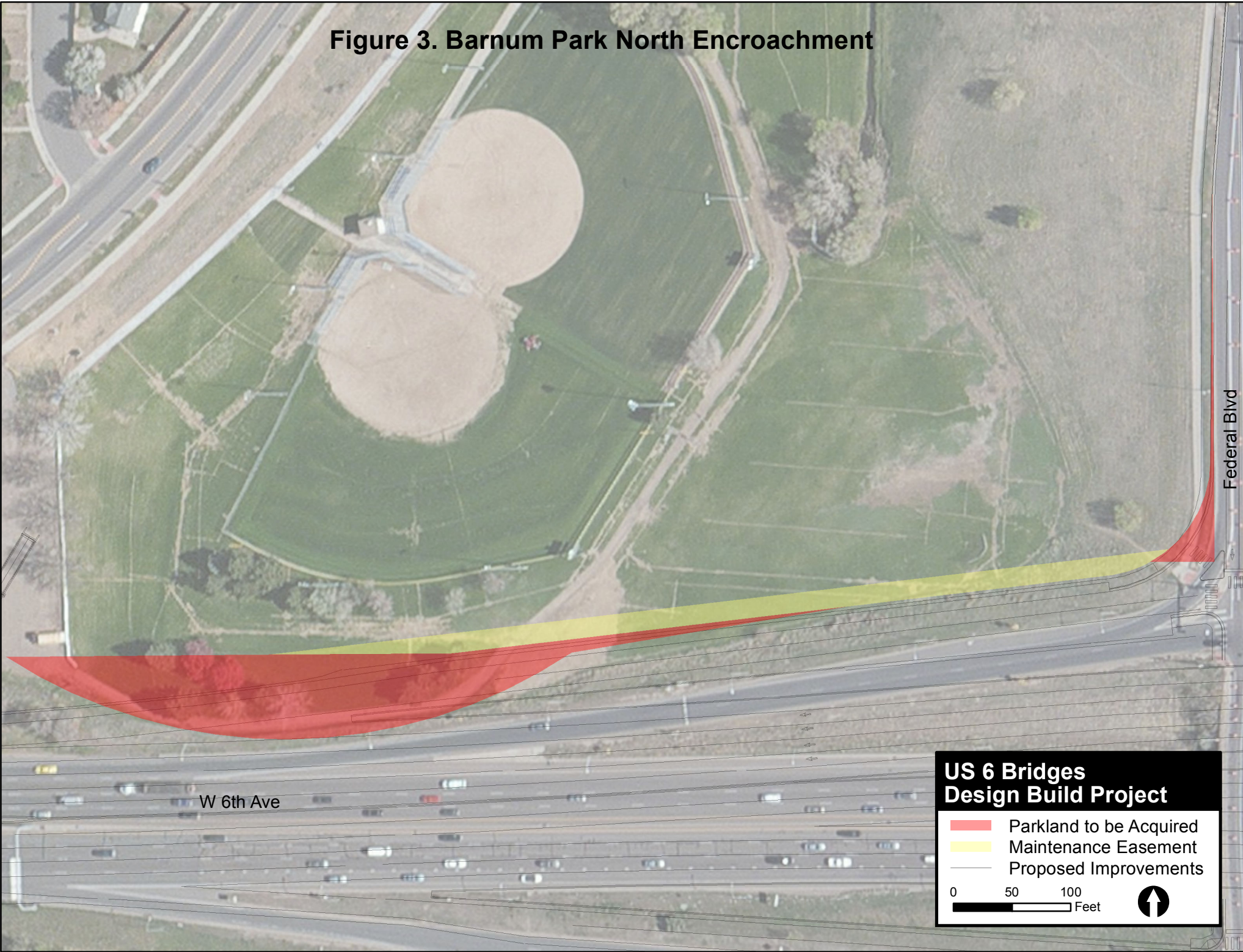
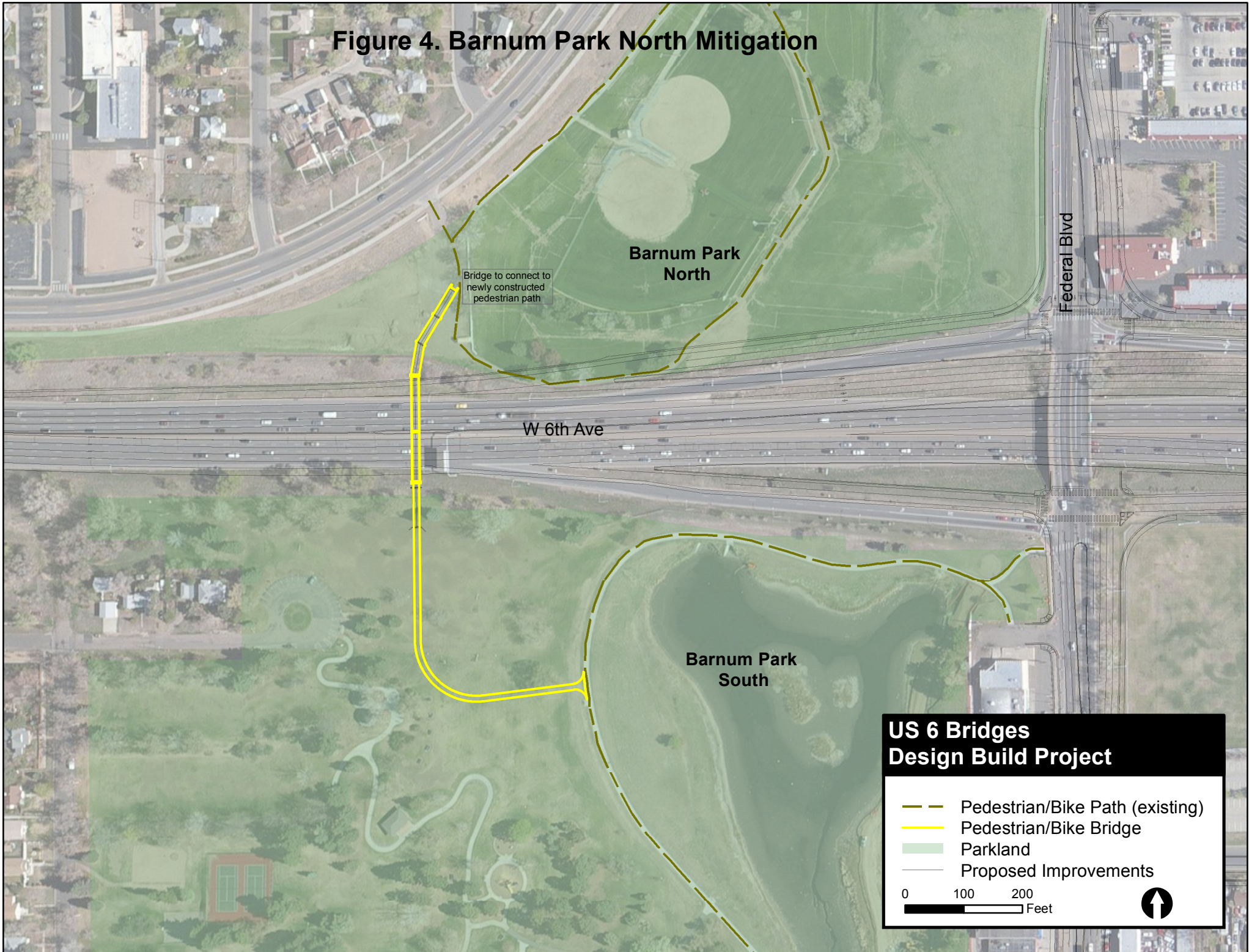


Figure 4. Barnum Park North Mitigation



Bridge to connect to newly constructed pedestrian path

Barnum Park North

W 6th Ave

Barnum Park South

Federal Blvd

**US 6 Bridges
Design Build Project**

- Pedestrian/Bike Path (existing)
- Pedestrian/Bike Bridge
- Parkland
- Proposed Improvements

0 100 200 Feet

Figure 5. I-25/US 6 Interchange and South Platte River Trail



**US 6 Bridges
Design Build Project**

- Parkland
- South Platte River Trail
- Proposed Improvements

0 200 400 Feet

August 23, 2012

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

Re: Section 106 Determinations of Effect within the 6th Avenue Corridor of the I-25 Valley
Highway Environmental Impact Statement Project (CHS #40477)

Dear Ms. Kemp-Herrera:

Thank you for your correspondence dated August 2, 2012 and received by our office on August 7, 2012 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided additional information, we concur with the recommended findings of *no historic properties affected* [36 CFR 800.4(d)(1)] for the historic properties listed below.

- 5DV.5134
- 5DV.3512, including segment 5DV.3512.4.

We concur with the recommended finding of *no adverse effect* [36 CFR 800.5(b)] for the historic properties listed below.

- 5DV.4783, including segments 5DV.4783.3 and .5.
- 5DV.6243, including segments 5DV.6243.2 and .8.
- 5DV.11289, including segment 5DV.11289.1.

We concur with the recommended finding of *adverse effect* [36 CFR 800.5(a)(1)] for resource 5DV.10635, including segment 5DV.10635.6.

We acknowledge that FHWA intends to make a *de minimis* determination in respect to the requirements of Section 4(f). We also understand that the adverse effect will be mitigated in the future with the execution of the Denver brick-lined sewers Programmatic Agreement. We also agree with of the application of the Net Benefit finding under Section 4(f).

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

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

Please note that our compliance letter does not end the 30-day review period provided to other consulting parties. If we may be of further assistance, please contact Amy Pallante, our Section 106 Compliance Manager, at (303) 866-4678.

Sincerely,

Handwritten signature of Edward C. Nichols in black ink, appearing as 'E.C. Nichols'.

Edward C. Nichols
State Historic Preservation Officer

A handwritten flourish or mark in black ink, consisting of a loop and a horizontal line.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch

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



October 2, 2012

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

RE: US 6 Bridge Replacements and Federal Interchange Improvements Project, Denver, Colorado.

Dear Mr. Allison,

The Colorado Department of Transportation is preparing a second Record of Decision (ROD) from the I-25 Valley Highway Final Environmental Impact Statement. This ROD includes six additional minor environmental elements that were not originally included in the 2006 FEIS or first 2007 ROD:

- Reconstruction of the southbound (SB) I-25 to EB US 6 ramp;
- A bicycle/pedestrian bridge structure over US 6, connecting Barnum North and Barnum South parks;
- Replacement of the US 6 bridge over Bryant Street;
- Replacement of the US 6 bridge over I-25;
- Replacement of the US 6 bridge over the BNSF Railway; and
- Pavement resurfacing of US 6 between Sheridan Boulevard and Knox Court.

Improvements to the US 6/Federal Interchange and US 6/Bryant Street ramp improvements were included in the I-25 Valley Highway FEIS, however; minor changes have been made to ramp designs for improvements to the US 6/ Federal Boulevard interchange and along US6 to Bryant Street in Denver. The overall project includes interchange reconstruction, bridge widening, a new US6/Federal/Bryant Street eastbound braided ramp reconfiguration, and roadway widening along Federal Boulevard between 7th and 5th Avenues. The purpose of the project is to improve traffic flow and safety, accommodate high traffic volumes, and increase multi-modal travel options and connections. To determine the localized air quality impacts of the proposed project, CDOT analyzed project affected intersections and specifically the Federal Interchange that was the worst performing intersection and was projected to operate at Level of Service D, E, or F in future years, for both the No Build and Build Alternative. This analysis was completed to determine any potential exceedances of the carbon monoxide National Ambient Air Quality Standards.

The highest modeled eight-hour average carbon monoxide concentrations were 6.9 ppm for 2035 No Build Alternative and 6.9 ppm in 2035 for the Build Alternative. Modeling results concluded that this project will not cause or contribute to an exceedance of the federal eight-hour average carbon monoxide standard of 9.0 ppm.

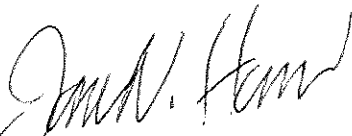
The proposed undertaking is not a project of air quality concern for PM as defined in 40 CFR 93.123(b)(1). Therefore, the project-level conformity determination requirements of CRF 93.116 have been satisfied and no qualitative PM hot spot analysis is required.

CDOT's analysis of the project further indicates that the project will have a positive impact on traffic flow and will reduce the idling time of cars and trucks, thereby reducing emissions of ozone precursors and particulates. Additionally, the total number of heavy trucks utilizing local streets for industrial area access during peak hours will be decreased from the existing levels by 35-62% with installation of the new US6/Federal/Bryant braided ramp. This results in reduced diesel particulate matter emissions along 5th Street located adjacent to a residential neighborhood.

This project is included in the fiscally constrained *2035 Metro Vision Regional Transportation Plan* (DRCOG 2011). Project funds are being programmed into the current conforming TIP (2012-2017). In fulfillment of air quality conformity analyses completed for the 2035 RTP, the US6/ Federal interchange reconstruction has been included in the 2012-14 staging year of the air quality conformity modeling run. Local agency widening along Federal Boulevard has been included in the 2015-2024 staging year of the air quality conformity modeling run. This project will be implemented consistent with the staging years in the conformity analysis for the TIP and Fiscally Constrained Long Range Plan.

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 October 17, 2012.

Thank you.
Very truly yours,


Jane Hann
Manager
Environmental Programs Branch

I Concur: William Allison (for WCA)
William Allison

10/9/12
Date

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6
2000 South Holly Street
Denver, CO 80222
(303) 757-9251
(303) 757-9073 FAX



November 6, 2012

Mr. Thomas Morrissey, PE
State Trails Program Manager
Colorado Parks and Wildlife Division
1313 Sherman Street Room 618
Denver, Colorado 80201

Subject: Request for Permission to Convert One Property Funded with Land and Water Conservation Funds to a Transportation Use in Denver, Colorado: Barnum Park North; and Request for Permission for Temporary Transportation Use of One Property Funded with Land and Water Conservation Funds in Denver, Colorado: South Platte River Trail

Dear Mr. Morrissey:

The Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) are planning improvements to an approximate two-mile segment of 6th Avenue (US 6) between Knox Court and the Interstate 25 (I-25)/US 6 interchange in Denver, Colorado (Figure 1) and are preparing supplemental environmental documentation to address this proposed work. This correspondence is intended to initiate approval of the conversion of portions of one Section 6(f) assisted property and the temporary use of portions of another Section 6(f) assisted property for the project, in accordance with Section 6(f) of the Land and Water Conservation Fund (LWCF) Act of 1965.

The purpose of the transportation improvement is to: (1) correct roadway deficiencies along US 6 to meet current design standards and provide a safer, more efficient, and more reliable transportation system; and (2) increase safety along and across the corridor for motorists, pedestrians, and bicyclists. The following information has been provided for review for each property:

- Project description
- Areas of conversion and impacts to Section 6(f) assisted properties
- Avoidance considerations for each property
- Proposed mitigation

CDOT has consulted with the owner of the Section 6(f) assisted properties (City and County of Denver Parks and Recreation Department) and has approval of the proposed mitigation for the project (see attached letter). The owner is also committed to maintaining the proposed mitigation as 6(f) encumbered property.

US 6 Widening and Ramp Improvements at Federal Boulevard

Project Description

The project will include the following actions:

- Construction of a diamond interchange at US 6/Federal Boulevard, including an eastbound US 6 off-ramp and a westbound US 6 on-ramp at Federal Boulevard;
- Relocation of the on-ramp from Federal Boulevard to eastbound US 6 from the south and east sides of Barnum Park East to the north side of Barnum Park East;
- Conversion of 5th Avenue to two-way operations east of Federal Boulevard;

- Partial closure of the interchange at US 6 and Bryant Street, with Bryant Street access provided via slip ramps and a collector-distributor system included in the interchange improvements at US 6 and Federal Boulevard;
- Widening of Federal Boulevard and replacement of the Federal Boulevard bridge over US 6 with associated improvements;
- Reconstruction of Barnum Park East.

Construction of the westbound US 6 on-ramp from Federal Boulevard will require construction and conversion of land in Barnum Park North, a Section 6(f) assisted property. The planned improvements at the Federal Boulevard interchange are needed to improve interchange operations, correct roadway deficiencies, and meet current highway design standards.

Conversion

Barnum Park North, which is located in the northwest quadrant of the US 6/Federal Boulevard interchange (Figure 2), consists of 13.6 acres of public recreation lands which include a lighted baseball/softball field complex, natural areas, bleachers, a bike skills course, and a bicycle/pedestrian trail that also serves as a maintenance road. The ball fields are located approximately 400 feet west of Federal Boulevard and 140 feet north of the existing US 6 westbound on-ramp. Construction of the new westbound on-ramp at Federal Boulevard will result in a 0.63-acre encroachment into Barnum Park North. In addition there will be a 0.27-acre permanent easement for maintenance of the retaining wall associated with the new on-ramp (Figure 3). This conversion will impact the bicycle/pedestrian trail, currently located in CDOT right of way. This minor conversion of recreational land to transportation may be considered a *de minimis* conversion according to the 2008 Land and Water Conservation Fund State Assistance Program Manual.

Avoidance Considerations

US 6 operates as a major east-west transportation corridor that provides access to I-25 and already passes through the Barnum Park complex east and west of Federal Boulevard. Alignment shifts to the on-ramp construction, and interchange modifications at Federal Boulevard that avoid or lessen park impacts are not possible because of the immediate proximity of US 6 to Barnum Park North, as well as to Barnum Park East and Barnum Park South. The widening of Federal Boulevard has been shifted slightly to the east of the eastern park boundaries to avoid additional intrusion into Barnum Park North and any intrusion into Barnum Park South.

Proposed Mitigation

The mitigation for the potential 0.63-acre Section 6(f) conversion at Barnum Park North will be land for land replacement at a minimum one to one ratio in square footage and value. The replacement land will potentially come from several parcels that are being acquired by the project and will be converted to parkland totaling 0.94-acre. These include, but are not limited to, 720 square feet adjacent to 5th Avenue east of Federal (parcels 206-210), 18,227 square feet adjacent to Barnum Park East (parcel 212c), and 22,090 square feet along the Platte River adjacent to Frog Hollow Park that is privately owned (parcel 225) (Figure 4). Parcel 225 is an important parcel for Denver to own for the continued maintenance and operation of the South Platte River Trail and Greenway. The official conversion request will occur post construction where the value of the land will be assessed prior to the National Parks Service final approval. There will be an equal value exchange for all Section 6(f) properties acquired. This process will be further clarified in the intergovernmental agreement between CDOT and CCD. Such exchange will be valued according to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 for the property acquired. In all situations where the valuation of the property acquired exceeds the value of the property to be used as payment, the difference shall be paid as cash, and that cash shall be used in a manner consistent with 6(f) principles. Appraisals are conducted as part of CDOT's right-of-way process, which occurs once design is more complete and project funds have been identified.

In addition, the trail in Barnum Park North will be relocated out of the impacted area and the landscaping and irrigation along this trail will be re-installed.

I-25/US 6 Interchange: Bridge and Ramp Improvements

Project Description

The project will include the replacement and widening of the US 6 bridge over the South Platte River west of the interchange, as well as improvements to the ramp connections to and from the west between US 6 and I-25. The planned improvements at the US 6 river crossing and the I-25/US 6 interchange are needed to improve interchange operations, correct roadway deficiencies and satisfy current highway design standards, and improve traffic operations.

Conversion

The South Platte River Trail, which extends 19 miles north and south of US 6, offers both commuter and recreational bicycle and pedestrian mobility through the project area. In the vicinity of the I-25/US 6 interchange, the trail is located on the east side of the river (Figure 5). The trail is a major destination for residents from neighborhoods adjacent to the freeways. Construction of the proposed highway facilities will not result in the conversion of this recreational facility to transportation use, but it will require temporary closures and detours during bridge and ramp construction.

The 6(f) boundary associated with the South Platte River Trail includes the Denver owned lands in the South Platte River floodplain. Currently, there is not an assumed need for conversion within the floodplain, but because this project is being constructed as a design/build project, it is possible that the final design may include some conversion, such as new bridge piers or water quality structures. As such, CDOT is working on the assumption that as much as five acres may be converted from the South Platte River floodplain.

Avoidance Considerations

The planned replacement and widening of the US 6 bridge will occur on the current alignment, as will the ramp improvements between I-25 and US 6. Alternative alignments are not feasible because they would totally disrupt traffic flow through the area, result in greater adverse impacts to surrounding businesses and residential areas, and substantially increase project construction costs beyond current funding levels.

Proposed Mitigation

CDOT will assure that there is an equal value exchange for any Section 6(f) property acquired. The fair market valuation of the replacement land will exceed the fair market value of the lands acquired as determined by application of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. If there is the potential for greater than five acres of conversion as design progresses, CDOT shall reopen coordination with State Parks to determine appropriate next steps.

Summary

The following table summarizes the conversions associated with the projects and the total acres of land proposed as mitigation.

Project	LWCF Site	Acres of Conversion
US 6/Federal Boulevard Interchange	Barnum Park North	0.63
I-25/US 6 Interchange: Bridge and Ramp Improvements	South Platte River Floodplain	< 5
Total		0.63 – 5.62

CDOT will assure that the mitigation plan for the project will include replacement of land for land at a one to one ratio and equivalent value. The official conversion request will occur post construction where the value of the land will be assessed prior to the National Parks Service final approval. There will be an equal value exchange for all Section 6(f) properties acquired. Such exchange will be valued according to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 for both the property acquired and for any properties used as a part of the payment. In all situations where the valuation of the property acquired exceeds the value of the property to be used as payment, the difference shall be paid as cash, and that cash shall be used in a manner consistent with 6(f) principles. Appraisals are conducted as part of CDOT's right-of-way process, which occurs once design is more complete and project funds have been identified.

CDOT is requesting approval from the Colorado Parks and Wildlife Division to convert Section 6(f) assisted land within Barnum Park North for US 6 transportation improvements in Denver. CDOT is also requesting the Colorado Parks and Wildlife Division to accept the mitigation measures that have been proposed to address impacts at Barnum Park North and the South Platte River Trail. Alternatives to the conversion of park land and temporary usage of the trail have been evaluated and dismissed from further consideration. At the completion of construction, the Denver community would have a net gain in Section 6(f) protected recreational function.

CDOT understands that the Colorado Parks and Wildlife Division will need to submit a formal conversion request to the National Park Service for review and discussion.

If we can provide additional materials or assistance, please contact Troy Halouska with the CDOT Region 6 Environmental Unit at (303) 757-9935.

Thank you for your time and consideration.

Sincerely,



Lizzie Kemp
Regional Environmental and Planning Manager
CDOT Region 6

cc: Kevin Sullivan, CDOT Project Director
Jordan Rudel, CDOT Environmental Project Manager
Troy Halouska, CDOT Environmental Specialist
Yates Oppermann, CDOT Headquarters Environmental Planner

Attachments: Figures (1-5)
Concurrence letter – Denver Parks and Recreation Department

Figure 1. Proposed Project

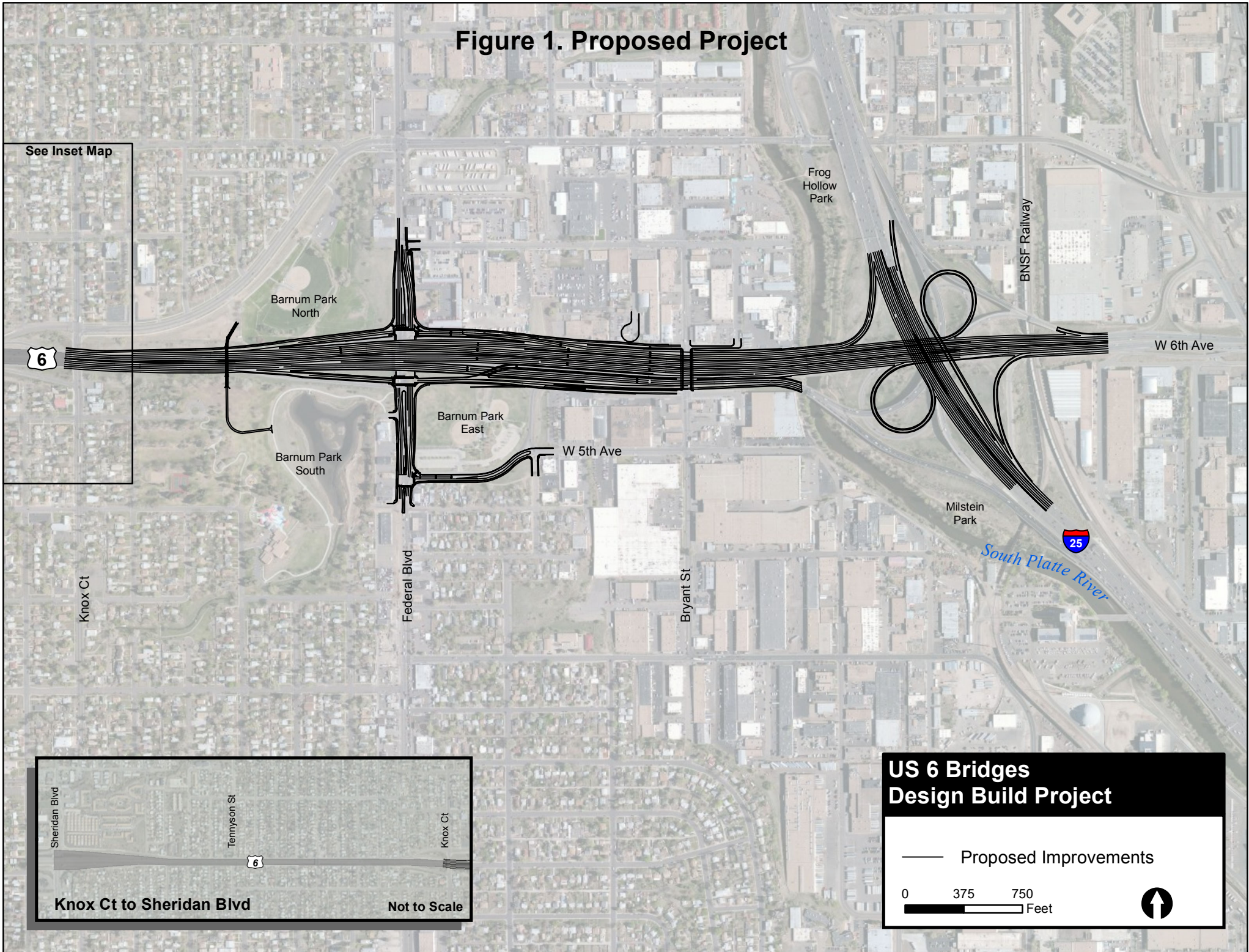


Figure 2. Barnum Park North



Barnum Park North

W 6th Ave

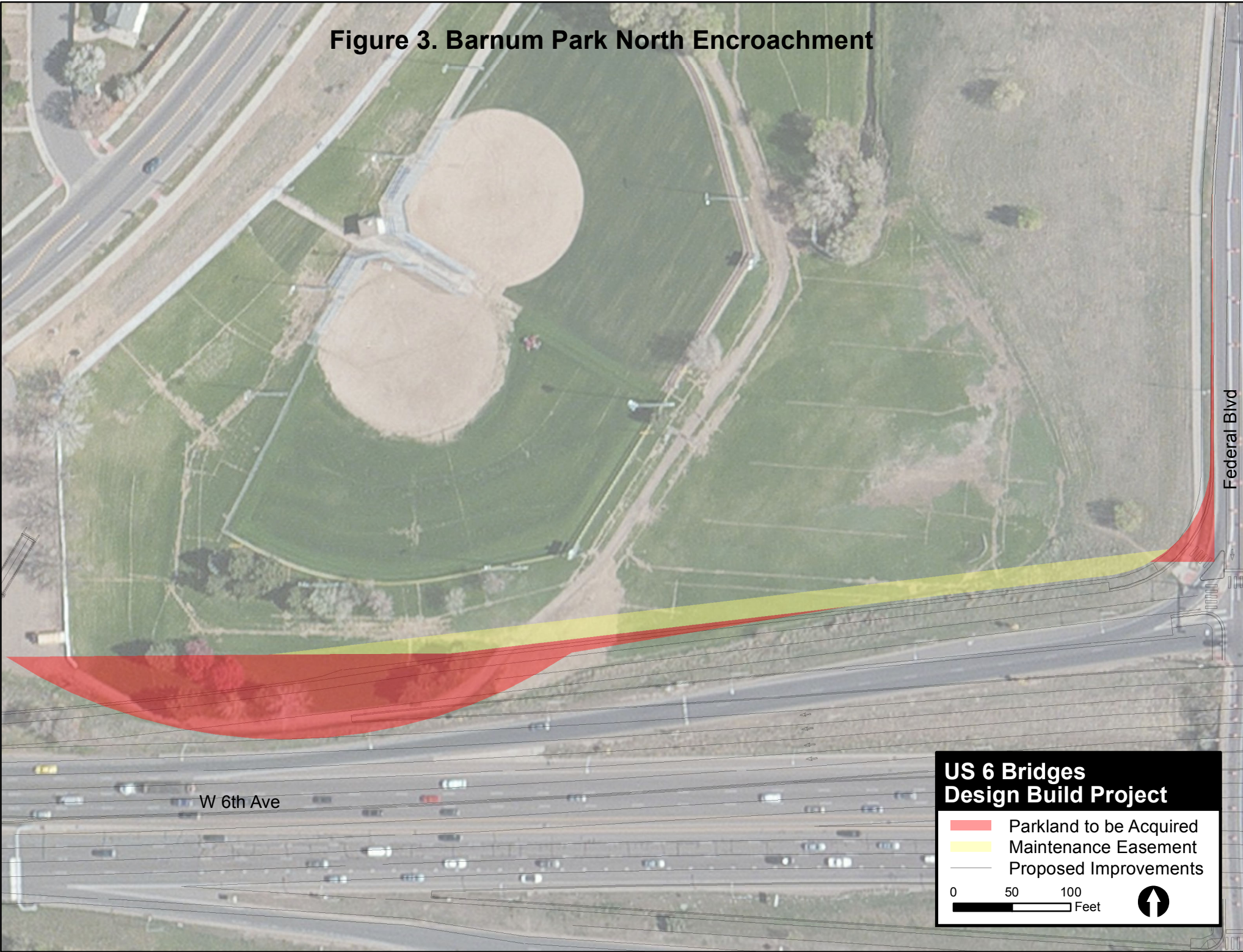
Federal Blvd

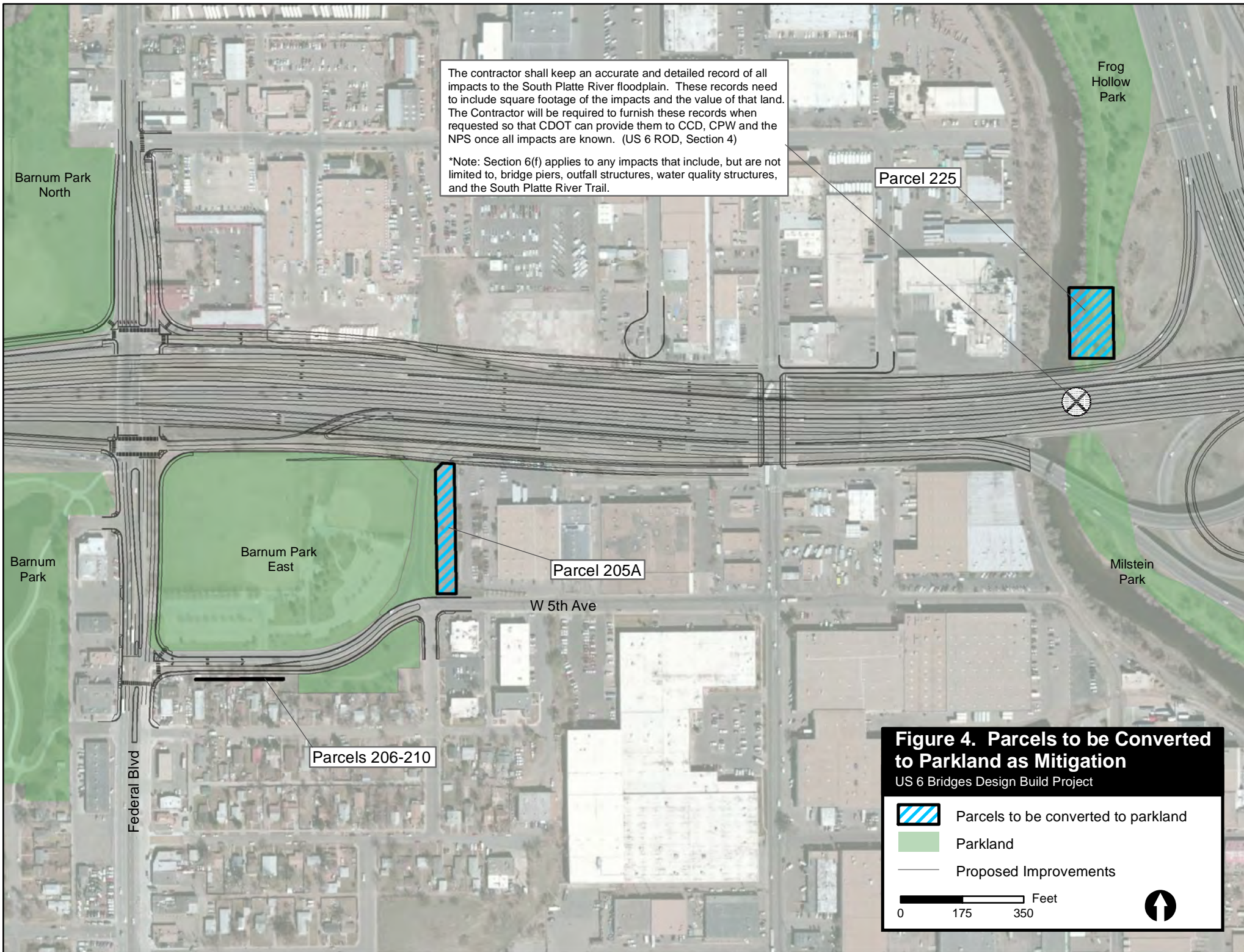
**US 6 Bridges
Design Build Project**

- Proposed Improvements
- Parkland

0 100 200
Feet

Figure 3. Barnum Park North Encroachment





The contractor shall keep an accurate and detailed record of all impacts to the South Platte River floodplain. These records need to include square footage of the impacts and the value of that land. The Contractor will be required to furnish these records when requested so that CDOT can provide them to CCD, CPW and the NPS once all impacts are known. (US 6 ROD, Section 4)

*Note: Section 6(f) applies to any impacts that include, but are not limited to, bridge piers, outfall structures, water quality structures, and the South Platte River Trail.

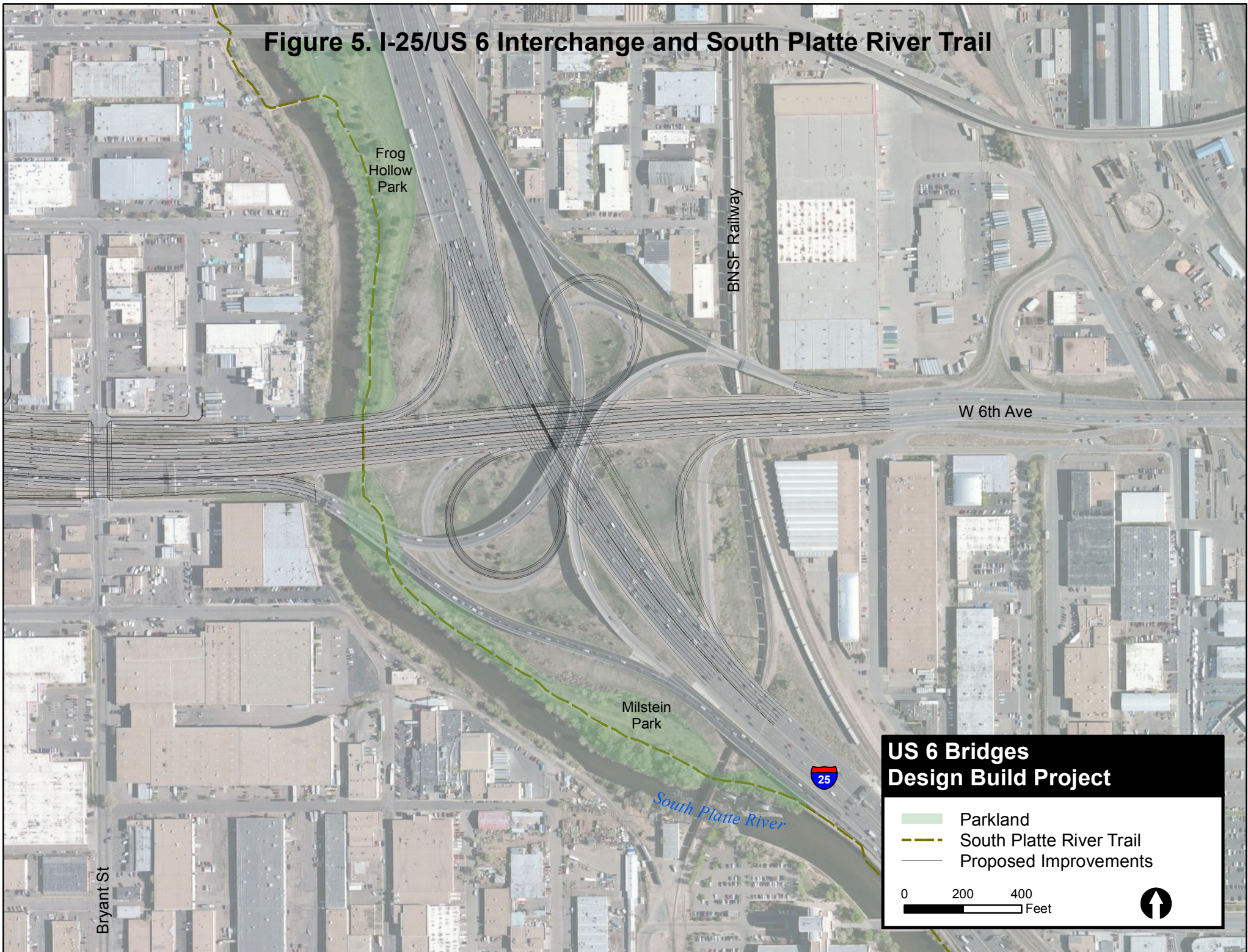
Figure 4. Parcels to be Converted to Parkland as Mitigation
 US 6 Bridges Design Build Project

-  Parcels to be converted to parkland
-  Parkland
-  Proposed Improvements

0 175 350 Feet



Figure 5. I-25/US 6 Interchange and South Platte River Trail



**US 6 Bridges
Design Build Project**

- Parkland
- South Platte River Trail
- Proposed Improvements

0 200 400 Feet



U.S. Department
of Transportation
**Federal Highway
Administration**

Colorado Division

November 19, 2012

12300 W. Dakota Ave., Ste. 180
Lakewood, Colorado 80228
720-963-3000
720-963-3001

Mr. Steve Fender
Regional Administrator
901 Locust St
Suite 464
Kansas City, MO 64106

RE: Notice of Record of Decision 2 (ROD2) for the I-25 (Valley Highway) from Logan Street to US 6 FEIS

Dear Mr. Fender,

In 2006, the Federal Highway Administration (FHWA) in cooperation with the Colorado Department of Transportation (CDOT) completed a Final Environmental Impact Statement (FEIS) for the I-25 (Valley Highway) from Logan Street to US 6. The Federal Railroad Administration (FRA) participated as a Cooperating Agency in the development of the FEIS and the 2007 Record of Decision (2007 ROD). The FEIS identified a Preferred Alternative to be implemented in multiple phases because of funding limitations. The 2007 ROD addressed Phase 2 and a portion of Phase 1, which are currently under construction.

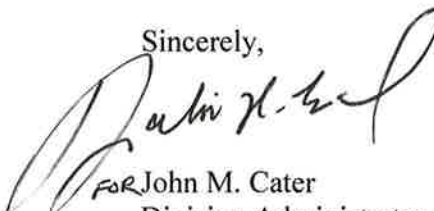
CDOT is now in the process of preparing another ROD (ROD2) to build additional portions of the 2006 FEIS Preferred Alternative. The elements of this project are collectively called the US 6 Bridges Design Build Project. The work includes modifications to the roadway, interchanges, and bridges along 6th Avenue (US 6) between Sheridan Boulevard and the Burlington Northern Santa Fe Railway Company tracks in Denver, Colorado.

FHWA does not see a need for the FRA to participate as a Cooperating Agency for the preparation and review of ROD2.

Please confirm that you have received this notice and indicate whether you agree or if you are requesting that your agency participate as a Cooperating Agency in the preparation of ROD2.

Please contact Mr. Dahir Egal of this office at 720-963-3007 if you have any questions.

Sincerely,



FOR John M. Cater
Division Administrator

CC: Mr. Kevin Sullivan, Project Director, Colorado Department of Transportation, Region 6



U.S. Department
of Transportation
**Federal Highway
Administration**

Colorado Division

November 19, 2012

12300 W. Dakota Ave., Ste. 180
Lakewood, Colorado 80228
720-963-3000
720-963-3001

Mr. Phil Washington
General Manager
Regional Transportation District
1600 Blake St
Denver, CO 80202

RE: Notice of Record of Decision 2 (ROD2) for the I-25 (Valley Highway) from Logan Street to US 6 FEIS

Dear Mr. Washington,

In 2006, the Federal Highway Administration (FHWA) in cooperation with the Colorado Department of Transportation (CDOT) completed a Final Environmental Impact Statement (FEIS) for the I-25 (Valley Highway) from Logan Street to US 6. The Regional Transportation District (RTD) participated as a Cooperating Agency in the development of the FEIS and the 2007 Record of Decision (2007 ROD). The FEIS identified a Preferred Alternative to be implemented in multiple phases because of funding limitations. The 2007 ROD addressed Phase 2 and a portion of Phase 1, which are currently under construction.

CDOT is now in the process of preparing another ROD (ROD2) to build additional portions of the 2006 FEIS Preferred Alternative. The elements of this project are collectively called the US 6 Bridges Design Build Project. The work includes modifications to the roadway, interchanges, and bridges along 6th Avenue (US 6) between Sheridan Boulevard and the Burlington Northern Santa Fe Railway Company tracks in Denver, Colorado.

FHWA does not see a need for the RTD to participate as a Cooperating Agency for the preparation and review of ROD2.

Please confirm that you have received this notice and indicate whether you agree or if you are requesting that your agency participate as a Cooperating Agency in the preparation of ROD2.

Please contact Mr. Dahir Egal of this office at 720-963-3007 if you have any questions.

Sincerely,


For John M. Cater
Division Administrator

CC: Mr. Kevin Sullivan, Project Director, Colorado Department of Transportation, Region 6



U.S. Department
of Transportation
**Federal Highway
Administration**

Colorado Division

November 19, 2012

12300 W. Dakota Ave., Ste. 180
Lakewood, Colorado 80228
720-963-3000
720-963-3001

Ms. Linda Gehrke
Regional Administrator
Federal Transit Administration
12300 West Dakota Avenue, Suite 310
Lakewood, CO 80228

RE: Notice of Record of Decision 2 (ROD2) for the I-25 (Valley Highway) from Logan Street to US 6 FEIS

Dear Ms. Gehrke,

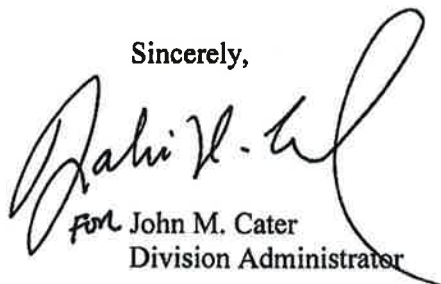
In 2006, the Federal Highway Administration (FHWA) in cooperation with the Colorado Department of Transportation (CDOT) completed a Final Environmental Impact Statement (FEIS) for the I-25 (Valley Highway) from Logan Street to US 6. The Federal Transit Administration (FTA) participated as a Cooperating Agency in the development of the FEIS and the 2007 Record of Decision (2007 ROD). The FEIS identified a Preferred Alternative to be implemented in multiple phases because of funding limitations. The 2007 ROD addressed Phase 2 and a portion of Phase 1, which are currently under construction.

CDOT is now in the process of preparing another ROD (ROD2) to build additional portions of the 2006 FEIS Preferred Alternative. The elements of this project are collectively called the US 6 Bridges Design Build Project. The work includes modifications to the roadway, interchanges, and bridges along 6th Avenue (US 6) between Sheridan Boulevard and the Burlington Northern Santa Fe Railway Company tracks in Denver, Colorado.

FHWA does not see a need for the FTA to participate as a Cooperating Agency for the preparation and review of ROD2. Please confirm that you have received this notice and indicate whether you agree or if you are requesting that your agency participate as a Cooperating Agency in the preparation of ROD2.

Please contact Mr. Dahir Egal of this office at 720-963-3007 if you have any questions.

Sincerely,



For John M. Cater
Division Administrator

CC: Mr. Kevin Sullivan, Project Director, Colorado Department of Transportation, Region 6



DENVER
THE MILE HIGH CITY

Denver Parks and Recreation

Manager's Office

201 W. Colfax Ave. Dept. 601

Denver, CO 80202

p: 720.913.0738

f: 720.913.0784

www.denvergov.org/parksandrecreation

November 20, 2012

Kevin Sullivan
Project Director
CDOT Region 6
2000 S. Holly Street, Room 200
Denver, Colorado 80222

Subject: Concurrence with Mitigation Measures Pertaining to the Conversion of Section 6(f) Assisted Properties at Barnum Park North and the Temporary Closure of the South Platte River Trail for the Proposed US 6 Bridges Design Build Project, Denver, Colorado

Dear Mr. Sullivan:

It is our understanding that the Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) are planning improvements to an approximate one-mile segment of US 6 between Knox Court and the Interstate 25 (I-25)/US 6 interchange in Denver, Colorado (Figure 1). The purpose of the transportation improvement is to: (1) correct roadway deficiencies along US 6 to meet current design standards and provide a safer, more efficient, and more reliable transportation system; and (2) increase safety along and across the corridor for motorists, pedestrians, and bicyclists.

A letter from CDOT dated October 12, 2012 was received by the City and County of Denver (CCD) requesting concurrence for the current mitigation measures for the conversion of Section 6(f) assisted properties as described below. It is understood that the details of this mitigation will be formalized in an Intergovernmental Agreement between CCD and CDOT.

US 6 Widening and Ramp Improvements at Federal Boulevard

Section 6(f) Assisted Properties

Barnum Park North, which is located in the northwest quadrant of the US 6/Federal Boulevard interchange (Figure 2), consists of 13.6 acres of public recreation lands that include a lighted baseball/softball field complex, natural areas, bleachers, a bike skills course, and a bicycle/pedestrian trail that also serves as a maintenance road. The ball fields are located approximately 400 feet west of Federal Boulevard and 140 feet north of the existing US 6 westbound on-ramp.

As stated in the 2007 ROD, Section 6(f) funds have been used on various facilities within Barnum Park North. Construction of the new westbound on-ramp at Federal Boulevard will result in an impact to an approximate 0.9-acre area (Figure 3). These impacts will result in a 0.63-acre conversion. A 0.27-acre licensed access is required for CDOT maintenance of a retaining wall on the southerly edge of Barnum Park North and will not preclude recreation in that area and therefore is not considered a conversion.

Avoidance Considerations



US 6 operates as a major east-west transportation corridor that provides access to I-25 and already passes through the Barnum Park complex east and west of Federal Boulevard. Alignment shifts to the on-ramp construction, and interchange modifications at Federal Boulevard that avoid or lessen park impacts are not possible because of the immediate proximity of US 6 to Barnum Park North, as well as to Barnum Park East and Barnum Park South. The widening of Federal Boulevard has been shifted slightly to the east to avoid additional intrusion into Barnum Park North and any intrusion into Barnum Park South. In addition, at Barnum Park East, retaining walls have been used at the on-ramp to US 6 to minimize impacts.

Proposed Mitigation

The mitigation for the potential Section 6(f) conversion at Barnum Park North will be land for land replacement at a one to one ratio in square footage and value. The replacement land will potentially come from several parcels that are being acquired by the project and will be converted to parkland. These include, but are not limited to, 18,227 square feet adjacent to Barnum Park East, 22,090 square feet along the Platte River adjacent to Frog Hollow Park, and 720 square feet adjacent to 5th Avenue east of Federal. The official conversion request will occur post construction where the value of the land will be assessed prior to the National Parks Service final approval. There will be an equal value exchange for all Section 6(f) properties acquired. This process and the replacement land will be further clarified in the intergovernmental agreement between CDOT and CCD. Such exchange will be valued according to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 for the property acquired. In all situations where the valuation of the property acquired exceeds the value of the property to be used as payment, the difference shall be paid as cash, and that cash shall be used in a manner consistent with 6(f) principles. Appraisals are conducted as part of CDOT's right-of-way process, which occurs once design is more complete and project funds have been identified.

In addition, the trail in Barnum Park North will be relocated out of the impacted area and the landscaping and irrigation along this trail will be re-installed. This trail will be ADA compliant or another trail in this vicinity of Barnum Park North will be reconstructed so it is ADA compliant.

I-25/US 6 Interchange: Bridge and Ramp Improvements

Section 6(f) Assisted Property

The South Platte River Trail, which extends 19 miles north and south of US 6, offers both commuter and recreational bicycle and pedestrian mobility through the project area. In the vicinity of the I-25/US 6 interchange, the trail is located on the east side of the river. The 6(f) boundary associated with the South Platte River Trail includes the Denver-owned lands in the South Platte River floodplain.

Construction of the new bridge over the South Platte River and ramp improvements will require a temporary occupancy of the South Platte River Trail. The US 6 bridge replacement will increase the clearance over the trail, thereby eliminating the existing low clearance that is dark, uninviting, and restricts maneuverability. The replacement bridge clearance will provide a greater opening underneath that will encourage trail usage and enhance the recreational experience.

Currently, there is not a known need for conversion of land within the floodplain, but because this project is being constructed as a design/build project, it is possible that the final design may include some conversion, such as new bridge piers. It is also possible that stretches of the existing trail may need to be reconstructed, due to construction damage, or relocated due to the location of new bridge piers, and this work will be done in accordance with the intergovernmental agreement with CCD. (Figure 4).

Avoidance Considerations

The planned replacement and widening of the US 6 bridge will occur on the current alignment, as will the ramp improvements between I-25 and US 6. Alternative alignments are not feasible because they would significantly disrupt traffic flow through the area, result in greater adverse impacts to surrounding businesses and residential areas, and substantially increase project construction costs beyond current funding levels.

Proposed Mitigation

CDOT is working on the assumption that there will likely be some conversion from the South Platte River floodplain. CDOT will assure that there is an equal value exchange for all Section 6(f) properties acquired. This process will be further clarified in the intergovernmental agreement between CDOT and CCD. Such exchange will be valued according to the requirements of the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970. The official conversion request will occur post construction where the value of the land will be assessed prior to the National Parks Service final approval.

In addition, public notices of any closures of the trail or detour routes prior to construction onset will be provided. In order to accommodate users of the trail during construction, a potential detour route is currently being planned. The detour work would include installing an all-weather surface on any unmaintained portion of the trail.

Concurrence

Denver Parks and Recreation concurs with the mitigation measures that have been proposed above to address the Section 6(f) impacts at Barnum Park North and the South Platte River Trail, and the potential impacts to the South Platte River floodplain. Alternatives to the conversion of park land and temporary occupancy of the trail have been evaluated and dismissed from further consideration. At the completion of construction, the Denver community would have a net gain in Section 6(f) protected recreational function. Any clarification to the details of the mitigation will take place in the intergovernmental agreement which will eventually be entered into between CDOT and CCD.

Sincerely,



Ms. Lauri Dannemiller
Manager
Denver Parks and Recreation

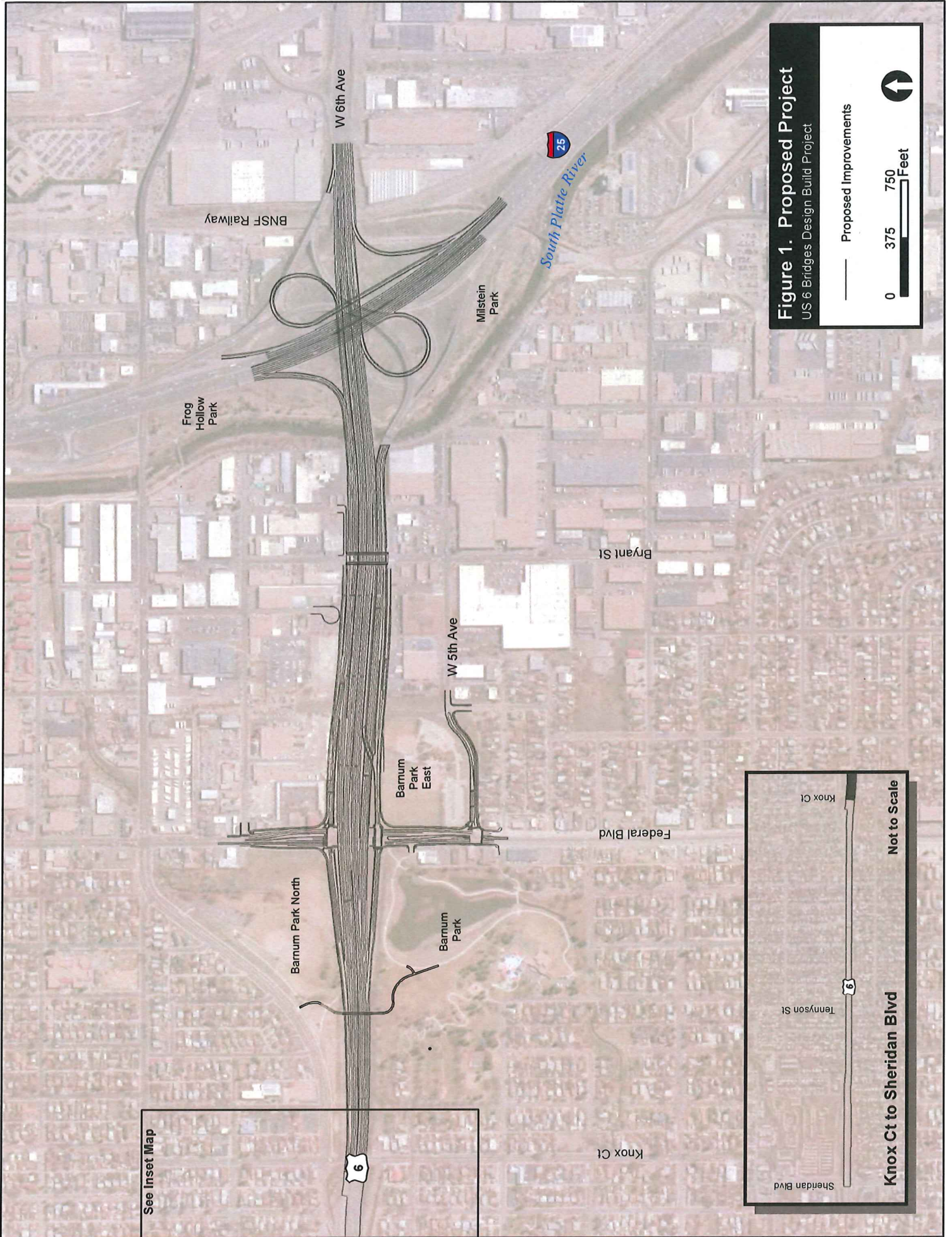


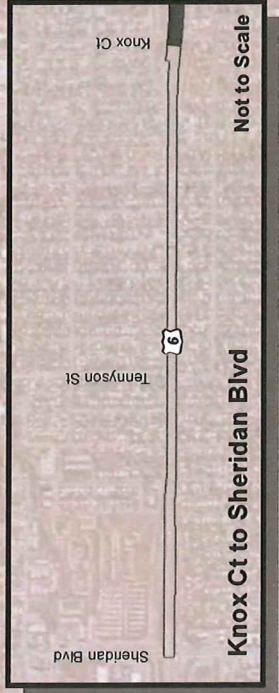
Figure 1. Proposed Project

US 6 Bridges Design Build Project

— Proposed Improvements



See Inset Map





Federal Blvd

Barnum Park North

W 6th Ave

Figure 2. Barnum Park North

US 6 Bridges Design Build Project

Proposed Improvements
Parkland



0 100 200 Feet



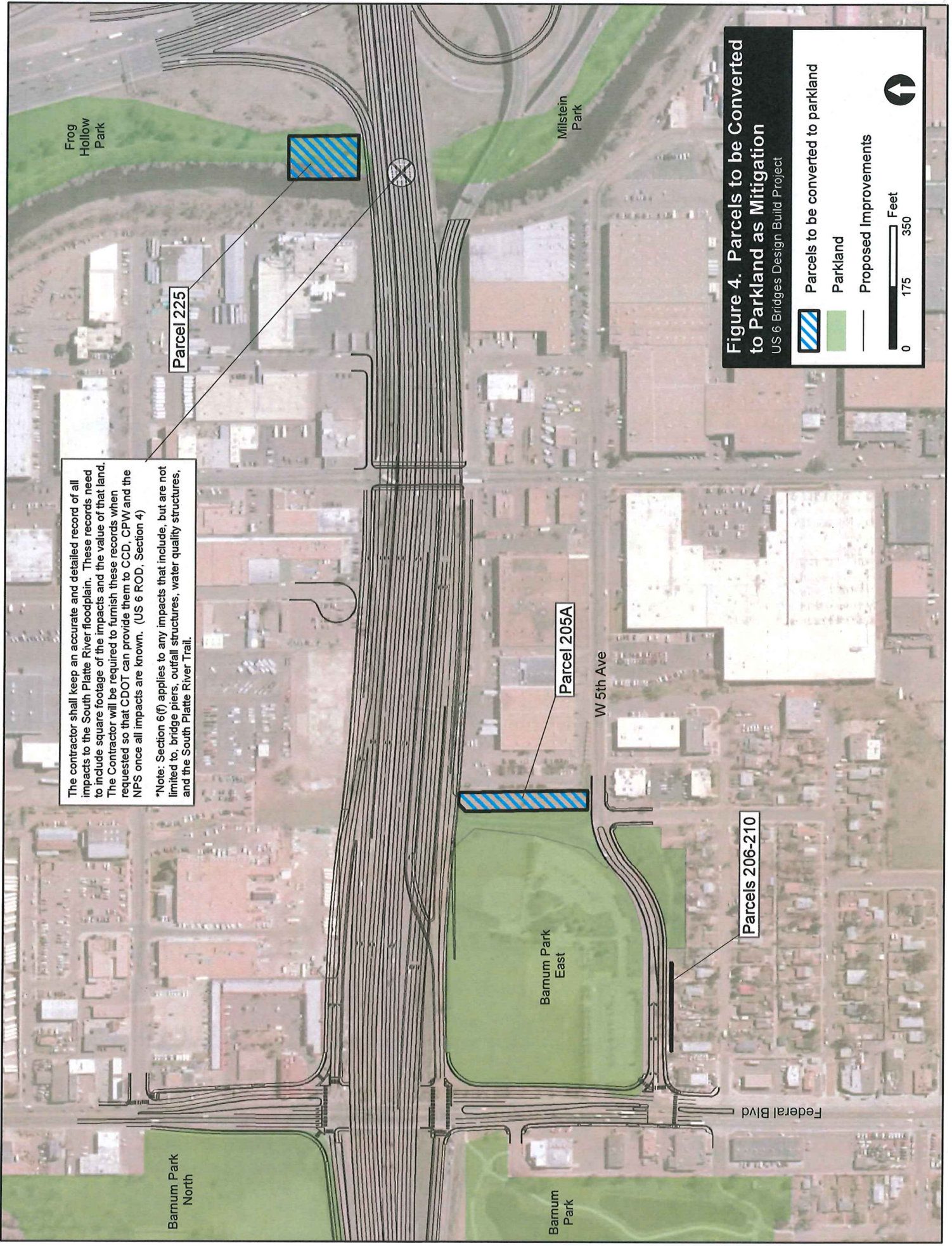
Figure 3. Barnum Park North Encroachment

US 6 Bridges Design Build Project

- █ Parkland to be Acquired
- █ Licensed Access Area
- Proposed Improvements






0 50 100 Feet




The contractor shall keep an accurate and detailed record of all impacts to the South Platte River floodplain. These records need to include square footage of the impacts and the value of that land. The Contractor will be required to furnish these records when requested so that CDOT can provide them to CCD, CPW and the NPS once all impacts are known. (US 6 ROD, Section 4)

*Note: Section 6(f) applies to any impacts that include, but are not limited to, bridge piers, outfall structures, water quality structures, and the South Platte River Trail.

Figure 4. Parcels to be Converted to Parkland as Mitigation
 US 6 Bridges Design Build Project

-  Parcels to be converted to parkland
-  Parkland
-  Proposed Improvements

0 175 350 Feet 

From: [Halouska, Troy](#)
To: [Juriga, Jessica](#)
Subject: Fwd: 6th Avenue Reconstruction - Denver, Colorado
Date: Tuesday, November 20, 2012 4:15:02 PM
Attachments: [2012-kNov US 6 Letter Attachments signed 110612.pdf](#)
[2012-kNov US 6 Letter to State Parks signed 110612.pdf](#)

Here is the email....

Troy Halouska

Environmental Project Manager

Colorado Department of Transportation
Region 6 – Planning and Environmental
2000 S. Holly St.
Denver, CO 80222
(303) 757-9935

Please Note: My email address changed to troy.halouska@state.co.us. Please update your address book accordingly. Thank you!

----- Forwarded message -----

From: **Oppermann, Francis** <francis.oppermann@state.co.us>
Date: Fri, Nov 16, 2012 at 8:46 AM
Subject: Fwd: 6th Avenue Reconstruction - Denver, Colorado
To: Troy Halouska <troy.halouska@state.co.us>, Jordan Rudel <jordan.rudel@state.co.us>

F. Yates Oppermann

Environmental Planner

Colorado Department of Transportation

4201 E. Arkansas Ave

Denver, CO 80222

(303) 757-9497

"Perfection of means and confusion of ends seem to characterize our age." -Einstein

"The future is already here - it is just not evenly distributed" - William Gibson

----- Forwarded message -----

From: **Morrissey, Thomas** <thomas.morrissey@state.co.us>

Date: Thu, Nov 15, 2012 at 3:08 PM
Subject: 6th Avenue Reconstruction - Denver, Colorado
To: Dennis Burmeister <Dennis_Burmeister@nps.gov>
Cc: Bob Anderson <Bob_L_Anderson@nps.gov>, "F. Yates Oppermann" <Francis.Oppermann@dot.state.co.us>, Gordon Robertson <gordon.robertson@denvergov.org>

Dear Mr. Burmeister,

Attached please find another revised letter (third revision) from the Colorado Department of Transportation (CODOT) outlining their plans to reconstruct a two-mile segment of 6th Avenue (US 6) between Knox Court and Interstate 25 in the City of Denver (the City), Colorado. CODOT and the City are specifically requesting approval from the State of Colorado to convert a portion of Barnum Park North in the City of Denver, a Section 6(f) property that lies within the project corridor.

This email principally focuses on that park and the proposed mitigation to address its partial conversion to non-recreational uses as well as the potential conversion of a separate Section 6(f) property (South Platte River Greenway) that may also be affected. CODOT and the City have performed a thorough evaluation of construction alternatives from an EIS completed in 2007 and are now preparing a final Record of Decision (ROD) to move forward with the preferred alternative. The ROD will show that the alignment selected will directly impact Barnum Park North and may affect the South Platte Greenway. Since this project will be constructed as a design/build (approx 30% design plans) and the final design will not be completed until the project is bid and the final construction plans are completed by the successful bidder as approved by CODOT, It is unclear whether the second 6(f) property, South Platte River Greenway, will be impacted. This letter precisely identifies the Section 6(f) property that will be impacted and ultimately converted by the project. The City and CODOT have proposed numerous measures to address those impacts and compensate for the conversion of the Section 6(f) lands to non-recreational uses.

The Colorado Parks and Wildlife (CPW) Division has once again reviewed the compensation measures proposed by CODOT and the City. CPW fully endorses their planning analyses utilized to select the preferred alignment and mitigation plan proposed to address the conversion of Section 6(f) lands. In addition, the prior request for concurrence included several supplemental maps to more fully describe and delineate the proposed project, those maps should be used as reference for this revised request. As indicated in the letter attached, CODOT's and the City of Denver's revised mitigation plans call for the replacement of Section 6(f) lands lost at a one to one ratio. The final conversion request will occur after this project is completed when the replacement lands are acquired and the relative value of Section 6(f) lands converted and acquired for replacement can be appraised. The Section 6(f) replacement lands shall be protected by the City of Denver in perpetuity as provided under the provisions of the Land and Water Conservation Program.

CPW recognizes that the National Park Service's final concurrence with this conversion/mitigation plan will not be forthcoming until the this project is completed. CODOT and the City of Denver are requesting tentative concurrence from both the State of Colorado and the National Park Service to proceed with their plans to bid and initiate construction

--

Thomas M Morrissey, PE
State Trails Program Manager
Colorado Parks and Wildlife
1313 Sherman Street, Room 618
Denver, CO 80201

(303) 866-3203 Ext. 4335



U.S. Department
of Transportation
**Federal Transit
Administration**

REGION VIII
Colorado, Montana,
North Dakota,
South Dakota,
Utah and Wyoming

12300 West Dakota Avenue
Suite 310
Lakewood, Colorado 80228
720-963-3300 (voice)
720-963-3333 (fax)

November 27, 2012

Mr. Jon Cater
Division Administrator
FHWA, Colorado Division
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228

Re: Notice of Record of Decision 2 (ROD2) for the I-25 (Valley Highway) from Logan Street to US 6 FEIS

Dear Mr. Cater:

Thank you for your letter regarding your intent to proceed with a Record of Decision (ROD) for improvements along 6th Avenue. The Federal Transit Administration (FTA) agrees that there is no need to participate as a cooperating agency for this ROD. FTA's initial interest in this Final Environmental Impact Statement (FEIS) was related to Light Rail tracks being crossed in the vicinity of I-25 and Broadway, and a ROD for that phase of the project is already in place and construction is nearing completion.

If you have any further questions please contact David Beckhouse at (720) 963-3306.

Sincerely,



✓ Linda M. Gehrke
Regional Administrator



DENVER
THE MILE HIGH CITY

Denver Parks and Recreation

Manager's Office

201 W. Colfax Ave. Dept. 601

Denver, CO 80202

p: 720.913.0738

f: 720.913.0784

www.denvergov.org/parksandrecreation

December 6, 2012

Kevin Sullivan
Project Director
CDOT Region 6
2000 S. Holly Street, Room 200
Denver, Colorado 80222

Subject: Concurrence with Mitigation Measures Pertaining to the Use of Section 4(f) Protected Properties at Barnum Park North and Barnum Park East, and the Temporary Occupancy of Barnum Park South and the South Platte River Trail for the Proposed US 6 Bridges Design Build Project, Denver, Colorado

Dear Mr. Sullivan:

It is our understanding that the Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) are planning improvements to an approximate one-mile segment of US 6 between Knox Court and the Interstate 25 (I-25)/US 6 interchange in Denver, Colorado (Figure 1). The purpose of the transportation improvement is to: (1) correct roadway deficiencies along US 6 to meet current design standards and provide a safer, more efficient, and more reliable transportation system; and (2) increase safety along and across the corridor for motorists, pedestrians, and bicyclists.

A letter from CDOT dated October 12, 2012 was received by the City and County of Denver (CCD) requesting concurrence for the current mitigation measures for the use of and temporary occupancy of Section 4(f) protected properties as described below. It is also understood that the contractual details of the final mitigation will be formalized in an Intergovernmental Agreement between CCD and CDOT and will consider the design build elements and processes involved for this type of construction process.

US 6 Widening and Ramp Improvements at Federal Boulevard

Section 4(f) Properties

Barnum Park North, which is located in the northwest quadrant of the US 6/Federal Boulevard interchange consists of approximately 13.6 acres of public recreation lands that include a lighted baseball/softball field complex, natural areas, bleachers, a bike skills course, and a bicycle/pedestrian trail that also serves as a maintenance road. The ball fields are located approximately 400 feet west of Federal Boulevard and 140 feet north of the existing US 6 westbound on-ramp. Construction of the new westbound on-ramp at Federal Boulevard will result in an approximate 0.9-acre use of Barnum Park North, including an approximate 0.27-acre licensed access is required for CDOT

maintenance of a retaining wall on the southerly edge of Barnum Park North. This use will impact the location of the bicycle/pedestrian trail, currently located in CDOT right of way.

Barnum Park East is an approximate 11.8-acre park located in the southeast quadrant of the US 6/Federal Boulevard interchange that provides lighted baseball and soccer fields. The relocation of the eastbound US 6 on-ramp from Federal Boulevard from the south and east sides of the park to the north side of the park will result in an approximate 1.64-acre reduction in the size of the park, resulting in the use of land containing existing ball fields for transportation purposes. The quantity of the park required for transportation purposes is a reduction to what was documented in the 2007 ROD.

Barnum Park (also known as Barnum Park South) is a 35.6-acre park located in the southwest quadrant of the US 6/Federal Boulevard interchange that provides multiple recreational facilities including a bicycle/pedestrian trail. There are currently no acquisitions at this park due to a revision of the proposed design footprint. This is a change from what is documented in the VHEIS. However, the construction of the new bicycle/pedestrian bridge and trail connections in the northern part of the park will require the temporary occupancy of Barnum Park South. This activity will meet the requirements of the temporary occupancy exception in 23 CFR 774.13(d).

Avoidance Considerations

US 6 operates as a major east-west transportation corridor that provides access to I-25 and already passes through the Barnum Park complex east and west of Federal Boulevard. Alignment shifts to the on-ramp construction, and interchange modifications at Federal Boulevard that avoid or lessen park impacts are not possible because of the immediate proximity of US 6 to Barnum Park North and Barnum Park East. The widening of Federal Boulevard has been shifted slightly to the east impacting Barnum Park East but reducing the intrusion into Barnum Park North. In addition, at Barnum Park East, retaining walls have been used at the on-ramp to US 6 to minimize impacts, but requiring licensed access across a strip of Barnum Park East in order for CDOT to maintain these retaining walls.

Proposed Mitigation

- Relocate the bicycle/pedestrian trail in Barnum Park North to the open park area north of its existing location and away from the US 6 on-ramp. Construct a bicycle/pedestrian bridge over US 6, west of Federal Boulevard, to provide a direct connection between Barnum Park North and Barnum Park South, with appropriate Americans with Disabilities Act (ADA) connections to trails in each park, and improve pedestrian access across US 6;
- Install landscaping and irrigation along the relocated trail and bicycle/pedestrian bridge landings;
- Maintain access to all recreational facilities and use areas in Barnum Park North and Barnum Park South;
- Provide detours and other appropriate accommodations for users of the trails during construction;
- Provide public notices of any closures or detour routes prior to construction onset;
- Reconstruct impacted portions of the large ball field in Barnum Park East;
- Redesign and reconstruct the small ball field in Barnum Park East;
- Replace existing facilities with new ones with enhanced ADA accessibility at Barnum Park East;

- Provide additional land on the east side of the Barnum Park East by vacating the existing eastbound on-ramp from Federal Boulevard and acquiring a strip of land from an adjacent property owner in order to assure the proper size, configuration and function of the ball fields.
- Provide certain other improvements or short-term maintenance services in order to assure the full restoration and functionality of Barnum Park, in accordance with the intergovernmental agreement with CCD.

I-25/US 6 Interchange: Bridge and Ramp Improvements

Section 4(f) Property

The South Platte River Trail, which extends 19 miles north and south of US 6, offers both commuter and recreational bicycle and pedestrian mobility through the project area. In the vicinity of the I-25/US 6 interchange, the trail is located on the east side of the river and serves Frog Hollow and Milstein parks. The trail is a major destination for residents and neighborhoods adjacent to the freeways. Construction of the new bridge over the South Platte River and ramp improvements will require a temporary occupancy of the South Platte River Trail. This activity will meet the requirements of the temporary occupancy exception in 23 CFR 774.13(d). The US 6 bridge replacement will increase the clearance and free board heights over the trail, thereby eliminating the existing low clearance that is dark, uninviting, and restricts maneuverability. The replacement bridge clearance will provide a greater opening underneath that will encourage trail usage and enhance the recreational experience.

Avoidance Considerations

The planned replacement and widening of the US 6 bridge will occur on the current alignment, as will the ramp improvements between I-25 and US 6. Alternative alignments are not feasible because they would significantly disrupt traffic flow through the area, result in greater adverse impacts to surrounding businesses and residential areas, and substantially increase project construction costs beyond current funding levels.

Proposed Mitigation

- Provide public notices of any closures or detour routes prior to construction onset;
- Provide detours and other appropriate accommodations for users of the trail during construction in order to maintain trail access. A potential detour route is currently being planned. The detour work would include installing an all-weather surface on any unmaintained portion of the trail.
- Reconstruct any stretches of the existing trail which may need to be reconstructed, due to construction damage, or relocated due to the location of new bridge piers, in accordance with the intergovernmental agreement with CCD.

Concurrence

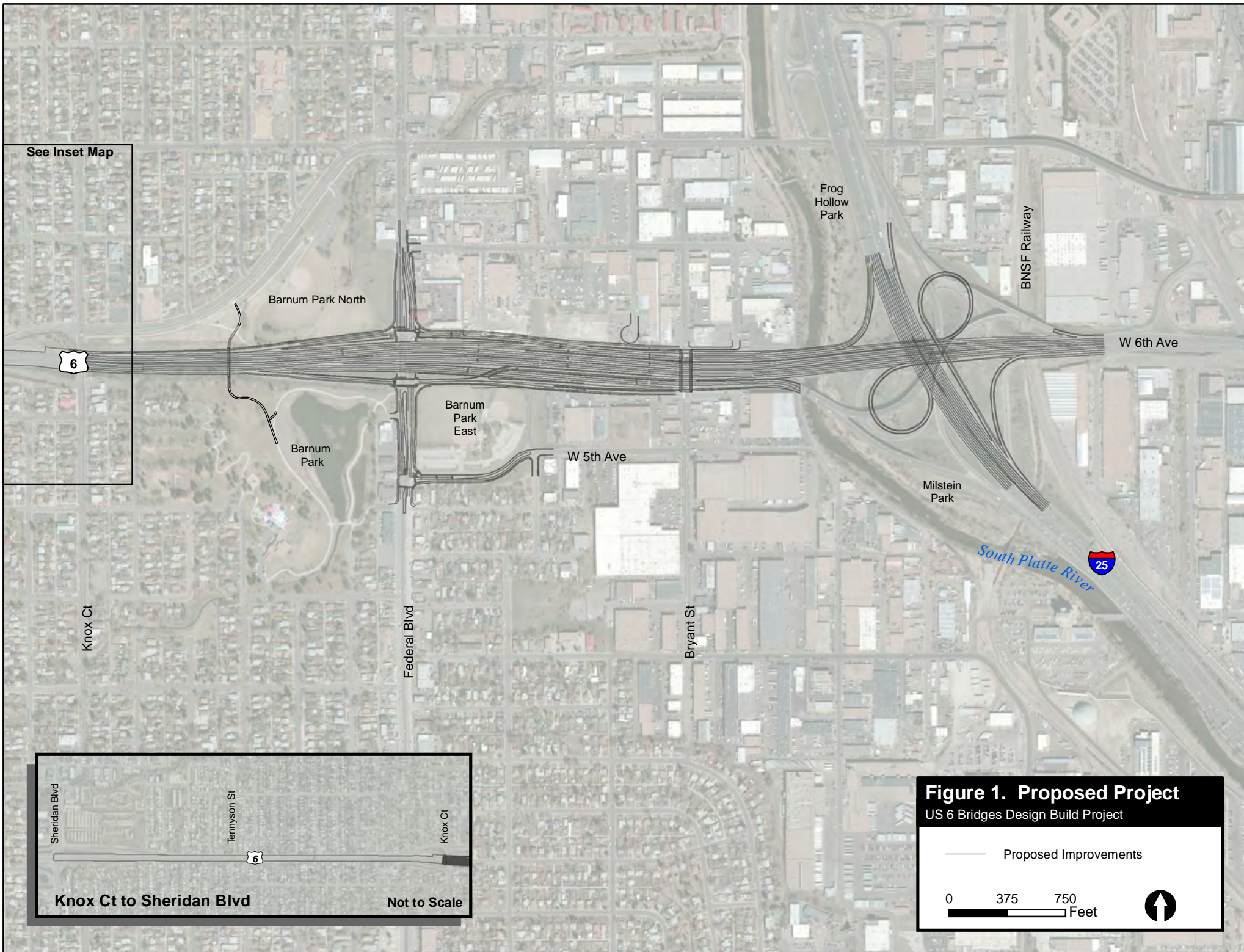
Denver Parks and Recreation concurs with the mitigation measures that have been proposed above to address the Section 4(f) impacts at Barnum Park North and Barnum Park East, and the temporary occupancy of Barnum Park South and the South Platte River Trail. Alternatives to the use of park land and temporary occupancy of Barnum Park South and the South Platte River Trail have been

evaluated and dismissed from further consideration, and replacement areas in the parks have been identified. Any clarification to the details of the mitigation will take place in the intergovernmental agreement which will eventually be entered into between CDOT and CCD.

Sincerely,

A handwritten signature in blue ink that reads "Lauri Dannemiller". The signature is fluid and cursive, with the first name "Lauri" being more prominent than the last name "Dannemiller".

Lauri Dannemiller
Manager



See Inset Map

6

Barnum Park North

Barnum Park

Barnum Park East

W 5th Ave

Frog Hollow Park

Milstein Park

BNSF Railway

W 6th Ave

South Platte River

25

Knox Ct

Federal Blvd

Bryant St

Sheridan Blvd

Tennyson St

Knox Ct

Knox Ct to Sheridan Blvd

Not to Scale

Figure 1. Proposed Project

US 6 Bridges Design Build Project

— Proposed Improvements

0 375 750 Feet





Federal Blvd

Barnum Park North

W 6th Ave

Figure 2. Barnum Park North
US 6 Bridges Design Build Project

- Proposed Improvements
- Parkland

0 100 200 Feet

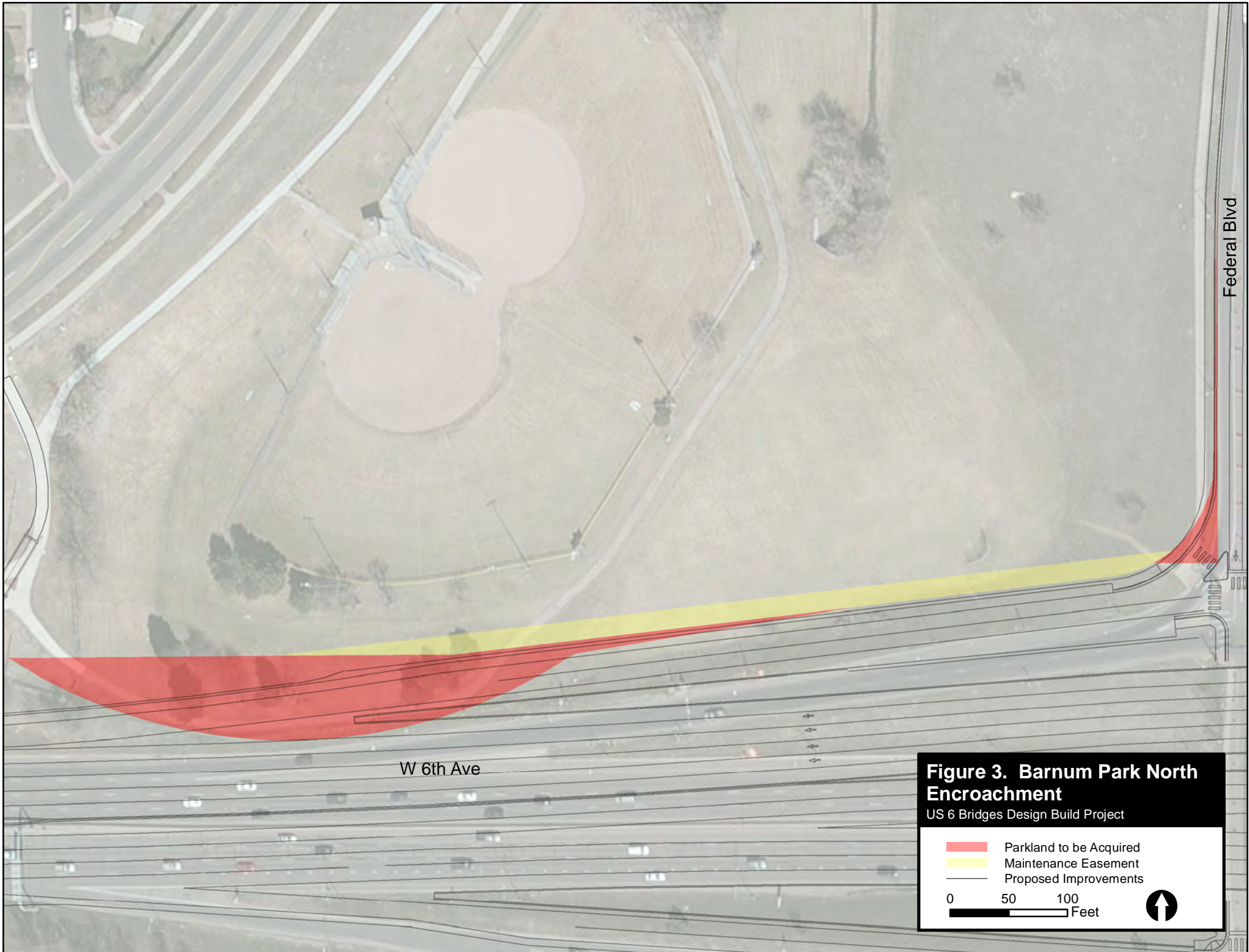


Figure 4. Barnum Park East Encroachment





W 6th Ave



Barnum Park East

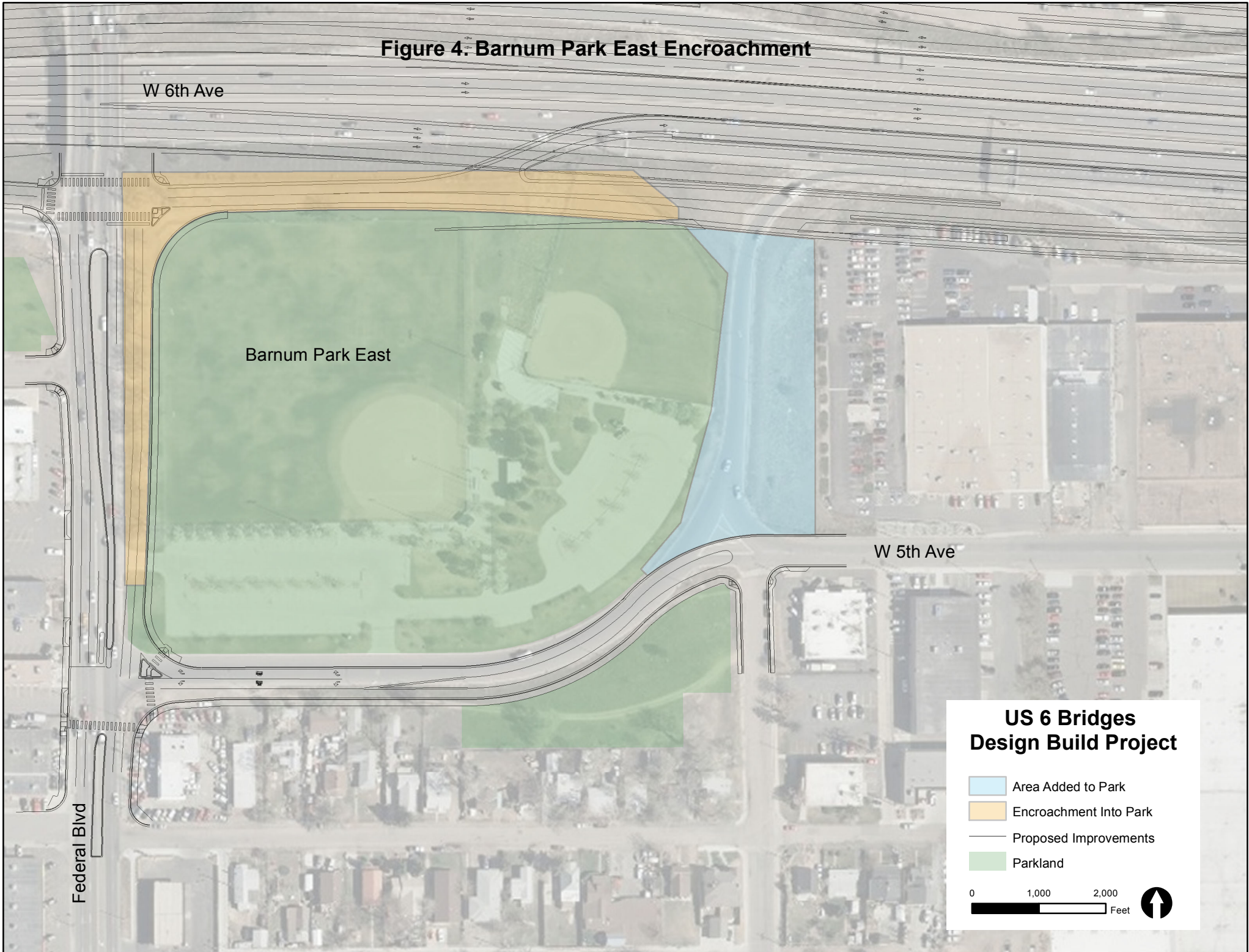
W 5th Ave

Federal Blvd

**US 6 Bridges
Design Build Project**

-  Area Added to Park
-  Encroachment Into Park
-  Proposed Improvements
-  Parkland

0 1,000 2,000
 Feet 



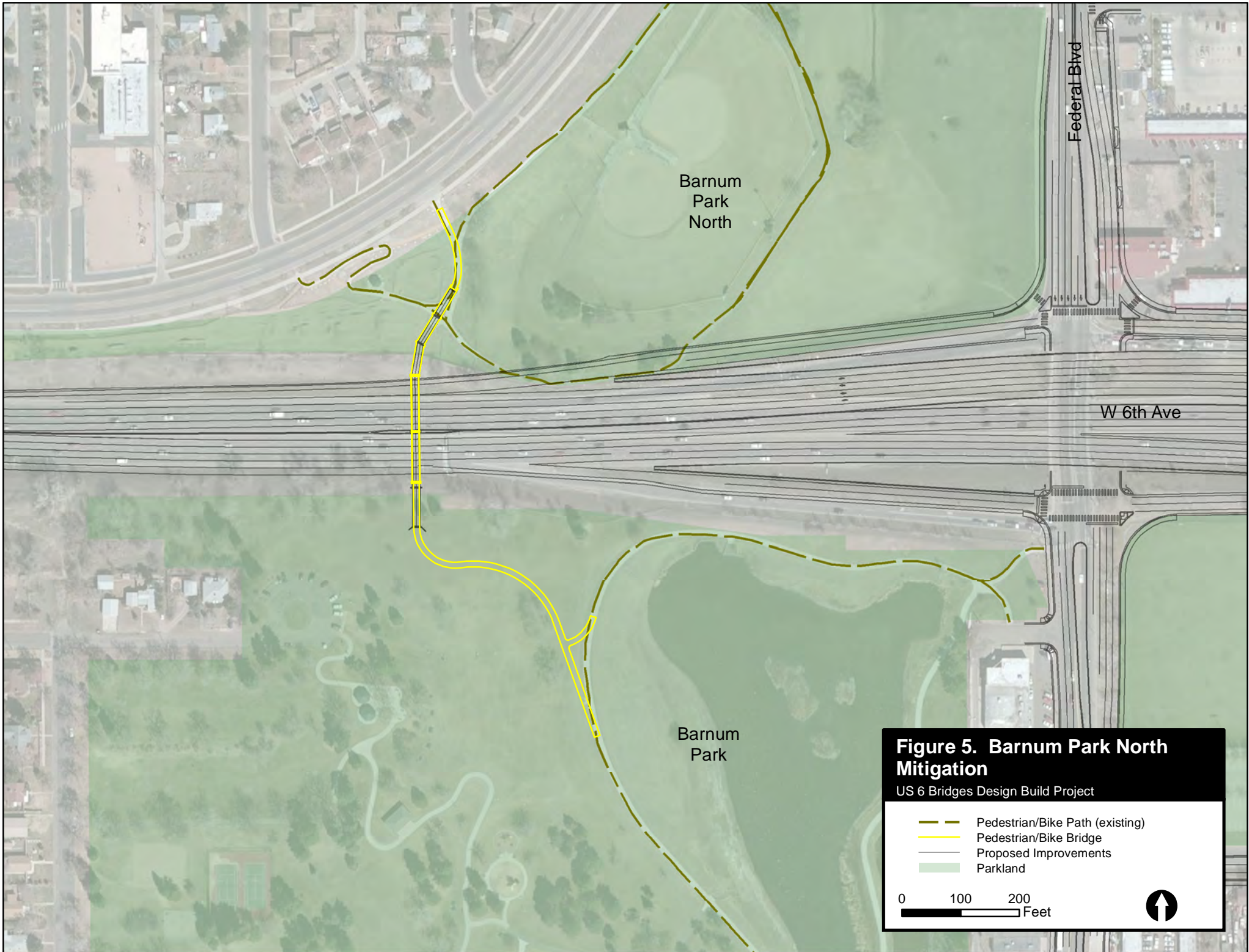
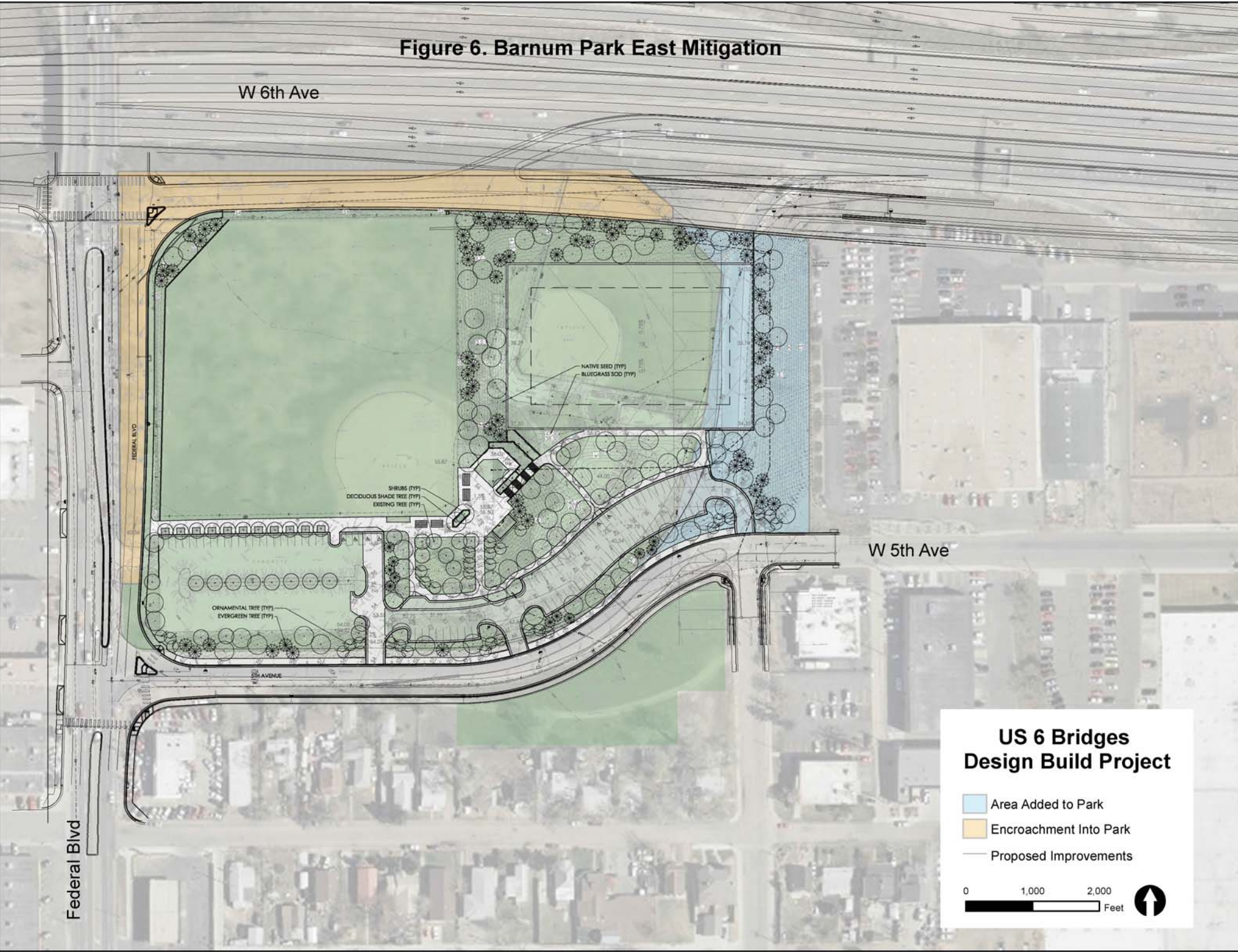
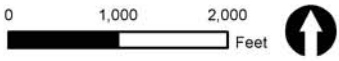


Figure 6. Barnum Park East Mitigation



**US 6 Bridges
Design Build Project**

- Area Added to Park
- Encroachment Into Park
- Proposed Improvements





Frog Hollow Park

BNSF Railway




W 6th Ave

Milstein Park

South Platte River



Figure 7. I-25/US6 Interchange and South Platte River Trail
US 6 Bridges Design Build Project

-  Parkland
-  South Platte River Trail
-  Proposed Improvements

0 200 400 Feet



From: Welch, Brian [mailto:Brian.Welch@RTD-Denver.com]
Sent: Friday, December 21, 2012 10:24 AM
To: Egal, Dahir (FHWA)
Cc: Telford, Liz; Van Meter, Bill; Washington, Phil
Subject: Notice of ROD2 for I-25 (Valley Highway) from Logan Street to US 6 FEIS

Good morning Dahir.

We received your notice, and agree that RTD does not need to participate as a Cooperating Agency for the preparation and review of ROD2 for the I-25 (Valley Highway) from Logan Street to US 6 FEIS.

Regards,

Brian

Brian T. Welch, AICP

Senior Manager, Planning Technical Services

Regional Transportation District

1560 Broadway, Suite 700

Denver, CO 80202

(303) 299-2404

brian.welch@rtd-denver.com

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STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

Region 6
2000 South Holly Street
Denver, CO 80222
(303) 757-9251
(303) 757-9073 FAX



January 24, 2013

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

Subject: Section 4(f) Net Benefits Programmatic for the Adverse Effect to the Historic Brick-Lined Sewer due to the US 6 Bridges Design Build Project (CDOT Subaccount Number 18838)

Dear Mr. Cater:

By this letter we request your finding that the US 6 Bridges Design Build Project within the City and County of Denver, that will have an *adverse effect* on a segment of brick-lined sewer known as the West and Southside Interceptor (5DV.10635/5DV.10635.6), meet the requirements under Section 4(f) for the use of the nationwide programmatic *Section 4(f) Evaluation and Approval for Transportation Projects That Have a Net Benefit to a Section 4(f) Property*.

The Net Benefits nationwide programmatic Section 4(f) evaluation (hereafter referred to as programmatic evaluation) has been prepared for certain federally assisted transportation improvement projects on existing or new alignments that will use property of a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic property, which in the view of the Administration and official(s) with jurisdiction over the Section 4(f) property, the use of the Section 4(f) property will result in a net benefit to the Section 4(f) property.

This project specific programmatic evaluation satisfies the requirements of Section 4(f) for projects meeting the applicability criteria identified in the programmatic agreement. Outlined below is how the US 6 Bridges Design Build Project that impacts the West and Southside Interceptor sewer segment in Denver meets the applicable criteria.

1. *The proposed transportation project uses a Section 4(f) park, recreation area, wildlife or waterfowl refuge, or historic property.*

The historic property consists of a segment of brick-lined sewer built in circa 1910. In general, the brick sewer lines in Denver are representative of the construction techniques used for sewer line construction during the period of significance and are assessed as eligible for inclusion on the National Register of Historic Places (NRHP) under Criterion D. The sewers themselves provide important information about the sewer line design and construction techniques and will be useful in answering further research questions. The brick sewer lines are associated with the early development of Denver and demonstrate the techniques the city used during the period of significance from 1880 - 1937 for dealing with the removal and conveyance of sewage and storm water. For these reasons, Criterion D is the most appropriate NRHP Criterion to apply to this important underground resource.

2. *The proposed project includes all appropriate measures to minimize harm and subsequent mitigation necessary to preserve and enhance those features and values of the property that originally qualified the property for Section 4(f) protection.*

Measures to minimize harm to the West and Southside Interceptor include relocating the smallest section possible (240 feet) in order to feasibly and safely build the project. In addition, construction may not occur until full execution of the city-wide Programmatic Agreement (PA) among the Federal Highway Administration (FHWA), Colorado State Historic Preservation Office (SHPO), and the Colorado Department of Transportation (CDOT) regarding Brick-Lined Sewers in the City and County of Denver, anticipated for February 2013. Details about this PA and the Section 106 consultation process are described below in the last section of this letter.

The mitigation for adverse effects to the West and Southside Interceptor is an in-depth report on the history and development of Denver's brick-lined sewer systems, a comprehensive GIS mapping and database of the remaining segments, and an Office of Archaeology and Historic Preservation (OAHP) site form. The history of how major cities constructed their major sewage and wastewater infrastructure systems provides insight into the politics, business practices, and civic values of a community. Environmental managers, historians, and the public will use the mitigation report to better understand this resource, which is an enhancement of the features and values that qualified the brick-lined sewers as a NRHP-eligible resource. It will be challenging to find segments of the brick-lined sewers that should be preserved because by its nature the resource is designed to be upgraded according to technological improvements and system needs. The report demonstrates the significance of the sewer system in Denver's history and unveiled heretofore unknown primary resources about the history of the construction of the sewers that would have remained unknown unless the report was prepared, hence the net benefit to the resource.

3. *The project does not require the major alteration of the characteristics that qualify the property for the NRHP such that the property would no longer retain sufficient integrity to be considered eligible for listing. The determination of a major alteration or the importance to preserve in-place will be based on consultation consistent with 36 CFR Part 800.*

The US 6 Bridges Design Build Project will impact a very minor amount (240 feet) of the seven mile brick-lined sewer segment. The rest will remain operational as part of the city's larger sewage network. The minor amount of brick-lined sewer that will be realigned and replaced due to construction of this project will not dramatically change the integrity of the resource and does not change or modify the characteristics that make the resource NRHP-eligible. However, 36 CFR Part 800.5(a)(2)(i) states that physical destruction of or damage to all or part of the property constitutes an adverse effect even if a very minor amount is impacted. CDOT has determined that relocating this section of the sewer segment will result in the Section 106 finding of *adverse effect*. Consistent with consultation under 36 CFR part 800, the project will not require major alterations of the characteristics that qualify this segment of brick-lined sewer for the NRHP.

4. *For historic properties, consistent with 36 CFR Part 800, there must be agreement reached amongst the SHPO, as appropriate, the FHWA and the Applicant on measures to minimize harm when there is a use of Section 4(f) property. Such measures must be incorporated into the project.*

CDOT, FHWA, and SHPO consulted on measures to minimize harm and measures to mitigate the finding of *adverse effect* in the Section 106 PA for Denver's Brick-Lined Sewers. A copy of this PA is attached. This measure will be included as part of the project and will be considered a necessary part of successful project completion.

5. *The official(s) with jurisdiction over the Section 4(f) property agree in writing with the assessment of the impacts; the proposed measures to minimize harm; and the mitigation necessary to preserve, rehabilitate and enhance those features and values of the Section 4(f) property; and that such measures will result in a net benefit to the Section 4(f) property.*

A letter from the SHPO concurring on these points is attached.

The applicability of this programmatic evaluation is contingent on showing that the following alternatives are not prudent or feasible; the Net Benefits nationwide programmatic sets forth strict requirements for such findings. The justification for the determination that each alternative is not prudent or feasible is described below:

1. *Do-Nothing Alternative.*

The Do-Nothing Alternative is not feasible and prudent because it would neither address nor correct the transportation need cited as the National Environmental Policy Act (NEPA) purpose and need for the US 6 Bridges Design Build Project, which necessitated the actions that have adverse effects to the West and Southside Interceptor.

2. *Improve the transportation facility in a manner that addresses purpose and need without use of the Section 4(f) property.*

It is not feasible and prudent to avoid the use of the West and Southside Interceptor completely. As a linear resource paralleling both US 6 and I-25, and due to the location of the major US 6 and I-25 highways, and the South Platte River, it is not possible to construct the subject transportation improvements that will replace the current, outdated bridge (bridge structure number F16EF) on a new location without necessitating use of the West and Southside Interceptor. The necessary construction techniques that will be used to replace the US 6 bridge over the river will involve unavoidable pile driving and vibrations that will likely impact the sewer line. Other techniques such as use of retaining walls and/or other structures, traffic diversions, or other traffic management measures, would not address the need to replace the outdated bridge, nor be feasibly implemented to avoid the use of the sewer. Also this would result in a missed opportunity to accrue a net benefit to the resource.

3. *Build a new facility at a new location without a use of the Section 4(f) property.*

The US 6 bridge over the South Platte River is located on a major segment of one of the highest volume highways in the state in the vicinity of a major highway-to-highway connection between US 6 and I-25. The subject project is located in a densely built area of the city, and construction of a new facility or new alignment is not feasible. As noted above under Item 2, the West and Southside Interceptor is a linear resource paralleling both US 6 and I-25 in the project area; moving the project would not fully avoid the resource and it is therefore impossible to avoid the use of the West and Southside Interceptor.

The following measures to minimize harm and/or mitigation are included as part of the project:

- A. CDOT prepared an in-depth study of Denver's brick-lined sewers, titled *Historic Context: Denver's Brick Sewers* (Keeley, 2012). This creative mitigation project included detailed GIS mapping and a database of the remaining segments, which includes specific sewer measurements and contributes to a better understanding of the remaining operational brick-lined system in Denver. The study included an historic survey on the Colorado OAHF Form 1400 (Management Data Form) and Form 1418 (Linear Component) of ten major segments that intersect or are parallel to Denver's highways

and interstates and have the potential to be impacted by future transportation projects. This survey included the West and Southside Interceptor, including segment 5DV.10635.6.

- B. CDOT initiated NRHP Section 106 consultation with SHPO for the subject project on Determinations of Eligibility for historic resources in a letter dated June 22, 2012. SHPO offered concurrence on the recommended determinations in a letter dated June 29, 2012. Consultation on Determinations of Effect under Section 106 was initiated by CDOT in a letter dated August 2, 2012. This correspondence included notification of the Section 4(f) net benefits evaluation and request for SHPO comment relative to the finding of *adverse effect* for resource 5DV.10635 (brick-lined sewer), including segment 5DV.10635.6 (the West and Southside Interceptor). In a letter dated August 23, 2012, SHPO concurred with the recommended findings of Effect, including the finding of *adverse effect* for resource 5DV.10635/5DV.10635.6, and agreed with the application of the net benefit programmatic under Section 4(f). Please see the attached Section 106 Consultation correspondence for more information. Through this Section 106 process, it was agreed that the PA and the creative mitigation noted in Item A would be appropriate mitigation for the *adverse effect*.
- C. Public involvement for this programmatic evaluation was consistent with those required for the NEPA document being produced. CDOT coordinated with the owners of the West and Southside Interceptor (the City and County of Denver's Metro Wastewater Management Division and the Metro Wastewater Reclamation District [MWRD]). In addition, CDOT provided a copy of the *Historic Context: Denver's Brick Sewers* and the PA to SHPO, FHWA, MWRD, and the City and County of Denver and asked for comments on the agreement on August 21, 2012. CDOT also consulted with the City and County of Denver's Landmark Commission as part of the public involvement process for the project. No additional public involvement occurred related to this evaluation. This is consistent with the level of effort which is being done for this project and with the level of use and impacts to the property.

Your signature to the statement below will serve as the finding for this Net Benefits evaluation.

Sincerely,



for Elizabeth Kemp-Herrera
Region 6 Planning and Environmental Manager

- Attachments:
1. Historic Context: Denver's Brick Sewers
 2. Programmatic Agreement
 3. SHPO consultation correspondence

In reviewing this evaluation and its attachments it is the finding of the Colorado Division of the Federal Highway Administration that the use of the Net Benefits nationwide programmatic is appropriate for the Section 4(f) evaluation for this property for this project. In doing this, we have determined that:

- The project meets the applicability criteria set forth in Applicability section;
- All of the alternatives set forth in the Findings Section of the Net Benefits nationwide programmatic have been fully evaluated;
- The findings in the programmatic evaluation (which conclude that the alternative recommended is the only feasible and prudent alternative) result in a clear net benefit to the Section 4(f) property;
- The project complies with the Mitigation and Measures to Minimize Harm requirements of the Net Benefit nationwide programmatic;
- The coordination and public involvement efforts required by this programmatic evaluation have been successfully completed and necessary written agreements have been obtained; and
- The information that clearly identifies the basis for the above determinations and assurances has been adequately documented.

 1/28/13

John M. Cater Date

