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Lamar Partnership, Inc.  
A Colorado Main Street Community

Jane Hann  
Manager  
Environmental Programs Branch  
4201 East Arkansas Avenue  
Shumate Bldg.  
Denver, CO 80222

Subject: Determination of Eligibility and effect and notification of Section 4(f) De Minimis Finding, US287 Lamar Reliever Route Environmental Assessment, Prowers County (CHSH50417)

Dear Jane Hann,

I am submitting this letter to comment regarding your findings to abandon the above mentioned road segments and to oppose the *de minimis* impact on Lamar (*no adverse effect* or *no historic properties affected* determination) and specifically its historic downtown area. To quote from your report, "...there is no known historic district through Lamar that could potentially be affected by changes to the roadway over time. CDOT evaluated Lamar's commercial area along Main Street for a district potential and determined in consultation with SHPO that there is not enough integrity for a district."

Included with this letter, you will find the results of a recent Historical and Architectural Survey produced in October of 2012 through the City of Lamar and History Colorado from a partial grant from the State Historic Fund. The purpose for collecting this survey information was not only to inform the business and property owners and the general public about the history of Lamar, but to also enhance preservation planning efforts and heritage tourism efforts. These results will also become the basis from which properties may be nominated to the National Register of Historic Places, the Colorado State Register of Historic Properties, or for designation as local landmarks. The survey project also determined the potential for the possible formation of a downtown historic district that may be eligible for listing at the local level or on the National Register of Historic Places.

Based on the findings, the survey revealed that there is a sufficient concentration of buildings with historic integrity for the creation of a historic district. It is our intent to start the process to apply and be designated as a local historic district and/or for listing on the National Register of Historic Places.

Lamar, Colorado became a Colorado Main Street Community in October 2010. We believe there are many reasons for revitalizing our downtown and although we are only in the third year of growing our program, we have noted positive changes such as a renewed confidence in Lamar and increased effort to promote heritage history; new job opportunities through the expansion and attraction of new businesses; increases sales and return of revenue to the community and the protection and strengthening of our existing tax base and lastly a process that enables property owners to maintain historic commercial buildings and preserve an important part of a community's unique heritage.





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A Colorado Main Street Community

One of our main focuses this past year and also forthcoming, is having access to architectural services. This is one of the many great benefits of being a Colorado Main Street Community, administered by DOLA. It is through this service that we are able to help downtown property owners to design and carry out historically appropriate rehabilitation. In addition DOLA is and will continue to assist us in developing and adopting a historic preservation ordinance and design guidelines for the downtown, and training the design committee and Board of Directors in historic preservation. In 2012, Lamar also completed a downtown branding, new logo and positioning statement for our historic downtown.

The City of Lamar supports the efforts of the Main Street Program and passed an Urban Renewal Authority in November of 2009 in the effort to help fund property rehabs and façade improvements that encourage preservation. This new façade grant program will be launched in May of 2013.

Based on the recent survey developments, the emphasis from our citizens to preserve our history and the vast progress we have made the last few years, we strongly reject, oppose and believe your findings are false that Lamar does not have a legitimate recognized historic retail/commercial district and that there is not enough integrity for a district.

We strongly encourage you to reconsider your determination of our historic downtown district.

Respectfully,

Shawna Hodge  
Executive Director, Lamar Partnership, Inc.  
Colorado Main Street Community





April 3, 2013

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

Re: Determinations of Eligibility and Effects and Notification of Section 4(f) De Minimis Finding, US 87 Lamar Reliever Route Environmental Assessment, Prowers County. (CHS #50417)

Dear Ms. Hann,

Thank you for your correspondence dated June 27, 2007 and received by our office on July 2, 2007 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 do not object to the proposed adjusted Area of Potential Effects (APE). After review of the survey information, we concur that segments 5PW.171.5, 5PW.385.1, and 5PW.386.1 do not retain integrity and do not support the overall eligibility of the entire linear resource of US Highway 385/US Highway 50/US Highway 287. After review of the assessment of adverse effect, we concur with the recommended finding of no adverse effect [36 CFR 800.5(b)] under Section 106 for resources 5PW.171, 5PW.385, and 5PW.386. We acknowledge that FHWA intends to make a *de minimis* determination in respect to the requirements of Section 4(f).

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

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

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

Sincerely,

A handwritten signature in blue ink, appearing to read "E. Nichols".

Edward C. Nichols  
State Historic Preservation Officer



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



March 29, 2013

Mr. Edward C. Nichols  
State Historic Preservation Officer  
History Colorado  
1560 Broadway, Ste. 400  
Denver, CO 80202

RECEIVED

APR 08 2013

North Program Engineers

**SUBJECT:** Determination of Eligibility and Effect and Notification of Section 4(f) De Minimis Finding, US 287 Lamar Reliever Route Environmental Assessment, Prowers County (CHS #50417)

Dear Mr. Nichols:

This letter and the attached materials constitute a request for concurrence on eligibility and effect and notification of Section 4(f) de minimis for the project referenced above. The Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) have initiated an Environmental Assessment (EA) to examine alternatives to relocate US 287 from Main Street in Lamar to a new alignment approximately one mile east of town. The purpose of the project is to improve conditions for pedestrians and local travelers in Lamar as well as for regional pass-through traffic by reducing the number of, and conflict between, long-distance trucks and trucks carrying hazardous materials in the downtown business district. We previously consulted with you on eligibility and effect determinations in April 2011. Since then, we have additional information about effects to the existing highways in the project area that is included herein.

### **Eligibility Determination**

*US Highway 50 (5PW385.1)/US Highway 287 (5PW386.1)/US Highway 385 (5PW171.5)*

In the April 2011 consultation, CDOT provided documentation for a segment of US Highway 385/US Highway 50 (5PW171.5) indicating that the segment does support the eligibility of the overall highway resource and your office concurred with that finding in May 2011. Since then, CDOT has learned that a longer segment of US Highway 385 (US 385) and the existing highway system through Lamar, including sections of US Highway 50 (US 50), US Highway 287 (US 287), and US 385 will be removed from the state highway system. Please see Figure 1 for more information about the proposed reliever route and the existing highway system.

The highway segments that will be removed from the state highway system consist of three shared sections: US 385 and US 287 (milepost 72.5 to 77.6), US 385 and US 50 (milepost 435.4 to 438.2) and US 50 and US 287 (mp 77.6 to 80.2/mp. 432.8 to 435.4.). For the purposes of this consultation, the overall highways—US 50, US 287, and US 385—are significant and are being treated as National Register of Historic Places (NRHP) eligible, but the segments associated with those highways have been found to lack integrity and are non-supporting of their respective overall highways. Given that these segments all share routes, all three of these segments were documented on a single management data form and linear component form. Separate UTM coordinates and historical data has been included in those forms. Because US 385 was documented for this project as part of the earlier consultation effort, its resource number—5PW171.5—has been retained and reflects a longer segment than what was recorded previously. Please see the attached site form for more information.

### **Area of Potential Effect (APE)**

Consultation for the APE was conducted in 2007, and resulted in the identification of a broad area that included the location of the new road alignment as well as the City of Lamar. This original APE has been adjusted to include a small segment of the US 287/US 385 segment south of Lamar. See the attached APE map for more information.

### **Effect Determination**

#### *US Highway 385/US Highway 50 (5PW171.5/5PW385.1)*

The portion of U.S. Highway 385/US 50 between milepost 435.4 and milepost 438.2 will be removed from the state highway system, and the highway would be rerouted to the proposed reliever route. From milepost 435.4 to 436.5, the road will be used as a local road. However, portions of this segment will be abandoned and no longer utilized as public road. These abandoned sections may be left in place but may also be physically removed. The abandoned sections include the following:

- 1) Milepost 437.7 to 438.2: This 0.5 mile segment would be abandoned and no longer utilized as a public road. This portion of the road extends from milepost 438.2 where the new alignment of U.S. 385/U.S. 50 would veer southwest toward the new U.S. 50/U.S. 287 interchange, to milepost 437.7, where the new Parmenter Street extension would intersect with the existing U.S. 385/U.S. 50 highway.
- 2) Milepost 436.5 to 436.7: The 0.2 mile portion of the road between milepost 436.7, where County Road 9 would intersect with the existing US 385/US 50 highway, and milepost 436.5, where the realigned Olive Street would reconnect with the existing US 385/US 50 highway, would also be abandoned. In addition to the change in functional classification of this segment of US 385/US 50, access ramps for the south and northbound traffic lanes will be constructed at the new interchange of US 287 and US 50, crossing over the existing US 385/US 50 roadway on bridge structures, which will introduce a visual element to the highway setting.

#### *US Highway 385/US Highway 287 (5PW171.5/5PW386.1)*

The highway segment from milepost 72.5 to 73.5 will be abandoned to accommodate the construction of a new interchange that involves realigning a segment of the roadway to the east. The materials in the abandoned segments of highway noted above may be left in place but they may also be removed.

The remaining highway segments will be used as a local roadway, including the segment of US 385/US50 from milepost 435.4 to 436.5 (as noted above), US 385/US 287 from milepost 73.5 to 77.6 and US 50/US 287 that includes mileposts 77.6 to 80.2 and 432.8 to 435.4. These segments would still function as a local roadways as the Main Street of Lamar, south from Lamar to Springfield, and extending north and then west of Lamar.

CDOT has determined that the proposed change in functional classification and abandonment of small portions of these shared segments of highway will result in *no adverse effect* to the overall US 50, US 287, and US 385 highways. These segments of US 385/US287, US50/US 287 and US 385/US 50 do not support the eligibility of the entire highway resources, and therefore, the change in functional classification from a U.S. Highway to a local road, the transfer of portions of the roadway out of state ownership for public use, and the abandonment of roadway sections will not diminish the potential significance of the longer highway resources, all of which extend for hundreds of miles through Colorado. Although the roadway segments are not being conveyed with preservation restrictions, these highways will still function as local roads with the exception of the areas of abandoned roadway noted above.

In terms of additional historic resources through which the highway segments extend, there is no known historic district through Lamar that could potentially be affected by changes to the roadway over time. CDOT evaluated Lamar's commercial area along Main Street for a district potential and determined in



consultation with SHPO that there is not enough integrity for a district. There are some additional resources--the Atchison, Topeka & Santa Fe Railroad, the Lamar Canal, the Fort Bent Canal, and the Santa Fe Trail--that intersect the US 287/US 385 segment (milepost 72.5 to 77.6) and US 50/US287 segment (milepost 432.8 to 435.4) that will be transferred to local road use. It is possible that there could be effects to these resources if future roadwork is completed, but the areas where these linear resources cross the highway are already disturbed and it's unlikely that routine maintenance or minor widening would result in adverse effects at these locations.

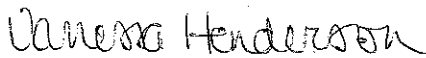
**Notification of Section 4(f) De Minimis Determination**


This project has been determined to have *no adverse effect* on the US Highways 50, 287, and 385 (5PW385.1, 5PW386.1, and 5PW171.5). Based on the findings outlined above, FHWA may make a *de minimis* finding for the Section 4(f) requirements for these properties

This information has been forwarded to the Prowers County Historic Preservation Advisory Commission, who commented on the initial Section 106 consultation for this project. We are also forwarding this to the Lamar Historic Preservation Advisory Board for review. We will forward their responses to you.

We request your concurrence with these determinations of eligibility and effects within 30 days of receipt of these materials. Please contact CDOT Senior Historian Lisa Schoch at (303) 512-4258 or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us) if you have questions or require additional information.

Very truly yours,



 Jane Hann, Manager  
Environmental Programs Branch

Enclosures:     Site forms (5PW171.5/5PW385.1/5PW386.1)  
                      Figure 1, Proposed Action  
                      Revised APE map

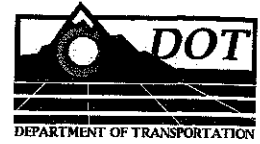
cc:                 Rob Frei, CDOT Region 2



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



March 29, 2013

Mr. Ron Stock  
Lamar Historic Preservation Advisory Board  
102 E. Parmenter  
Lamar, CO 81052

**SUBJECT:** Determination of Eligibility and Effect and Notification of Section 4(f) De Minimis Finding, US 287 Lamar Reliever Route Environmental Assessment, Prowers County (CHS #50417)

Dear Mr. Stock:

This letter and the attached materials constitute a request for comments on eligibility and effect and notification of Section 4(f) de minimis for the project referenced above. The Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) have initiated an Environmental Assessment (EA) to examine alternatives to relocate US 287 from Main Street in Lamar to a new alignment approximately one mile east of town. The purpose of the project is to improve conditions for pedestrians and local travelers in Lamar as well as for regional pass-through traffic by reducing the number of, and conflict between, long-distance trucks and trucks carrying hazardous materials in the downtown business district. We previously consulted with the State Historic Preservation Office (SHPO) and the Prowers County Historic Preservation Advisory Board on eligibility and effect determinations in April 2011. Since then, we have additional information about effects to the existing highways in the project area that is included herein.

CDOT is submitting this to you in compliance with Section 106 of the National Historic Preservation Act, which requires federal agencies to evaluate the effects of their undertakings on historic properties. The Lamar Historic Preservation Advisory Board has been identified as a potential consulting party. For more information about Section 106 and how you can participate as a consulting party, please visit the Advisory Council on Historic Preservation's web site, which contains the Citizen's Guide to Section 106 Review at <http://www.achp.gov/docs/CitizenGuide.pdf>.

### **Eligibility Determination**

*US Highway 50 (5PW385.1)/US Highway 287 (5PW386.1)/US Highway 385 (5PW171.5)*

In the April 2011 consultation, CDOT provided documentation for a segment of US Highway 385/US Highway 50 (5PW171.5) indicating that the segment does support the eligibility of the overall highway resource and your office concurred with that finding in May 2011. Since then, CDOT has learned that a longer segment of US Highway 385 (US 385) and the existing highway system through Lamar, including sections of US Highway 50 (US 50), US Highway 287 (US 287), and US 385 will be removed from the state highway system. Please see Figure 1 for more information about the proposed reliever route and the existing highway system.

The highway segments that will be removed from the state highway system consist of three shared sections: US 385 and US 287 (milepost 72.5 to 77.6), US 385 and US 50 (milepost 435.4 to 438.2) and US 50 and US 287 (mp 77.6 to 80.2/mp. 432.8 to 435.4). For the purposes of this consultation, the

overall highways—US 50, US 287, and US 385—are significant and are being treated as National Register of Historic Places (NRHP) eligible, but the segments associated with those highways have been found to lack integrity and are non-supporting of their respective overall highways. Given that these segments all share routes, all three of these segments were documented on a single management data form and linear component form. Separate UTM coordinates and historical data has been included in those forms. Because US 385 was documented for this project as part of the earlier consultation effort, its resource number—5PW171.5—has been retained and reflects a longer segment than what was recorded previously. Please see the attached site form for more information.

#### **Area of Potential Effect (APE)**

Consultation for the APE was conducted in 2007, and resulted in the identification of a broad area that included the location of the new road alignment as well as the City of Lamar. This original APE has been adjusted to include a small segment of the US 287/US 385 segment south of Lamar. See the attached APE map for more information.

#### **Effect Determination**

##### *US Highway 385/US Highway 50 (5PW171.5/5PW385.1)*

The portion of U.S. Highway 385/US 50 between milepost 435.4 and milepost 438.2 will be removed from the state highway system, and the highway would be rerouted to the proposed reliever route. From milepost 435.4 to 436.5, the road will be used as a local road. However, portions of this segment will be abandoned and no longer utilized as public road. These abandoned sections may be left in place but may also be physically removed. The abandoned sections include the following:

- 1) Milepost 437.7 to 438.2: This 0.5 mile segment would be abandoned and no longer utilized as a public road. This portion of the road extends from milepost 438.2 where the new alignment of U.S. 385/U.S. 50 would veer southwest toward the new U.S. 50/U.S. 287 interchange, to milepost 437.7, where the new Parmenter Street extension would intersect with the existing U.S. 385/U.S. 50 highway.
- 2) Milepost 436.5 to 436.7: The 0.2 mile portion of the road between milepost 436.7, where County Road 9 would intersect with the existing US 385/US 50 highway, and milepost 436.5, where the realigned Olive Street would reconnect with the existing US 385/US 50 highway, would also be abandoned. In addition to the change in functional classification of this segment of US 385/US 50, access ramps for the south and northbound traffic lanes will be constructed at the new interchange of US 287 and US 50, crossing over the existing US 385/US 50 roadway on bridge structures, which will introduce a visual element to the highway setting.

##### *US Highway 385/US Highway 287 (5PW171.5/5PW386.1)*

The highway segment from milepost 72.5 to 73.5 will be abandoned to accommodate the construction of a new interchange that involves realigning a segment of the roadway to the east. The materials in the abandoned segments of highway noted above may be left in place but they may also be removed.

The remaining highway segments will be used as a local roadway, including the segment of US 385/US50 from milepost 435.4 to 436.5 (as noted above), US 385/US 287 from milepost 73.5 to 77.6 and US 50/US 287 that includes mileposts 77.6 to 80.2 and 432.8 to 435.4. These segments would still function as a local roadways as the Main Street of Lamar, south from Lamar to Springfield, and extending north and then west of Lamar.

CDOT has determined that the proposed change in functional classification and abandonment of small portions of these shared segments of highway will result in *no adverse effect* to the overall US 50, US 287, and US 385 highways. These segments of US 385/US287, US50/US 287 and US 385/US 50 do not support the eligibility of the entire highway resources, and therefore, the change in functional

classification from a U.S. Highway to a local road, the transfer of portions of the roadway out of state ownership for public use, and the abandonment of roadway sections will not diminish the potential significance of the longer highway resources, all of which extend for hundreds of miles through Colorado. Although the roadway segments are not being conveyed with preservation restrictions, these highways will still function as local roads with the exception of the areas of abandoned roadway noted above.

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

##### **Background**

In addition to Section 106 of the NHPA, FHWA must comply with Section 4(f), which is codified at both 49 U.S.C § 303 and 23 U.S.C. § 138. Congress amended Section 4(f) when it enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, enacted August 10, 2005) ("SAFETEA-LU"). Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes FHWA to approve a project that uses Section 4(f) lands that are part of a historic property without preparation of an Avoidance Analysis, if it makes a finding that such uses would have "*de minimis*" impacts upon the Section 4(f) resource, with the concurrence of the SHPO.

On December 12, 2005, the Federal Highway Administration issued its "Guidance for Determining *De Minimis* Impacts to Section 4(f) Resources" which indicates that a finding of *de minimis* can be made when the Section 106 process results in a *no adverse effect* or *no historic properties affected* determination, when the SHPO is informed of the FHWA's intent to make a *de minimis* impact finding based on their written concurrence in the Section 106 determination, and when FHWA has considered the views of any Section 106 consulting parties participating in the Section 106 process. This new provision of Section 4(f) and the associated guidance are in part the basis of this letter, and of FHWA's determination and notification of *de minimis* impacts to the Lamar Historic Preservation Advisory Board with respect to the proposed project. At this time we are notifying the Section 106 consulting parties per section 6009(b)(2)(C). On March 12, 2008, FHWA issued a Final Rule on Section 4(f), which clarifies and implements the procedures for determining a *de minimis* impact. In addition the Final Rule moves the Section 4(f) regulation to 23 CFR 774.

##### **Notification of Section 4(f) De Minimis Determination**

This project has been determined to have *no adverse effect* on the US Highways 50, 287, and 385 (5PW385.1, 5PW386.1, and 5PW171.5). Based on the findings outlined above, FHWA may make a *de minimis* finding for the Section 4(f) requirements for these properties.

This information has been forwarded to the State Historic Preservation Officer (SHPO) and the Prowers County Historic Preservation Advisory Board for review.

As a local historic preservation organization, we welcome your comments on these findings. Should you choose to respond, we request that you do so within 30 days of receipt of these materials. If we do not hear from you in that time frame, we will assume you do not plan to comment on the project. Please contact CDOT Senior Historian Lisa Schoch at (303) 512-4258 or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us) if you have questions or require additional information.

Very truly yours,

*Vanessa Henderson*

*for*

Jane Hann, Manager  
Environmental Programs Branch

Enclosures: Site forms (5PW171.5/5PW385.1/5PW386.1)  
Figure 1, Proposed Action  
Revised APE map

cc: Rob Frei, CDOT Region 2

# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



March 29, 2013

Ms. Jo Dorenkamp  
Prowers County  
Historic Preservation Advisory Board  
301 S. Main St., Ste. 215  
Lamar, CO 81052

**SUBJECT:** Determination of Eligibility and Effect and Notification of Section 4(f) De Minimis Finding, US 287 Lamar Reliever Route Environmental Assessment, Prowers County (CHS #50417)

Dear Ms. Dorenkamp:

This letter and the attached materials constitute a request for comments on eligibility and effect and notification of Section 4(f) de minimis for the project referenced above. The Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) have initiated an Environmental Assessment (EA) to examine alternatives to relocate US 287 from Main Street in Lamar to a new alignment approximately one mile east of town. The purpose of the project is to improve conditions for pedestrians and local travelers in Lamar as well as for regional pass-through traffic by reducing the number of, and conflict between, long-distance trucks and trucks carrying hazardous materials in the downtown business district. We previously consulted with you on eligibility and effect determinations in April 2011. Since then, we have additional information about effects to the existing highways in the project area that is included herein.

CDOT is submitting this to you in compliance with Section 106 of the National Historic Preservation Act, which requires federal agencies to evaluate the effects of their undertakings on historic properties. The Prowers County Historic Preservation Advisory Board was involved in the initial Section 106 consultation for this project in 2011. For more information about Section 106 and how you can participate as a consulting party, please visit the Advisory Council on Historic Preservation's web site, which contains the Citizen's Guide to Section 106 Review at <http://www.achp.gov/docs/CitizenGuide.pdf>.

### **Eligibility Determination**

*US Highway 50 (5PW385.1)/US Highway 287 (5PW386.1)/US Highway 385 (5PW171.5)*

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US 50 and US 287 (mp 77.6 to 80.2/mp. 432.8 to 435.4.). For the purposes of this consultation, the overall highways—US 50, US 287, and US 385— are significant and are being treated as National Register of Historic Places (NRHP) eligible, but the segments associated with those highways have been found to lack integrity and are non-supporting of their respective overall highways. Given that these segments all share routes, all three of these segments were documented on a single management data form and linear component form. Separate UTM coordinates and historical data has been included in those forms. Because US 385 was documented for this project as part of the earlier consultation effort, its resource number—5PW171.5—has been retained and reflects a longer segment than what was recorded previously. Please see the attached site form for more information.

#### **Area of Potential Effect (APE)**

Consultation for the APE was conducted in 2007, and resulted in the identification of a broad area that included the location of the new road alignment as well as the City of Lamar. This original APE has been adjusted to include a small segment of the US 287/US 385 segment south of Lamar. See the attached APE map for more information.

#### **Effect Determination**

##### *US Highway 385/US Highway 50 (5PW171.5/5PW385.1)*

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The highway segment from milepost 72.5 to 73.5 will be abandoned to accommodate the construction of a new interchange that involves realigning a segment of the roadway to the east. The materials in the abandoned segments of highway noted above may be left in place but they may also be removed.

The remaining highway segments will be used as a local roadway, including the segment of US 385/US50 from milepost 435.4 to 436.5 (as noted above), US 385/US 287 from milepost 73.5 to 77.6 and US 50/US 287 that includes mileposts 77.6 to 80.2 and 432.8 to 435.4. These segments would still function as a local roadways as the Main Street of Lamar, south from Lamar to Springfield, and extending north and then west of Lamar.

CDOT has determined that the proposed change in functional classification and abandonment of small portions of these shared segments of highway will result in *no adverse effect* to the overall US 50, US 287, and US 385 highways. These segments of US 385/US287, US50/US 287 and US 385/US 50 do not



support the eligibility of the entire highway resources, and therefore, the change in functional classification from a U.S. Highway to a local road, the transfer of portions of the roadway out of state ownership for public use, and the abandonment of roadway sections will not diminish the potential significance of the longer highway resources, all of which extend for hundreds of miles through Colorado. Although the roadway segments are not being conveyed with preservation restrictions, these highways will still function as local roads with the exception of the areas of abandoned roadway noted above.

In terms of additional historic resources through which the highway segments extend, there is no known historic district through Lamar that could potentially be affected by changes to the roadway over time. CDOT evaluated Lamar's commercial area along Main Street for a district potential and determined in consultation with SHPO that there is not enough integrity for a district. There are some additional resources--the Atchison, Topeka & Santa Fe Railroad, the Lamar Canal, the Fort Bent Canal, and the Santa Fe Trail--that intersect the US 287/US 385 segment (milepost 72.5 to 77.6) and US 50/US287 segment (milepost 432.8 to 435.4) that will be transferred to local road use. It is possible that there could be effects to these resources if future roadwork is completed, but the areas where these linear resources cross the highway are already disturbed and it's unlikely that routine maintenance or minor widening would result in adverse effects at these locations.

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

### **Background**

In addition to Section 106 of the NHPA, FHWA must comply with Section 4(f), which is codified at both 49 U.S.C § 303 and 23 U.S.C. § 138. Congress amended Section 4(f) when it enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, enacted August 10, 2005) ("SAFETEA-LU"). Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes FHWA to approve a project that uses Section 4(f) lands that are part of a historic property without preparation of an Avoidance Analysis, if it makes a finding that such uses would have "*de minimis*" impacts upon the Section 4(f) resource, with the concurrence of the SHPO.

On December 12, 2005, the Federal Highway Administration issued its "Guidance for Determining *De Minimis* Impacts to Section 4(f) Resources" which indicates that a finding of *de minimis* can be made when the Section 106 process results in a *no adverse effect* or *no historic properties affected* determination, when the SHPO is informed of the FHWA's intent to make a *de minimis* impact finding based on their written concurrence in the Section 106 determination, and when FHWA has considered the views of any Section 106 consulting parties participating in the Section 106 process. This new provision of Section 4(f) and the associated guidance are in part the basis of this letter, and of FHWA's determination and notification of *de minimis* impacts to the Prowers County Historic Preservation Advisory Board with respect to the proposed project. At this time we are notifying the Section 106 consulting parties per section 6009(b)(2)(C). On March 12, 2008, FHWA issued a Final Rule on Section 4(f), which clarifies and implements the procedures for determining a *de minimis* impact. In addition the Final Rule moves the Section 4(f) regulation to 23 CFR 774.

### **Notification of Section 4(f) De Minimis Determination**

This project has been determined to have *no adverse effect* on the US Highways 50, 287, and 385 (5PW385.1, 5PW386.1, and 5PW171.5). Based on the findings outlined above, FHWA may make a *de minimis* finding for the Section 4(f) requirements for these properties.

This information has been forwarded to the State Historic Preservation Officer (SHPO) and the Lamar Historic Preservation Advisory Board for review.

As a county historic preservation organization, we welcome your comments on these findings. Should you choose to respond, we request that you do so within 30 days of receipt of these materials. If we do not hear from you in that time frame, we will assume you do not plan to comment on the project. Please contact CDOT Senior Historian Lisa Schoch at (303) 512-4258 or [lisa.schoch@state.co.us](mailto:lisa.schoch@state.co.us) if you have questions or require additional information.

Very truly yours,

*Vanessa Henderson*

*For*

Jane Hann, Manager  
Environmental Programs Branch

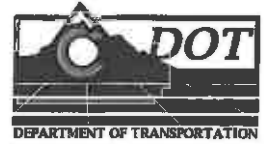
Enclosures: Site forms (5PW171.5/5PW385.1/5PW386.1)  
Figure 1, Proposed Action  
Revised APE map

cc: Rob Frei, CDOT Region 2

# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



May 26, 2011

Mr. Edward C. Nichols  
State Historic Preservation Officer  
History Colorado  
1560 Broadway, Ste. 400  
Denver, CO 80202

**SUBJECT:** Additional Information, US 287 Lamar Reliever Route Environmental Assessment,  
Prowers County (CHS #50417)

Dear Mr. Nichols:

Thank you for your response dated May 10, 2011 regarding eligibility and effects determinations for the project referenced above. The purpose of this letter is to address your request for CDOT's opinion regarding the potential for smaller districts based on a list of thirteen National Register listed, eligible, and potentially eligible properties in Lamar (including a hotel, the county courthouse, the post office, a park, two cemeteries, a school, and some additional residential properties). Two of these properties—the Davies Hotel (5PW25) and Prowers County Courthouse (5PW27)—were evaluated as part of CDOT's effort to assess the district potential of Lamar's commercial area, as discussed further below.

CDOT evaluated a well-defined section of Lamar's commercial area along US Highway 287 to determine district potential as part of this project. The primary purpose of the evaluation was to assess indirect effects associated with the construction of a reliever route one mile east of the city. The reliever route will improve conditions for pedestrians and local travelers and will reduce the presence of long-distance trucking as well as trucks carrying hazardous materials on US 287 through the downtown business district. We believe the methodology for this identification process, which included a reconnaissance field survey of 77 properties—including assessor research, historic photo and map research, architectural descriptions, photos of all the properties, and an evaluation of alterations for each property—demonstrates a good faith, reasonable and very comprehensive effort to address the indirect effects of changed traffic patterns to the main commercial area of the city.

Additional research and field work would need to be completed in order to determine if the potential for smaller districts exists as a result of the thirteen properties you identified. Based on the definition of "district" outlined in National Register Bulletin 15, *How to Apply the National Register Criteria for Evaluation*, it is possible there is district potential for some of these properties, but additional review would be necessary to determine if these sites (or some combination thereof) exhibit continuity, a definable geographic boundary, district significance, and/or potential as discontinuous districts. Many of the properties you listed are located away from US 287: some are several blocks east of the highway, but others, such as the Fairmount and Riverside cemeteries (5PW265 and 5PW266, respectively) and Willow Creek Park/Pikes Tower historic district (5PW56), are outside of the town's main street grid and would not likely be impacted by the improvements to traffic along US 287 resulting from this project. Local and regional pass-through traffic will remain on this route, and pedestrian use along the main commercial area should improve.


Mr. Nichols  
May 26, 2011  
Page 2

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CDOT appreciates your concern for the significant properties in Lamar, but we believe it is outside the scope of the identification effort for this project to conduct additional research and field work based on your request.

If you have questions, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

  
for Jane Hann, Manager  
Environmental Programs Branch

cc: Lisa Streisfeld, CDOT Region 2



05-16-11 13:35 RCVD

May 10, 2011

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

RE: US 287 Lamar Reliever Route  
CHS # 50417

Dear Ms. Hann:

Thank you for your letter dated April 21, 2011 received in our office on April 25, 2011. We concur with the following determinations of eligibility and effect:

5PW.152.5	Does not support eligibility	No adverse effect
5PW.152.6	Supports eligibility	No adverse effect
5PW.171.5	Does not support eligibility	No adverse effect
5PW.191.1	Does not support eligibility	No adverse effect
5PW.191.2	Dos not support eligibility	No adverse effect
5PW.192.1	Does not support eligibility	No adverse effect
5PW.193.1	Does not support eligibility	No adverse effect
5PW.194.1	Supports eligibility	No adverse effect

Regarding the eligibility of the downtown Lamar commercial area (5PW.298), we concur, based upon the blocks evaluated in the reconnaissance survey, the photographs provided and assuming significance, that the blocks evaluated do not include sufficient integrity as a whole to be eligible as National Register historic district. However, given the number of listed buildings and buildings that may also be individually eligible, we wonder whether a smaller historic district may be eligible. Therefore, we request your opinion on the National Register-eligibility of the below listed buildings not currently listed as well as for a smaller historic district.

National Register-Listed Buildings

- 5PW.25
- 5PW.27

Jane Hann  
US 287 Lamar Reliever Route  
May 10, 2011  
Page 2

5PW.43  
4PW.56  
5PW.259

State Register-Listed Building  
5PW.42

Buildings That May Be National Register-Eligible

5PW.58  
5PW.77  
5PW.251  
5PW.253  
5PW.258  
5PW.265  
5PW.266

If you have questions please contact Dan Corson, our Intergovernmental Services Director, at (303) 866-2673.

Sincerely,



Edward C. Nichols  
State Historic Preservation Officer

# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



April 21, 2011

Mr. Edward C. Nichols  
State Historic Preservation Officer  
History Colorado  
1560 Broadway, Ste., 400  
Denver, CO 80202

**SUBJECT:** Determinations of Eligibility and Effects (Historic Resources) and Notification of Finding of Section 4(f) *De Minimis*, US 287 Lamar Reliever Route Environmental Assessment, Prowers County (CHS #50417)

Dear Mr. Nichols:

This letter, the attached survey report and assorted graphics constitute a request for concurrence with determinations of eligibility and effects for the project referenced above. The Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) have initiated an Environmental Assessment (EA) to examine alternatives to relocate US Highway 287 from Main Street in Lamar to a new alignment approximately one mile east of town. The purpose of the project is to improve conditions for pedestrians and local travelers in Lamar as well as for regional pass-through traffic by reducing the number of, and conflict between, long-distance trucks and trucks carrying hazardous materials in the downtown business district. The new highway would consist of a four-lane mainline road, three new interchanges, provisions for two future local access points, and a new crossing of the Arkansas River, as shown in Figure 1. The proposed action alternative features two interchange design options at existing US 287 and US 50—an ultimate design that features a diamond interchange with partial cloverleaf and an interim design that features an at-grade intersection with US 287 and US 50, with the latter realigned to the south to provide separation from the Burlington Northern Santa Fe railroad tracks. These alternative design options are illustrated in attached Figures 2 (ultimate) and 3 (interim).

### **Area of Potential Effects**

The Area of Potential Effects (APE) established for the project takes into consideration potential direct and indirect effects. You agreed with the APE in a letter to CDOT dated August 7, 2007.

### **Eligibility Determinations**

From 2003-2009, Western Cultural Resource Management, Inc. (WCRM) and CDOT staff historians conducted intensive-level field surveys of newly and previously recorded properties within the APE likely to be impacted by this project as well as a reconnaissance level survey of the Santa Fe Trail within the project area and Lamar downtown commercial area. Research was conducted at the Office of Archaeology and Historic Preservation (OAHP), the Denver Public Library, the General Land Office, and the Prowers County Assessor's office, among others. Three of the eight properties surveyed on an intensive level were assessed as eligible for inclusion on the National Register of Historic Places (NRHP). The reconnaissance level survey of the Santa Fe Trail did not find any evidence of the trail to document. Survey efforts of the Downtown Lamar Commercial Area did not indicate there is enough integrity for identification of a potential district in this area. Please see the attached report and site forms for more information about these resources.

Site Number	Name	Eligibility
5PW152.5	Atchison, Topeka and Santa Fe Railroad Segment	<i>Does not support eligibility</i>
5PW152.6	Atchison Topeka and Santa Fe Railroad Segment	<i>Supports eligibility</i>
5PW171.5	U.S. Highway 385/50 Segment	<i>Does not support eligibility</i>
5PW191.1	Lamar Canal Segment	<i>Does not support eligibility</i>
5PW191.2	Lamar Canal Segment	<i>Does not support eligibility</i>
5PW192.1	Fort Bent Canal Segment	<i>Supports eligibility</i>
5PW193.1	Vista del Rio Ditch Segment	<i>Does not support eligibility</i>
5PW194.1	Hyde Canal Segment	<i>Supports eligibility</i>
5PW298	Downtown Lamar Commercial Area	<i>Not eligible/no district potential</i>

**Effects Determinations**

**Atchison, Topeka and Santa Fe Railroad Segment (5PW152.5):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impacts to this segment will result in *no adverse effect* to the entire Atchison, Topeka and Santa Fe railroad.

**Atchison Topeka and Santa Fe Railroad Segment (5PW152.6):** Although final design plans are not yet available, two design interchange alternatives have been developed for the proposed action alternative—the ultimate and interim designs. Both alternatives call for 2 access ramps as well as south- and northbound traffic lanes over the railroad right-of-way; the access ramps will be 24 feet wide. The southbound traffic lanes will be a total of 44 feet wide (two twelve foot lanes and two ten foot shoulders) while the northbound lanes will be a total of 38 feet wide (two twelve foot lanes, one 10 foot exterior shoulder and one four foot interior shoulder). Sixty feet will separate the northbound and southbound traffic lanes.

All structures over the railroad ROW will be the standard 23.5 feet from the top of the rail to the bottom of the bridge. No structural piers for either the access ramps or the traffic lanes will be placed within the railroad ROW. See Figures 2 and 3 for more information.

Both the ultimate and interim designs for the proposed action alternative result in a new crossing of the railroad. Four structures will be placed over the railroad ROW, which introduces a visual element to the railroad setting, but the integrity of location, association, design, materials, and workmanship would remain unaltered. The setting and feeling would change somewhat within this segment as a result of the introduction of a new roadway; however, this crossing represents a small segment of the much larger linear resource. CDOT has determined that the project will result in *no adverse effect* to the entire Atchison, Topeka and Santa Fe railroad.

**U.S. Highway 385/50 Segment (5PW171.5):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impact to this segment will result in *no adverse effect* to the entire U.S. Highway 385/50 resource.

**Lamar Canal Segment (5PW191.1):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impact to this segment will result in *no adverse effect* to the entire Lamar Canal.

**Lamar Canal Segment (5PW191.2):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impact to this segment will result in *no adverse effect* to the entire Lamar Canal.

**Fort Bent Canal Segment (5PW192.1):** The new roadway would cross the canal via a box culvert, and the box culvert would span the waterway, maintain water flows through the canal and would not affect the



continued use of the ditch. The design for the proposed CBC has not been completed; however, the new structure will be a maximum of 194 feet long. Another 40 feet (20 feet on either side of the ditch) will be required for temporary construction disturbance. The ditch rider's road that exists parallel to the canal will be at grade with the roadway. Although the integration of the canal into a CBC at this location introduces a new element to the setting, materials, and workmanship of the current canal, it is a minor impact to a small segment and will not diminish the potential significance of the entire linear resource. CDOT has determined that the project will result in *no adverse effect* to the entire Fort Bent Canal.

**Vista del Rio Ditch Segment (5PW193.1):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impact to this segment will result in *no adverse effect* to the entire Vista del Rio Ditch.

**Hyde Canal Segment (5PW194.1):** Similar to 5PW192.1, the project includes a new road that would cross the canal via a box culvert. The box culvert would span the waterway, maintain water flows through the ditch and would not affect its continued use. The design for the proposed CBC has not been completed, but the structure will be a maximum of 194 feet long. Although the integration of a box culvert will alter the setting, materials, and workmanship of the current canal, it is a minor impact to a small segment and will not diminish the potential significance of the entire linear resource. Because of this, CDOT has determined that the project will result in *no adverse effect* to the entire Hyde Canal.

**Downtown Lamar Commercial Area (5PW298):** CDOT has determined that although the Lamar Downtown Commercial Area may be significant under NRHP Criterion A, there is not enough integrity present to convey significance or to warrant NRHP eligibility of a district. As a result, CDOT has determined that any indirect impacts to the commercial area due to the proposed project will result in *no historic properties affected*.

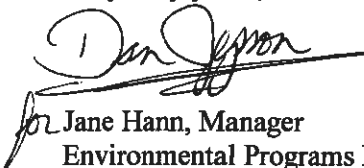
**Notification of Section 4(f) De Minimis Determination**

This project has been determined to have *no adverse effect* on the Atchison, Topeka & Santa Fe Railroad (5PW152), U.S. Highway 385/50 (5PW171), Lamar Canal (5PW191), Fort Bent Canal (5PW192), Vista del Rio Ditch (5PW193), and Hyde Canal (5PW194). Based on the findings outlined above, FHWA may make a *de minimis* finding for the Section 4(f) requirements for these properties.

We request your concurrence with these determinations of eligibility and effect. This information has also been forwarded to the Prowers County Preservation Advisory Board and Colorado Preservation, Inc. for review. Once we receive their comments we will forward them to you.

If you require additional information in order to complete your review, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

  
Jane Hann, Manager  
Environmental Programs Branch

Enclosures:      Figures 1, 2, 3  
                         Survey Report & Site Forms

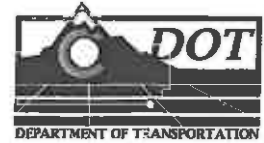
cc:                      Lisa Streisfeld, CDOT Region 2



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



April 29, 2011

Ms. Mary Root  
Historic Preservation Advisory Commission  
Prowers County  
301 South Main Street, Suite 125  
Lamar, CO 81052

**SUBJECT:** Determinations of Eligibility and Effects (Historic Resources) and Notification of Finding of Section 4(f) *De Minimis*, US 287 Lamar Reliever Route Environmental Assessment, Prowers County

Dear Ms. Root:

This letter, the attached survey report and assorted graphics constitute a request for comments on determinations of eligibility and effects for the project referenced above. The Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) have initiated an Environmental Assessment (EA) to examine alternatives to relocate US Highway 287 from Main Street in Lamar to a new alignment approximately one mile east of town. The purpose of the project is to improve conditions for pedestrians and local travelers in Lamar as well as for regional pass-through traffic by reducing the number of, and conflict between, long-distance trucks and trucks carrying hazardous materials in the downtown business district. The new highway would consist of a four-lane mainline road, three new interchanges, provisions for two future local access points, and a new crossing of the Arkansas River, as shown in Figure 1. The proposed action alternative features two interchange design options at existing US 287 and US 50—an ultimate design that features a diamond interchange with partial cloverleaf and an interim design that features an at-grade intersection at US 287 and US 50, with the latter realigned to the south to provide separation from the Burlington Northern Santa Fe railroad tracks. These alternative design options are illustrated in attached Figures 2 (ultimate) and 3 (interim).

### **Area of Potential Effects**

The Area of Potential Effects (APE) established for the project takes into consideration potential direct and indirect effects. The State Historic Preservation Office (SHPO) agreed with the APE in a letter to CDOT dated August 7, 2007.

### **Eligibility Determinations**

From 2003-2009, Western Cultural Resource Management, Inc. (WCRM) and CDOT staff historians conducted intensive-level field surveys of newly and previously recorded properties within the APE likely to be impacted by this project as well as a reconnaissance level survey of the Santa Fe Trail within the project area and Lamar downtown commercial area. Research was conducted at the Office of Archaeology and Historic Preservation (OAHP), the Denver Public Library, the General Land Office, and the Prowers County Assessor's office, among others. Three of the eight properties surveyed on an intensive level were assessed as eligible for inclusion on the National Register of Historic Places (NRHP). The reconnaissance level survey of the Santa Fe Trail did not find any evidence of the trail to document. Survey efforts of the Downtown Lamar Commercial Area did not indicate there is enough integrity for identification of a potential district in this area. Please see the attached report and site forms for more information about these resources.

Site Number	Name	Eligibility
5PW152.5	Atchison, Topeka and Santa Fe Railroad Segment	<i>Does not support eligibility</i>
5PW152.6	Atchison Topeka and Santa Fe Railroad Segment	<i>Supports eligibility</i>
5PW171.5	U.S. Highway 385/50 Segment	<i>Does not support eligibility</i>
5PW191.1	Lamar Canal Segment	<i>Does not support eligibility</i>
5PW191.2	Lamar Canal Segment	<i>Does not support eligibility</i>
5PW192.1	Fort Bent Canal Segment	<i>Supports eligibility</i>
5PW193.1	Vista del Rio Ditch Segment	<i>Does not support eligibility</i>
5PW194.1	Hyde Canal Segment	<i>Supports eligibility</i>
5PW298	Downtown Lamar Commercial Area	<i>Not eligible/no district potential</i>

### **Effects Determinations**

**Atchison, Topeka and Santa Fe Railroad Segment (5PW152.5):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impacts to this segment will result in *no adverse effect* to the entire Atchison, Topeka and Santa Fe railroad.

**Atchison Topeka and Santa Fe Railroad Segment (5PW152.6):** Although final design plans are not yet available, two design interchange alternatives have been developed for the proposed action alternative—the ultimate and interim designs. Both alternatives call for 2 access ramps as well as south- and northbound traffic lanes over the railroad right-of-way; the access ramps will be 24 feet wide. The southbound traffic lanes will be a total of 44 feet wide (two twelve foot lanes and two ten foot shoulders) while the northbound lanes will be a total of 38 feet wide (two twelve foot lanes, one 10 foot exterior shoulder and one four foot interior shoulder). Sixty feet will separate the northbound and southbound traffic lanes.

All structures over the railroad ROW will be the standard 23.5 feet from the top of the rail to the bottom of the bridge. No structural piers for either the access ramps or the traffic lanes will be placed within the railroad ROW. See Figures 2 and 3 for more information.

Both the ultimate and interim designs for the proposed action alternative result in a new crossing of the railroad. Four structures will be placed over the railroad ROW, which introduces a visual element to the railroad setting, but the integrity of location, association, design, materials, and workmanship would remain unaltered. The setting and feeling would change somewhat within this segment as a result of the introduction of a new roadway; however, this crossing represents a small segment of the much larger linear resource. CDOT has determined that the project will result in *no adverse effect* to the entire Atchison, Topeka and Santa Fe railroad.

**U.S. Highway 385/50 Segment (5PW171.5):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impact to this segment will result in *no adverse effect* to the entire U.S. Highway 385/50 resource.

**Lamar Canal Segment (5PW191.1):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impact to this segment will result in *no adverse effect* to the entire Lamar Canal.

**Lamar Canal Segment (5PW191.2):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impact to this segment will result in *no adverse effect* to the entire Lamar Canal.

**Fort Bent Canal Segment (5PW192.1):** The new roadway would cross the canal via a box culvert, and the box culvert would span the waterway, maintain water flows through the canal and would not affect the

continued use of the ditch. The design for the proposed CBC has not been completed; however, the new structure will be a maximum of 194 feet long. Another 40 feet (20 feet on either side of the ditch) will be required for temporary construction disturbance. The ditch rider's road that exists parallel to the canal will be at grade with the roadway. Although the integration of the canal into a CBC at this location introduces a new element to the setting, materials, and workmanship of the current canal, it is a minor impact to a small segment and will not diminish the potential significance of the entire linear resource. CDOT has determined that the project will result in *no adverse effect* to the entire Fort Bent Canal.

**Vista del Rio Ditch Segment (5PW193.1):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impact to this segment will result in *no adverse effect* to the entire Vista del Rio Ditch.

**Hyde Canal Segment (5PW194.1):** Similar to 5PW192.1, the project includes a new road that would cross the canal via a box culvert. The box culvert would span the waterway, maintain water flows through the ditch and would not affect its continued use. The design for the proposed CBC has not been completed, but the structure will be a maximum of 194 feet long. Although the integration of a box culvert will alter the setting, materials, and workmanship of the current canal, it is a minor impact to a small segment and will not diminish the potential significance of the entire linear resource. Because of this, CDOT has determined that the project will result in *no adverse effect* to the entire Hyde Canal.

**Downtown Lamar Commercial Area (5PW298):** CDOT has determined that although the Lamar Downtown Commercial Area may be significant under NRHP Criterion A, there is not enough integrity present to convey significance or to warrant NRHP eligibility of a district. As a result, CDOT has determined that any indirect impacts to the commercial area due to the proposed project will result in *no historic properties affected*.

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

### **Background**

In addition to Section 106 of the NHPA, FHWA must comply with Section 4(f), which is codified at both 49 U.S.C § 303 and 23 U.S.C. § 138. Congress amended Section 4(f) when it enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, enacted August 10, 2005) ("SAFETEA-LU"). Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes FHWA to approve a project that uses Section 4(f) lands that are part of a historic property without preparation of an Avoidance Analysis, if it makes a finding that such uses would have "*de minimis*" impacts upon the Section 4(f) resource, with the concurrence of the SHPO.

On December 12, 2005, the Federal Highway Administration issued its "Guidance for Determining *De Minimis* Impacts to Section 4(f) Resources" which indicates that a finding of *de minimis* can be made when the Section 106 process results in a *no adverse effect* or *no historic properties affected* determination, when the SHPO is informed of the FHWA's intent to make a *de minimis* impact finding based on their written concurrence in the Section 106 determination, and when FHWA has considered the views of any Section 106 consulting parties participating in the Section 106 process. This new provision of Section 4(f) and the associated guidance are in part the basis of this letter, and of FHWA's determination and notification of *de minimis* impacts to the Prowers County Historic Preservation Advisory Commission with respect to the proposed project. At this time we are notifying the Section 106 consulting parties per section 6009(b)(2)(C). On March 12, 2008, FHWA issued a Final Rule on Section 4(f), which clarified and implemented the procedures for determining a *de minimis* impact. In addition the Final Rule moves the Section 4(f) regulation to 23 CFR 774.

**Notification of Section 4(f) De Minimis Determination**

This project has been determined to have *no adverse effect* on the Atchison, Topeka & Santa Fe Railroad (5PW152), U.S. Highway 385/50 (5PW171), Lamar Canal (5PW191), Fort Bent Canal (5PW192), Vista del Rio Ditch (5PW193), and Hyde Canal (5PW194). Based on the findings outlined above, FHWA may make a *de minimis* finding for the Section 4(f) requirements for these properties.

As a county preservation commission, we welcome your comments about these findings. Should you elect to respond, we request your comments within 30 days of receipt of these materials. This information has also been forwarded to the State Historic Preservation Officer (SHPO) and Colorado Preservation, Inc. for review. If you require additional information in order to complete your review, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,



Jane Hann, Manager  
Environmental Programs Branch

Enclosures:      Figures 1, 2, 3  
                         Survey Report & Site Forms

cc:                      Lisa Streisfeld, CDOT Region 2

# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



April 29, 2011

Mr. James Hare  
Colorado Preservation Incorporated  
2100 Downing Street, Suite 300  
Denver, CO 80205

**SUBJECT:** Determinations of Eligibility and Effects (Historic Resources) and Notification of Finding of Section 4(f) *De Minimis*, US 287 Lamar Reliever Route Environmental Assessment, Prowers County

Dear Mr. Hare:

This letter, the attached survey report and assorted graphics constitute a request for comments on determinations of eligibility and effects for the project referenced above. The Colorado Department of Transportation (CDOT) and the Federal Highway Administration (FHWA) have initiated an Environmental Assessment (EA) to examine alternatives to relocate US Highway 287 from Main Street in Lamar to a new alignment approximately one mile east of town. The purpose of the project is to improve conditions for pedestrians and local travelers in Lamar as well as for regional pass-through traffic by reducing the number of, and conflict between, long-distance trucks and trucks carrying hazardous materials in the downtown business district. The new highway would consist of a four-lane mainline road, three new interchanges, provisions for two future local access points, and a new crossing of the Arkansas River, as shown in Figure 1. The proposed action alternative features two interchange design options at existing US 287 and US 50—an ultimate design that features a diamond interchange with partial cloverleaf and an interim design that features an at-grade intersection at US 287 and US 50, with the latter realigned to the south to provide separation from the Burlington Northern Santa Fe railroad tracks. These alternative design options are illustrated in attached Figures 2 (ultimate) and 3 (interim).

### **Area of Potential Effects**

The Area of Potential Effects (APE) established for the project takes into consideration potential direct and indirect effects. The State Historic Preservation Office (SHPO) agreed with the APE in a letter to CDOT dated August 7, 2007.

### **Eligibility Determinations**

From 2003-2009, Western Cultural Resource Management, Inc. (WCRM) and CDOT staff historians conducted intensive-level field surveys of newly and previously recorded properties within the APE likely to be impacted by this project as well as a reconnaissance level survey of the Santa Fe Trail within the project area and Lamar downtown commercial area. Research was conducted at the Office of Archaeology and Historic Preservation (OAHP), the Denver Public Library, the General Land Office, and the Prowers County Assessor's office, among others. Three of the eight properties surveyed on an intensive level were assessed as eligible for inclusion on the National Register of Historic Places (NRHP). The reconnaissance level survey of the Santa Fe Trail did not find any evidence of the trail to document. Survey efforts of the Downtown Lamar Commercial Area did not indicate there is enough integrity for identification of a potential district in this area. Please see the attached report and site forms for more information about these resources.

Site Number	Name	Eligibility
5PW152.5	Atchison, Topeka and Santa Fe Railroad Segment	<i>Does not support eligibility</i>
5PW152.6	Atchison Topeka and Santa Fe Railroad Segment	<i>Supports eligibility</i>
5PW171.5	U.S. Highway 385/50 Segment	<i>Does not support eligibility</i>
5PW191.1	Lamar Canal Segment	<i>Does not support eligibility</i>
5PW191.2	Lamar Canal Segment	<i>Does not support eligibility</i>
5PW192.1	Fort Bent Canal Segment	<i>Supports eligibility</i>
5PW193.1	Vista del Rio Ditch Segment	<i>Does not support eligibility</i>
5PW194.1	Hyde Canal Segment	<i>Supports eligibility</i>
5PW298	Downtown Lamar Commercial Area	<i>Not eligible/no district potential</i>

### **Effects Determinations**

**Atchison, Topeka and Santa Fe Railroad Segment (5PW152.5):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impacts to this segment will result in *no adverse effect* to the entire Atchison, Topeka and Santa Fe railroad.

**Atchison Topeka and Santa Fe Railroad Segment (5PW152.6):** Although final design plans are not yet available, two design interchange alternatives have been developed for the proposed action alternative—the ultimate and interim designs. Both alternatives call for 2 access ramps as well as south- and northbound traffic lanes over the railroad right-of-way; the access ramps will be 24 feet wide. The southbound traffic lanes will be a total of 44 feet wide (two twelve foot lanes and two ten foot shoulders) while the northbound lanes will be a total of 38 feet wide (two twelve foot lanes, one 10 foot exterior shoulder and one four foot interior shoulder). Sixty feet will separate the northbound and southbound traffic lanes.

All structures over the railroad ROW will be the standard 23.5 feet from the top of the rail to the bottom of the bridge. No structural piers for either the access ramps or the traffic lanes will be placed within the railroad ROW. See Figures 2 and 3 for more information.

Both the ultimate and interim designs for the proposed action alternative result in a new crossing of the railroad. Four structures will be placed over the railroad ROW, which introduces a visual element to the railroad setting, but the integrity of location, association, design, materials, and workmanship would remain unaltered. The setting and feeling would change somewhat within this segment as a result of the introduction of a new roadway; however, this crossing represents a small segment of the much larger linear resource. CDOT has determined that the project will result in *no adverse effect* to the entire Atchison, Topeka and Santa Fe railroad.

**U.S. Highway 385/50 Segment (5PW171.5):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impact to this segment will result in *no adverse effect* to the entire U.S. Highway 385/50 resource.

**Lamar Canal Segment (5PW191.1):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impact to this segment will result in *no adverse effect* to the entire Lamar Canal.

**Lamar Canal Segment (5PW191.2):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impact to this segment will result in *no adverse effect* to the entire Lamar Canal.

**Fort Bent Canal Segment (5PW192.1):** The new roadway would cross the canal via a box culvert, and the box culvert would span the waterway, maintain water flows through the canal and would not affect the



continued use of the ditch. The design for the proposed CBC has not been completed; however, the new structure will be a maximum of 194 feet long. Another 40 feet (20 feet on either side of the ditch) will be required for temporary construction disturbance. The ditch rider's road that exists parallel to the canal will be at grade with the roadway. Although the integration of the canal into a CBC at this location introduces a new element to the setting, materials, and workmanship of the current canal, it is a minor impact to a small segment and will not diminish the potential significance of the entire linear resource. CDOT has determined that the project will result in *no adverse effect* to the entire Fort Bent Canal.

**Vista del Rio Ditch Segment (5PW193.1):** CDOT has determined that this segment does not support the eligibility of the entire linear resource. Therefore, any impact to this segment will result in *no adverse effect* to the entire Vista del Rio Ditch.

**Hyde Canal Segment (5PW194.1):** Similar to 5PW192.1, the project includes a new road that would cross the canal via a box culvert. The box culvert would span the waterway, maintain water flows through the ditch and would not affect its continued use. The design for the proposed CBC has not been completed, but the structure will be a maximum of 194 feet long. Although the integration of a box culvert will alter the setting, materials, and workmanship of the current canal, it is a minor impact to a small segment and will not diminish the potential significance of the entire linear resource. Because of this, CDOT has determined that the project will result in *no adverse effect* to the entire Hyde Canal.

**Downtown Lamar Commercial Area (5PW298):** CDOT has determined that although the Lamar Downtown Commercial Area may be significant under NRHP Criterion A, there is not enough integrity present to convey significance or to warrant NRHP eligibility of a district. As a result, CDOT has determined that any indirect impacts to the commercial area due to the proposed project will result in *no historic properties affected*.

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

### **Background**

In addition to Section 106 of the NHPA, FHWA must comply with Section 4(f), which is codified at both 49 U.S.C § 303 and 23 U.S.C. § 138. Congress amended Section 4(f) when it enacted the Safe, Accountable, Flexible, Efficient Transportation Equity Act: A Legacy for Users (Public Law 109-59, enacted August 10, 2005) ("SAFETEA-LU"). Section 6009 of SAFETEA-LU added a new subsection to Section 4(f), which authorizes FHWA to approve a project that uses Section 4(f) lands that are part of a historic property without preparation of an Avoidance Analysis, if it makes a finding that such uses would have "*de minimis*" impacts upon the Section 4(f) resource, with the concurrence of the SHPO.


On December 12, 2005, the Federal Highway Administration issued its "Guidance for Determining *De Minimis* Impacts to Section 4(f) Resources" which indicates that a finding of *de minimis* can be made when the Section 106 process results in a *no adverse effect* or *no historic properties affected* determination, when the SHPO is informed of the FHWA's intent to make a *de minimis* impact finding based on their written concurrence in the Section 106 determination, and when FHWA has considered the views of any Section 106 consulting parties participating in the Section 106 process. This new provision of Section 4(f) and the associated guidance are in part the basis of this letter, and of FHWA's determination and notification of *de minimis* impacts to Colorado Preservation Incorporated with respect to the proposed project. At this time we are notifying the Section 106 consulting parties per section 6009(b)(2)(C). On March 12, 2008, FHWA issued a Final Rule on Section 4(f), which clarified and implemented the procedures for determining a *de minimis* impact. In addition the Final Rule moves the Section 4(f) regulation to 23 CFR 774.

**Notification of Section 4(f) De Minimis Determination**

This project has been determined to have *no adverse effect* on the Atchison, Topeka & Santa Fe Railroad (SPW152), U.S. Highway 385/50 (SPW171), Lamar Canal (SPW191), Fort Bent Canal (SPW192), Vista del Rio Ditch (SPW193), and Hyde Canal (SPW194). Based on the findings outlined above, FHWA may make a *de minimis* finding for the Section 4(f) requirements for these properties.

As a statewide historic preservation organization, we welcome your comments on this project. Should you elect to respond, we request your comments within 30 days of receipt of these materials. This information has also been forwarded to the State Historic Preservation Officer (SHPO) and the Prowers County Historic Preservation Advisory Commission for review. If you require additional information in order to complete your review, please contact CDOT Senior Staff Historian Lisa Schoch at (303) 512-4258.

Very truly yours,

  
Jane Hann, Manager  
Environmental Programs Branch

Enclosures:      Figures 1, 2, 3  
                         Survey Report & Site Forms

cc:                    Lisa Streisfeld, CDOT Region 2

# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch  
Shumate Building  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9281



April 25, 2008

Kim Fournier  
Deputy Administrator  
Prowers County Historic Preservation Advisory Board  
301 South Main St., Suite 215  
Lamar, CO 81052

**SUBJECT:** Section 106 Historic Properties Consultation, U.S. 287 Lamar Bypass Environmental Assessment

Dear Ms. Fournier:

The Colorado Department of Transportation (CDOT) has initiated an Environmental Assessment (EA) to examine alternatives to relocate US Highway 287 from Main Street in Lamar to a new alignment approximately one mile east of town. The purpose of this project is to improve conditions for pedestrians and local travelers in Lamar and improve conditions for regional pass-through traffic. This will be accomplished by reducing the number of and conflict between long-distance trucks and trucks carrying hazardous materials in the downtown business district.

Because the project is receiving federal transportation funding, the Federal Highway Administration (FHWA) and CDOT are involved in the preparation and review of the EA. The project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 USC 470f), and its implementing regulations (36 CFR 800). The project team is seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the potential effects of the project on historic properties. FHWA and CDOT would like to formally offer the Lamar Historic Preservation Advisory Board the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

### **Historic Properties Identification**

As part of the survey of the project area, we are identifying previously recorded and newly-identified historic sites, structures, and districts in the Area of Potential Effects (APE) depicted on the attached map. Additionally, we are conducting research on the properties not previously evaluated within the project area to determine their architectural and historical significance. Assessments of significance will be based on the criteria for listing on the National Register of Historic Places (NRHP). Once we have finalized our survey, it will be forwarded to the State Historic Preservation Officer (SHPO) and all consulting parties for review and comment. The boundary on the attached APE map was developed in consultation with SHPO staff and takes into consideration potential direct and indirect effects associated with the project. Please note that the City of Lamar is included in the APE boundary, but in consultation with SHPO CDOT has determined that no intensive-level survey is required since there will be no direct effects to the city. Also note that a separate archaeological survey of the APE has been completed; no archaeological sites eligible for the NRHP will be affected by the project.


Ms. Fournier  
April 25, 2008  
Page 2

**Section 106 Consultation**

If you are interested in participating as a consulting party for the Lamar Bypass EA under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Jennifer Olander, CDOT Assistant Staff Historian, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this EA, as stipulated in the Section 106 regulations. We also request that you provide any comments about the APE in your response.

If you elect to become a consulting party, we will continue to involve you in the Section 106 process as the project moves forward. For more information about Section 106, please visit the Advisory Council on Historic Preservation's web site at: [www.achp.gov](http://www.achp.gov). If you require additional information about the project specific to historic properties, please contact Ms. Olander at (303) 757-9758.

Very truly yours,

  
for Brad Beckham, Manager  
Environmental Programs Branch

Enclosures:     APE map

cc:                Judy DeHaven, CDOT Region 2  
                      Dirk Draper, CH2M HILL  
                      CF/F

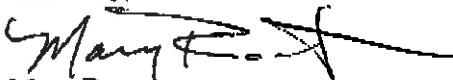
Jennifer Olander  
Colorado Department of Transportation  
Environmental Programs Branch  
Shumate Building  
4201 East Arkansas Ave.  
Denver, Co 80222  
VIA FACSIMILE 303-757-9445

**Subject: Section 106 Historic Properties Consultation, U.S. 287 Lamar Bypass  
Environmental Assessment**

Prowers County is interested in participating as a Section 106 consulting party for the Lamar Bypass Environmental Assessment.

Thank you for contacting us regarding the project.

Sincerely,



Mary Root  
Prowers County  
Land Use Administrator  
And Preservation Advisory  
Board Member



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch  
Shumate Building  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9281



April 25, 2008

Kim Fournier  
Deputy Administrator  
Prowers County Historic Preservation Advisory Board  
301 South Main St., Suite 215  
Lamar, CO 81052

**SUBJECT:** Section 106 Historic Properties Consultation, U.S. 287 Lamar Bypass Environmental Assessment

Dear Ms. Fournier:

The Colorado Department of Transportation (CDOT) has initiated an Environmental Assessment (EA) to examine alternatives to relocate US Highway 287 from Main Street in Lamar to a new alignment approximately one mile east of town. The purpose of this project is to improve conditions for pedestrians and local travelers in Lamar and improve conditions for regional pass-through traffic. This will be accomplished by reducing the number of and conflict between long-distance trucks and trucks carrying hazardous materials in the downtown business district.

Because the project is receiving federal transportation funding, the Federal Highway Administration (FHWA) and CDOT are involved in the preparation and review of the EA. The project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 USC 470f), and its implementing regulations (36 CFR 800). The project team is seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the potential effects of the project on historic properties. FHWA and CDOT would like to formally offer the Lamar Historic Preservation Advisory Board the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

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Ms. Fournier  
April 25, 2008  
Page 2

**Section 106 Consultation**

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If you elect to become a consulting party, we will continue to involve you in the Section 106 process as the project moves forward. For more information about Section 106, please visit the Advisory Council on Historic Preservation's web site at: [www.achp.gov](http://www.achp.gov). If you require additional information about the project specific to historic properties, please contact Ms. Olander at (303) 757-9758.

Very truly yours,

  
for Brad Beckham, Manager  
Environmental Programs Branch

Enclosures: APE map

cc: Judy DeHaven, CDOT Region 2  
Dirk Draper, CH2M HILL  
CF/F



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch  
Shumate Building  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9281



April 25, 2008

Ms. Mary Allman-Koernig  
Colorado Preservation, Incorporated  
333 W. Colfax Avenue, Suite 300  
Denver, CO 80204

**SUBJECT:** Section 106 Historic Properties Consultation, U.S. 287 Lamar Bypass Environmental Assessment

Dear Ms. Allman-Koernig:

The Colorado Department of Transportation (CDOT) has initiated an Environmental Assessment (EA) to examine alternatives to relocate US Highway 287 from Main Street in Lamar to a new alignment approximately one mile east of town. The purpose of this project is to improve conditions for pedestrians and local travelers in Lamar and improve conditions for regional pass-through traffic. This will be accomplished by reducing the number of and conflict between long-distance trucks and trucks carrying hazardous materials in the downtown business district.

Because the project is receiving federal transportation funding, the Federal Highway Administration (FHWA) and CDOT are involved in the preparation and review of the EA. The project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 USC 470f), and its implementing regulations (36 CFR 800). The project team is seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the potential effects of the project on historic properties. FHWA and CDOT would like to formally offer the Lamar Historic Preservation Advisory Board the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

### **Historic Properties Identification**

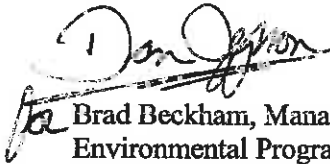
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**Section 106 Consultation**

If you are interested in participating as a consulting party for the Lamar Bypass EA under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Jennifer Olander, CDOT Assistant Staff Historian, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this EA, as stipulated in the Section 106 regulations. We also request that you provide any comments about the APE in your response.

If you elect to become a consulting party, we will continue to involve you in the Section 106 process as the project moves forward. For more information about Section 106, please visit the Advisory Council on Historic Preservation's web site at: [www.achp.gov](http://www.achp.gov). If you require additional information about the project specific to historic properties, please contact Ms. Olander at (303) 757-9758.

Very truly yours,



Brad Beckham, Manager  
Environmental Programs Branch

Enclosures: APE map

cc: Judy DeHaven, CDOT Region 2  
Dirk Draper, CH2M HILL  
CF/F

# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



April 25, 2008

Ms. Barbara Pahl  
Mountains/ Plains Regional Office  
National Trust for Historic Preservation  
535 16<sup>th</sup> St., Suite 750  
Denver, CO 80202

**SUBJECT:** Section 106 Historic Properties Consultation, U.S. 287 Lamar Bypass Environmental Assessment

Dear Ms. Pahl:

The Colorado Department of Transportation (CDOT) has initiated an Environmental Assessment (EA) to examine alternatives to relocate US Highway 287 from Main Street in Lamar to a new alignment approximately one mile east of town. The purpose of this project is to improve conditions for pedestrians and local travelers in Lamar and improve conditions for regional pass-through traffic. This will be accomplished by reducing the number of and conflict between long-distance trucks and trucks carrying hazardous materials in the downtown business district.

Because the project is receiving federal transportation funding, the Federal Highway Administration (FHWA) and CDOT are involved in the preparation and review of the EA. The project is an undertaking subject to compliance with Section 106 of the National Historic Preservation Act, as amended (Section 106, 16 USC 470f), and its implementing regulations (36 CFR 800). The project team is seeking the assistance of local communities and historic preservation organizations in the identification of historic properties, and to help identify issues that may relate to the potential effects of the project on historic properties. FHWA and CDOT would like to formally offer the Lamar Historic Preservation Advisory Board the opportunity to participate as a consulting party for the Section 106 compliance process, as provided in Section 800.3(f)(1) of the regulation.

### **Historic Properties Identification**

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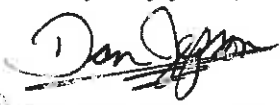
Ms. Pahl  
April 25, 2008  
Page 2

**Section 106 Consultation**

If you are interested in participating as a consulting party for the Lamar Bypass EA under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Jennifer Olander, CDOT Assistant Staff Historian, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this EA, as stipulated in the Section 106 regulations. We also request that you provide any comments about the APE in your response.

If you elect to become a consulting party, we will continue to involve you in the Section 106 process as the project moves forward. For more information about Section 106, please visit the Advisory Council on Historic Preservation's web site at: [www.achp.gov](http://www.achp.gov). If you require additional information about the project specific to historic properties, please contact Ms. Olander at (303) 757-9758.

Very truly yours,



Mr. Brad Beckham, Manager  
Environmental Programs Branch

Enclosures:     APE map

cc:                Judy DeHaven, CDOT Region 2  
                    Dirk Draper, CH2M HILL  
                    CF/F

F

# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

Environmental Programs Branch  
Shumate Building  
4201 East Arkansas Avenue  
Denver, Colorado 80222  
(303) 757-9281



April 25, 2008

Mr. Jeff Anderson  
City Administrator  
Lamar Historic Preservation Advisory Board  
102 E. Parmenter  
Lamar, CO 81052-3299

**SUBJECT:** Section 106 Historic Properties Consultation, U.S. 287 Lamar Bypass Environmental Assessment

Dear Mr. Anderson:

The Colorado Department of Transportation (CDOT) has initiated an Environmental Assessment (EA) to examine alternatives to relocate US Highway 287 from Main Street in Lamar to a new alignment approximately one mile east of town. The purpose of this project is to improve conditions for pedestrians and local travelers in Lamar and improve conditions for regional pass-through traffic. This will be accomplished by reducing the number of and conflict between long-distance trucks and trucks carrying hazardous materials in the downtown business district.

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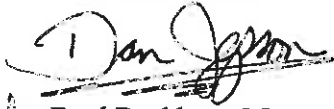
Mr. Anderson  
April 25, 2008  
Page 2

**Section 106 Consultation**

If you are interested in participating as a consulting party for the Lamar Bypass EA under the Section 106 guidelines, please respond in writing within 30 days of receipt of this letter to Jennifer Olander, CDOT Assistant Staff Historian, at the address on the letterhead. We request that your response include a statement of demonstrated interest in historic properties associated with this EA, as stipulated in the Section 106 regulations. We also request that you provide any comments about the APE in your response.

If you elect to become a consulting party, we will continue to involve you in the Section 106 process as the project moves forward. For more information about Section 106, please visit the Advisory Council on Historic Preservation's web site at: [www.achp.gov](http://www.achp.gov). If you require additional information about the project specific to historic properties, please contact Ms. Olander at (303) 757-9758.

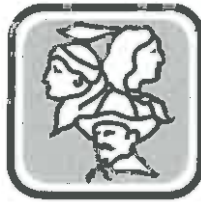
Very truly yours,



Brad Beckham, Manager  
Environmental Programs Branch

Enclosures:      APE map

cc:                 Judy DeHaven, CDOT Region 2  
                       Dirk Draper, CH2M HILL  
                       CF/F



COLORADO  
HISTORICAL  
SOCIETY

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

August 7, 2007

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

Re: Area of Potential Effects for US Highway 287 Bypass Environmental Assessment. (CHS #50417)


Dear Mr. Beckham,

Thank you for your additional information correspondence dated July 30, 2007 and received by our office on August 3, 2007 as well as the email dated August 6, 2007 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, including the revised map provided in the August 6, 2007 email, we do not object to the proposed Area of Potential Effects (APE) for the proposed 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 Coordinator, at (303) 866-4678.

Sincerely,

*For*   
Georgianna Contiguglia  
State Historic Preservation Officer



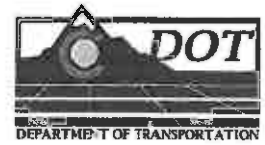




# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



July 30, 2007

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

**SUBJECT:** Area of Potential Effects (APE) for US Highway 287 Bypass Environmental Assessment, Prowers County (CHS #50417)

Dear Ms. Contiguglia:

In your June 25, 2007 correspondence related to review of the Area of Potential Effects (APE) associated with the project referenced above, you requested additional information regarding potential impacts to downtown Lamar resulting from the US 287 bypass and whether the APE boundary takes into account indirect effects resulting from construction.

Regarding the potential impact of the bypass on downtown Lamar, vehicle origin/destination surveys have shown that the Proposed Action's reliever route would attract vehicles that would not stop in downtown or patronize businesses occupying two historic structures along US 287. Of the current heavy volume of pass-through traffic, 84 percent of trucks and 30 percent of private vehicles do not stop in Lamar. These statistics are incompatible with the character and function of a central business district in small cities like Lamar, which in this case does not create an environment friendly to local travelers, vehicle parking or pedestrians. Further, today's heavy truck traffic may accelerate deterioration of older structures along US287/Main Street via increased vibration. CDOT believes that removing through-traveling trucks from downtown will be more compatible with the use and character of this area, and likely improve visitation to downtown by passenger vehicles.

In 2003, CDOT conducted a reconnaissance survey of downtown Lamar for a potential historic district. The inventory concluded that modernization had greatly diminished the integrity of downtown by changing the streetscape and building facades. Two previously recorded historic properties are located along US 287 in Lamar, the Davies Hotel (5PW25) and the Prowers County Courthouse (5PW27), which are separated by five city blocks. There are no existing or potential historic sites between these two structures that would support a historic district. In Lamar, it is rare to find more than two adjacent buildings that have not been modernized, as most facades have been removed or fronted with materials such as aluminum siding. The survey also determined that the relocation of many older businesses to modern structures has contributed to the loss of the downtown's historic integrity.

CDOT is considering several measures that will address the migration of businesses from downtown to the reliever route. These include access control on CDOT right-of-way; an agreement with the local government to reduce business migration; designating Main Street as "US 287 Business Route" and Olive Street as "US 50 Business Route;" directional signage to downtown along the reliever route; a downtown revitalization plan to enhance pedestrian access and parking; and an entryway to downtown near the south

Ms. Contiguglia  
July 30, 2007  
Page 2

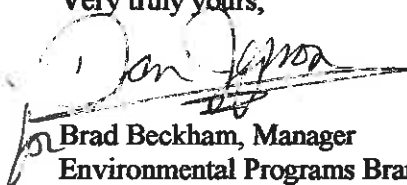
interchange (the intersection of the bypass route and US 287) appropriate in scale and theme for the setting.

Finally, it is difficult to predict whether the introduction of the bypass will either improve or harm the existing historic resources of downtown Lamar. However, it is our belief that diverting heavy truck traffic away from the downtown corridor will encourage the citizens and city government to appreciate the extant historic sites remaining in Lamar.

In response to your question on indirect effects, we will include Lamar in the APE, which acknowledges potential indirect effects from bypass construction. However, it is beyond the scope of the project to perform an extensive historic property survey of the downtown area. Please refer to the revised APE map included with this submittal.

If you require additional information regarding any information outlined above, please contact CDOT Assistant Staff Historian Robert Autobee at (303) 757-9758.

Very truly yours,






Brad Beckham, Manager  
Environmental Programs Branch

Enclosure

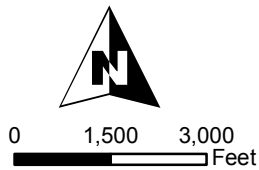
cc: File/CF  
Richard Annand, Region 2 RPEM  
Dirk Draper, CH2M Hill  
Chris Horn, FHWA



**Legend**

-  Area of Potential Effect
-  Intensive Survey
-  Proposed Footprint

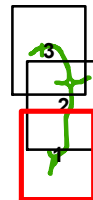
 Parcels

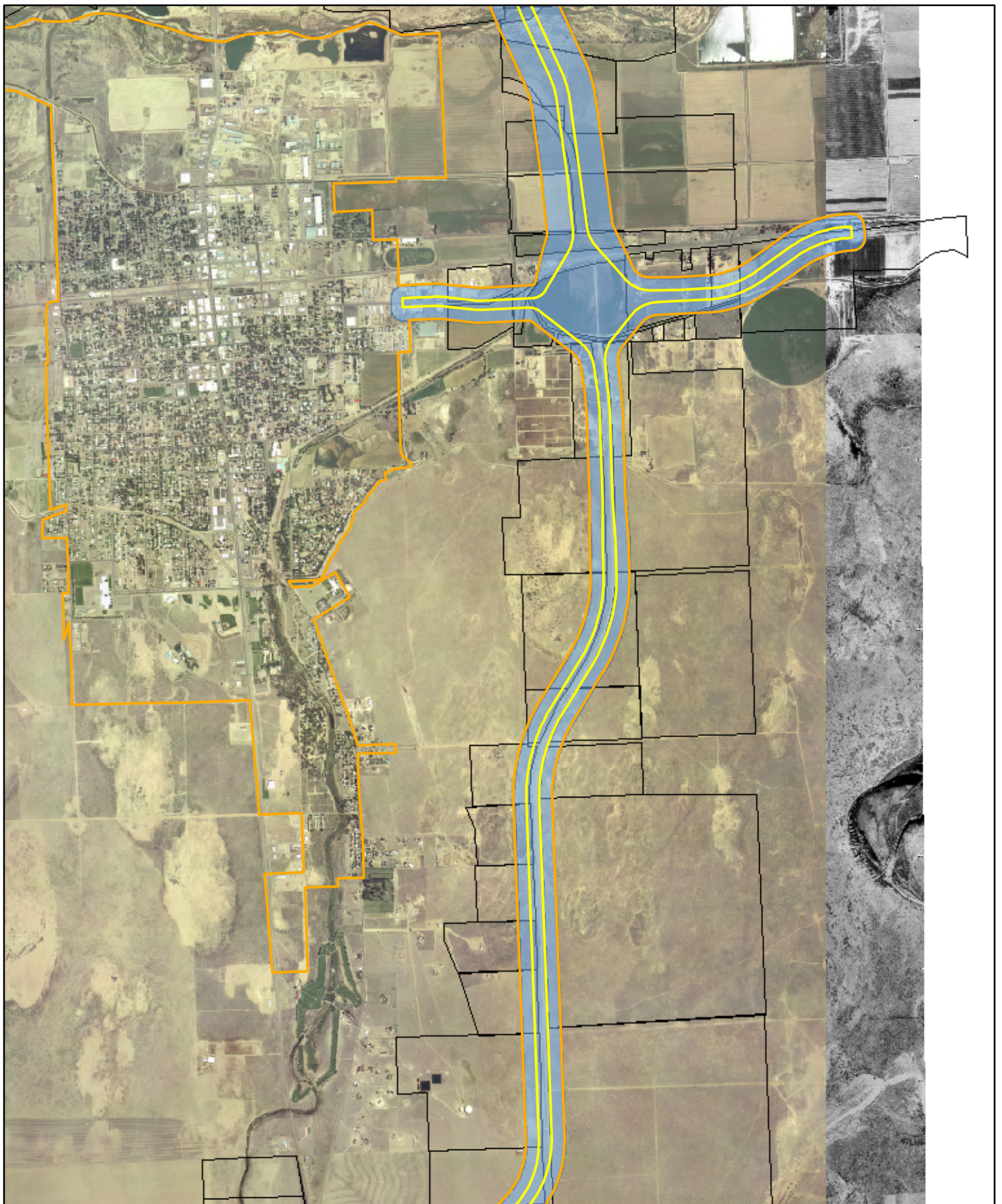


**DRAFT**

**US 287 at Lamar**

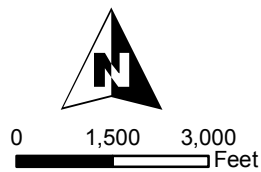
**Area of Potential Effect**





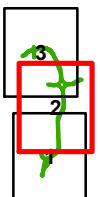
**Legend**

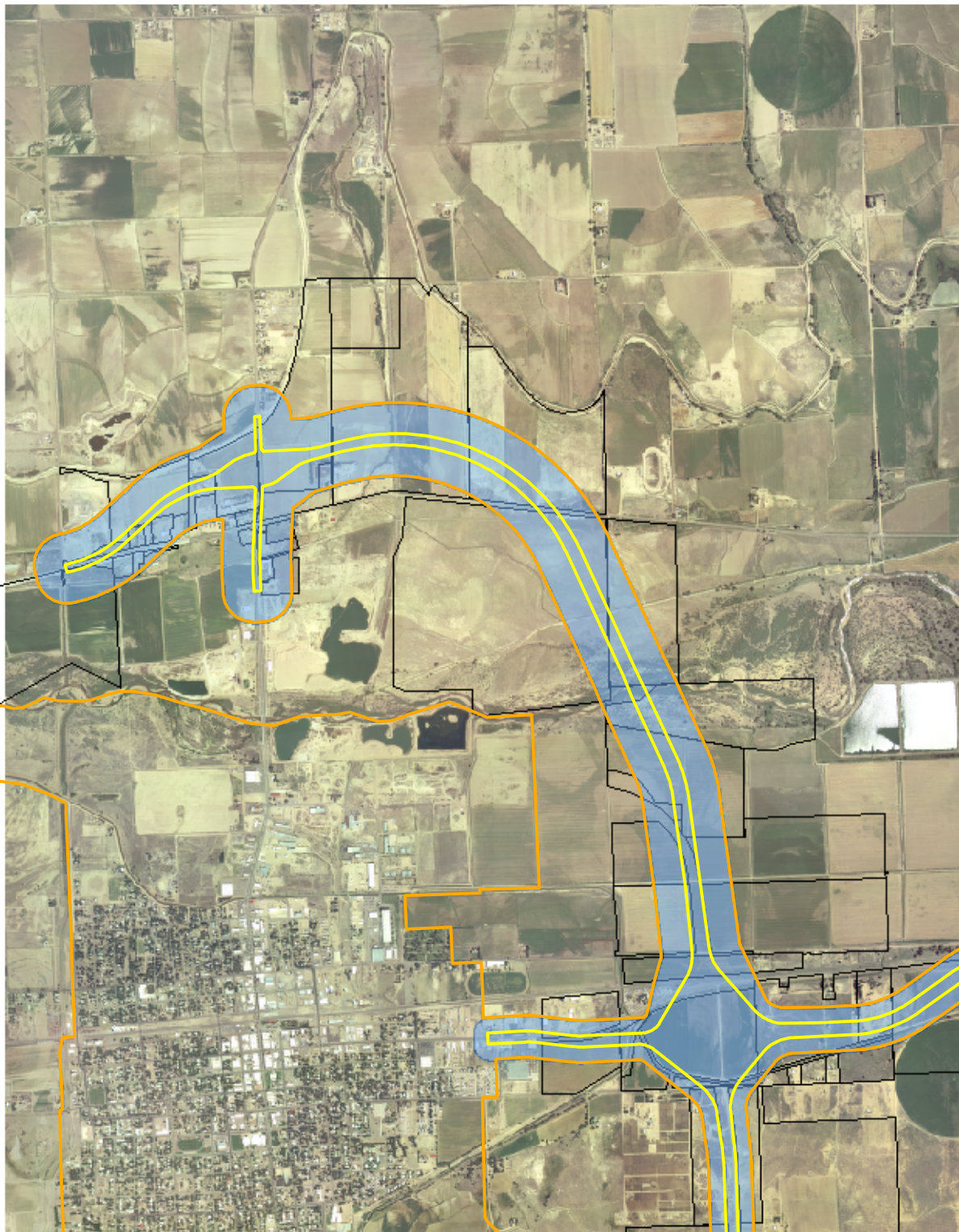
- Area of Potential Effect
- Intensive Survey
- Proposed Footprint
- Parcels






**DRAFT**

**US 287 at Lamar**  
**Area of Potential Effect**

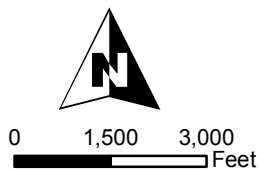




**Legend**

-  Area of Potential Effect
-  Intensive Survey
-  Proposed Footprint

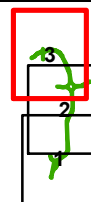
 Parcels



**DRAFT**

**US 287 at Lamar**

**Area of Potential Effect**







COLORADO  
HISTORICAL  
SOCIETY

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

June 25, 2007

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

Re: Area of Potential Effects. CDOT Project C 0287-026, US Highway 287 Bypass  
Environmental Assessment, Prowers County. (CHS #50417)

Dear Mr. Beckham,

Thank you for your correspondence dated June 11, 2007 and received by our office on June 15, 2007 regarding the consultation of the above-mentioned project under Section 106 of the National Historic Preservation Act (Section 106).

After review of the provided information, we have questions regarding the proposed Area of Potential Effects (APE). Does the proposed bypass have the potential to have an effect to downtown Lamar? How do the 300- and 600-foot corridors include the direct, indirect, and cumulative effects of the project? In our opinion, a bypass has the potential to affect a historic downtown commercial area due to the loss of traffic passing through the downtown. We recommend further consultation on if the APE should include Lamar.

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

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

Sincerely,

Georgianna Contiguglia  
State Historic Preservation Officer







# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



June 11, 2007

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

**SUBJECT:** Area of Potential Effects Delineation, CDOT Project C 0287-026, US Highway 287 Bypass Environmental Assessment, Prowers County

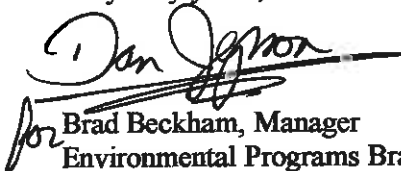
Dear Ms. Contiguglia:

This letter and the attached documentation constitute the Colorado Department of Transportation's (CDOT) request for review of the Area of Potential Effects (APE) associated with the project referenced above. CDOT and officials with the City of Lamar and Prowers County have developed an alternate truck route around downtown Lamar. A bypass route would improve traffic safety by reducing the current volume of heavy trucks along US 287 (Lamar's Main Street) through the city.

The proposed action would relocate US 287 from Main Street to a new alignment approximately one mile east of Lamar. The proposed APE boundary is located 300 feet from the edge of proposed improvements on the south side of the project corridor, and 600 feet from the edge of proposed improvements north of US Highway 50. The area within the APE is primarily undeveloped agricultural land. Please refer to the enclosed maps for an illustration of the APE.

We request your review of the APE boundary as discussed above and represented on the enclosed maps. Your response is necessary for CDOT's and FHWA's compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council on Historic Preservation's regulations. Thank you in advance for your prompt attention to this matter. If you require additional information, please contact CDOT Assistant Staff Historian Robert Autobee at (303) 757-9758.

Very truly yours,

  
Brad Beckham, Manager  
Environmental Programs Branch

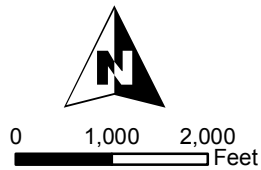
Enclosure: APE maps

cc: Dick Annand, CDOT Region 2  
Dirk Draper, CH2M Hill  
Chris Horn, FHWA  
File/CF



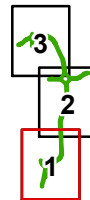
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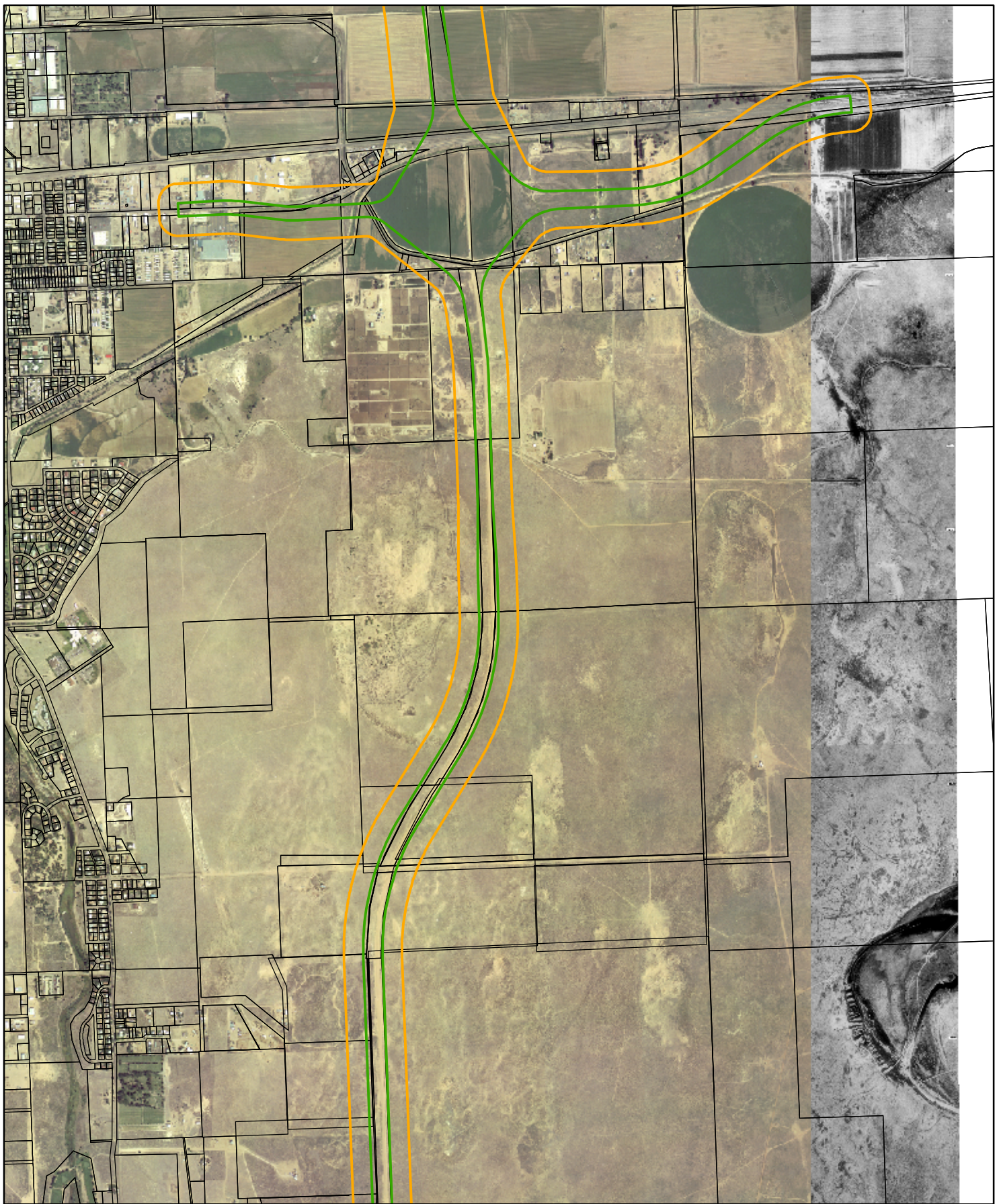
- Proposed APE
- Proposed Footprint
- Parcels






**DRAFT**

**US 287 at Lamar**  
**Proposed Area of Potential Effect**





**Legend**

-  Proposed APE
-  Proposed Footprint
-  Parcels

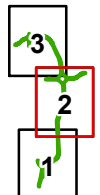


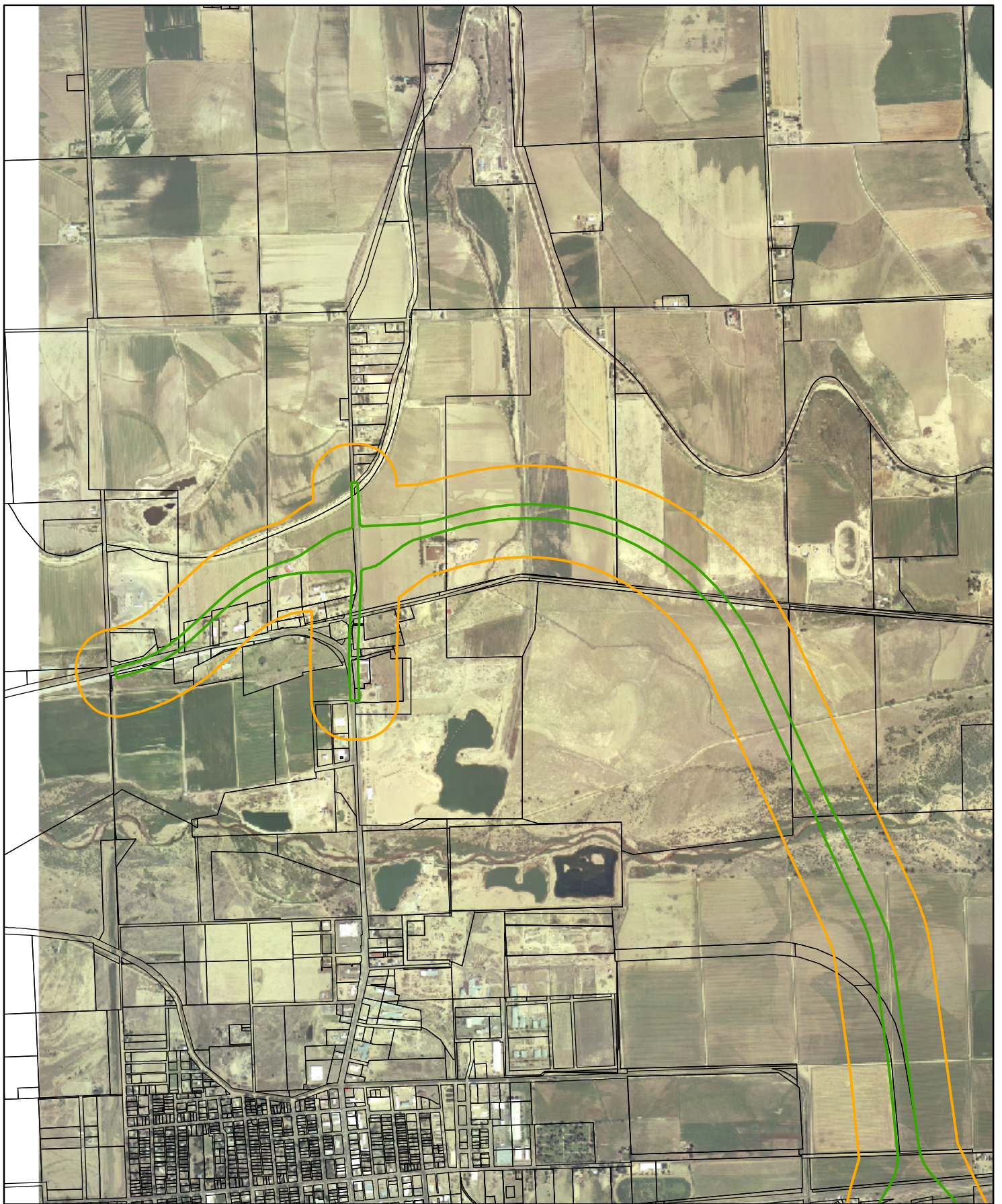
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**DRAFT**




*US 287 at Lamar*

**Proposed Area of Potential Effect**





**Legend**

-  Proposed APE
-  Proposed Footprint
-  Parcels

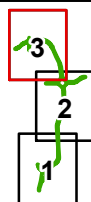


0 1,000 2,000  
Feet

**DRAFT**

*US 287 at Lamar*

**Proposed Area of Potential Effect**



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



# RECEIVED

December 1, 2003

DEC 03 2003

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

CHS/OAHP

Dear Ms. Contiguglia:

SUBJECT: Addendum Archaeological Survey Report, CDOT Project C 02871-026, Lamar Bypass EA

Enclosed for your review is an addendum archaeological resources survey report for the CDOT project referenced above. Initial work associated with this undertaking was completed last winter, and the results were submitted to you in report form in March 2003. Subsequent to that time the Area of Potential Effect (APE) for the project was substantially enlarged such that additional inventory was required. Centennial Archaeology, Inc., under contract to CDOT, conducted the original survey and also inventoried the additional acreage documented in the accompanying report.

The supplemental inventory, encompassing 1,041 acres, failed to identify any archaeological remains. One known Native American burial site (5PW79) is located within the APE. Excavated by OAHP staff in the mid-1990s and reinterred in nearly the same location, 5PW79 is located adjacent to a private residence that will not be affected by the bypass project. The interested Native American community has been notified of the presence of the site and CDOT's intention to avoid it. The site was not revisited by Centennial personnel during the recent survey. No historic properties will be affected by the proposed US Highway 287 bypass. (Please note that this is specific to archaeological resources, as historic resources will be reported separately.)

We request your concurrence with the "no historic properties affected" recommendation outlined above for 5PW79. If you have questions or require additional information about the project in general or the additional survey specifically, please contact CDOT Staff Archaeologist Dan Jepson at (303)757-9631.

Very truly yours,

for Brad Beckham, Manager  
Environmental Programs Branch

Enclosure

0005 530  
07/30/03  
12/3/03

cc: RF/CF

\*Concur\*

State Historic Preservation Officer

Date Dec. 3, 03

\*Conditional concurrence. Please confirm that this gravesite is fenced. In 1996, the landowners (Mr. & Mrs. Stegman) were attempting to accomplish this. (Information is on file as OAHP Burial Case 118).



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

PROJECT: C 02871-026, Lamar Bypass Environmental Assessment

The SOUTHERN CHEYENNE Tribe [is/ is not] (circle one) interested in becoming a consulting party for the Colorado Department of Transportation project referenced above, for the purpose of complying with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800). If your tribe will be a consulting party, please answer the questions below.

Signed: [Signature] Cheyenne NHPA Representative  
Name and Title TRANSPORTATION PLANNER  
10/20/03

CONSULTING PARTY STATUS [36 CFR §800.2(c)(3)]

Do you know of any specific sites or places to which your tribe attaches religious and cultural significance that may be affected by this project?

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

Burial sites, previously discovered Burials of the Cheyenne.

SCOPE OF IDENTIFICATION EFFORTS [36 CFR §800.4(a)(4)]

Do you have information you can provide us that will assist us in identifying sites or places that may be of religious or cultural significance to your tribe?

Yes  No If yes, please explain.

CONFIDENTIALITY OF INFORMATION [36 CFR §800.11(c)]

Is there any information you have provided here, or may provide in the future, that you wish to remain confidential?

Yes  No If yes, please explain.

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

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

**Project C 02871-026, Lamar Bypass Environmental Assessment**

**Telephone Conversation Between Mr. Jimmy Arterberry, NAGPRA Director, Comanche Nation of Oklahoma, and Dan Jepson, Section 106 Native American Consultation Liaison, Colorado Department of Transportation, Denver, Colorado  
3:00 PM Thursday, October 9, 2003**

- **Mr. Arterberry contacted Mr. Jepson in response to the October 1, 2003 letter sent to the Comanche Nation by FHWA/CDOT regarding potential cultural resources consultation for the project. Mr. Arterberry indicated that the tribe desires to be a consulting party under the terms of Section 106 of the National Historic Preservation Act.**
- **Mr. Arterberry stated that the Comanche Nation generally does not complete and submit the Consultation Interest Response Forms that CDOT and other agencies periodically send. The tribe prefers to send its own letters in response to consultation requests, but in this case Mr. Arterberry felt that a telephone call would be more efficient. As such, no written documentation of the tribe's consultation desires will be forthcoming.**







# STATE OF COLORADO

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



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



Colorado Federal Aid Division  
555 Zang Street, Room 250  
Lakewood, CO 80228-1040

October 1, 2003

Mr. Alonzo Chalepah, Chairman  
Apache Tribe of Oklahoma  
P.O. Box 1220  
Anadarko, OK 73005

Dear Mr. Chalepah:

**SUBJECT:** Section 106 Consultation with the Federal Highway Administration and Colorado Department of Transportation for Project C 02871-026, Lamar Bypass Environmental Assessment, Prowers County, Colorado

The Colorado Department of Transportation (CDOT) is proposing to relocate US Highway 287 from Main Street in Lamar, Colorado, approximately one mile east of the city (please refer to the enclosed maps). The project will consist of a new highway corridor bypassing Lamar (ultimately planned for four lanes), three new interchanges, and a crossing of the Arkansas River. A 1.2-mile segment of existing US 287 will also be reconfigured to serve as a frontage road providing local access. Pursuant to the National Environmental Policy Act (NEPA) of 1969 and the Council on Environmental Quality implementing regulations (40 CFR 1500-1508), CDOT and the Federal Highway Administration (FHWA), the lead federal agency, are documenting the potential social, economic and environmental consequences of this action in an Environmental Assessment (EA).

CDOT and FHWA are seeking the participation of regional Native American tribes in cultural resources consultation for this project. If you have interest in this undertaking and in cultural resources that may be of religious or cultural significance to your tribe, we invite you to be a consulting party for the purposes of complying with Section 106 of the National Historic Preservation Act. As a consulting party you are offered the opportunity to identify concerns about cultural resources and comment on how the project might affect them. Further, if it is found that the project will impact cultural resources that are eligible for inclusion on the National Register of Historic Places and are of religious or cultural significance to your tribe, your role in the consultation process may also include participation in resolving how best to avoid, minimize, or mitigate those impacts. It is our hope that by describing the proposed undertaking and the nature of known cultural sites that we can be more effective in protecting areas important to American Indian people.

The Area of Potential Effect (APE) established for the undertaking includes a broad corridor beginning at US Highway 287 south of Lamar and continuing northward for approximately nine miles, where it will connect with US 287/US 50 north of town (refer to enclosed aerial photograph). A substantial portion of the corridor was surveyed for archaeological resources in February 2003; however, additional inventory work remains to be completed, especially at the proposed interchange locations. The initial survey resulted in the discovery of two historic-era sites, neither of which contain evidence of Native American occupation or use. You will be notified of the results of any subsequent survey completed within the project area.

One known Native American burial site (5PW79) is located on private land within the study corridor. Discovered in 1996 by the property owner during a heavy equipment excavation, the site contained the skeletal remains of a single American Indian female with a variety of associated artifacts, including metal

Mr. Alonzo Chalepah  
October 1, 2003  
Page 2

pendants, bone beads and copper/brass wire bracelets. In April and May, 1996, the site was investigated by staff from the Colorado Historical Society, in cooperation with the Colorado Commission of Indian Affairs. Based on the presence of metal artifacts, the burial was tentatively dated between 125 and 350 years old. All human remains and associated artifacts exhumed from the burial were reinterred at the same location during a ceremony performed and overseen by Southern Cheyenne Tribe representatives on May 17, 1996. The burial site, situated south of a large irrigation canal, will be completely avoided during all phases of work associated with the bypass construction project, and therefore will remain intact and protected.

Both FHWA and CDOT take seriously any potential concerns regarding American Indians or American Indian issues on transportation projects in Colorado. We are committed to ensuring that you are informed of and involved in decisions that have a potential to impact places that may be culturally significant to your tribe. Please complete and return the enclosed Consultation Interest Response Form to me at your earliest opportunity at the mailing address or facsimile number listed at the bottom of that sheet. I can also be reached via Email at [daniel.jepson@dot.state.co.us](mailto:daniel.jepson@dot.state.co.us). or by telephone at (303)757-9631. Thank you for considering this request for consultation.

Sincerely,

A handwritten signature in black ink that reads "Dan Jepson". The signature is written in a cursive style and is underlined with a single horizontal line.

Dan Jepson, Staff Archaeologist  
Section 106 Native American Liaison

Enclosures

cc: C. Farrar/C. Horn (FHWA)  
J. DeHaven (CDOT Region 2)  
D. Draper (CH2M Hill)  
RF/CF

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

**PROJECT:** C 02871-026, Lamar Bypass Environmental Assessment

The \_\_\_\_\_ Tribe [is / is not] (circle one) interested in becoming a consulting party for the Colorado Department of Transportation project referenced above, for the purpose of complying with Section 106 of the National Historic Preservation Act and its implementing regulations (36 CFR 800). If your tribe will be a consulting party, please answer the questions below.

Signed: \_\_\_\_\_  
Name and Title

---

**CONSULTING PARTY STATUS [36 CFR §800.2(c)(3)]**

Do you know of any specific sites or places to which your tribe attaches religious and cultural significance that may be affected by this project?

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

---

**SCOPE OF IDENTIFICATION EFFORTS [36 CFR §800.4(a)(4)]**

Do you have information you can provide us that will assist us in identifying sites or places that may be of religious or cultural significance to your tribe?

Yes    No    If yes, please explain.

---

**CONFIDENTIALITY OF INFORMATION [36 CFR §800.11(c)]**

Is there any information you have provided here, or may provide in the future, that you wish to remain confidential?

Yes    No    If yes, please explain.

**Please complete and return this form via US Mail or fax to:**

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



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



# RECEIVED

March 6, 2003

MAR 10 2003

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

CHS/OAHP


**SUBJECT:** Eligibility and Effects Determinations, CDOT Project C 2871-026, Lamar Bypass EA

Enclosed for your review is a copy of the archaeological resources survey report and associated site forms for the CDOT project referenced above. The undertaking proposes the design and construction of a new nine-mile long US Highway 287 bypass alignment on the east side of Lamar in Prowers County. Centennial Archaeology, Inc., under contract to the State of Colorado, conducted the survey and authored the report in February 2003. CDOT and the Federal Highway Administration are in the process of completing an Environmental Assessment for the project, and the results of the archaeological investigation will be incorporated into that document.

The survey resulted in the identification and documentation of one historic archaeological site (5PW189) and one historic period isolated find (5PW188). The site consists of a dilapidated corral, several pieces of farm equipment and wagon frames, and a sparse scatter of wire nails. The locality retains no original integrity and is neither unique nor associated with persons or events significant in regional history, and it is therefore recommended as not eligible for listing on the National Register of Historic Places (NRHP). The isolate is limited to a cluster of 48 brick fragments that is not associated with any known architectural feature. By definition, isolates are not significant resources, and consequently 5PW188 is evaluated as not NRHP eligible. CDOT concurs with the survey methodology employed and the results obtained by Centennial Archaeology, and finds that no historic properties will be affected by the proposed bypass construction. (Please note that this determination is specific only to archaeological resources within the study corridor, as a historic resources report will be completed and submitted to your office separately.)

We request your concurrence with the site recommendations outlined above and in the enclosed report. For your convenience, a signature line is provided below. If you have questions or require additional information in order to complete your review, please contact CDOT Staff Archaeologist Dan Jepson at (303)757-9631.

Very truly yours,

  
for Rebecca D. Vickers  
Environmental Programs Manager

Enclosures

I concur:

  
State Historic Preservation Officer

3/12/03  
Date





# STATE OF COLORADO

---

## DEPARTMENT OF TRANSPORTATION

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



**Date:** April 9, 2013  
**To:** Rob Frei, CDOT Region 2  
**From:** Becky Pierce, CDOT Wetland Program Manager *BMP*  
**Project:** Wetland Finding, US 287 Lamar Reliever Route, Project # C 2871-026, SA 11637

I have reviewed the wetland finding for the US 287 Lamar Reliever Route project and have no comments or concerns. The wetland finding report should be part of the final Environmental Assessment (EA) as an appendix. Wetland finding reports associated with an EA must have Federal Highway Administration (FHWA) approval, therefore Stephanie Gibson was consulted concerning this project. Mrs. Gibson concurred that the approval of the wetland finding can happen concurrently with the signature of the final EA.

Please include the wetland finding in the EA for review by FHWA. No separate approval letter is required.





## United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Ecological Services  
Colorado Field Office  
P.O. Box 25486, DFC (65412)  
Denver, Colorado 80225-0486



IN REPLY REFER TO:  
ES/CO: CDOT  
TAILS: 65412-2011-I-0713

OCT 31 2011

Jeff Peterson  
Colorado Department of Transportation  
4201 East Arkansas Avenue, Shumate Building  
Denver, Colorado 80222

Dear Mr. Peterson:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed your September 23, 2011, biological assessment regarding the **US287 at Lamar Bypass Project in Prowers County, Colorado**. Your biological assessment addresses potential impacts to the endangered Interior Least Tern (*Sterna antillarum*) and the threatened Piping Plover (*Charadrius melodus*), as well as to the Arkansas darter (*Etheostoma cragini*) and the Lesser Prairie-chicken (*Tympanuchus pallidicinctus*), both Candidate species, and their habitats due to the construction of a new road. The project area occurs within habitat for these species.

The proposed alignment of the new road roughly follows CR CC.5 from the existing US287 northward to US50. At US50 a large intersection is proposed to allow access from US287 to US50 for both east and westbound traffic. The alignment then continues northward through existing agricultural fields, over the Arkansas River, then curving to the east to reconnect with US50 northwest of Lamar.

Given your project description and location, the Service finds the report acceptable and concurs with the determination that the impacts resulting from the proposed project may affect, but are not likely to adversely affect the continued existence of the Interior Least Tern, the Piping Plover, the Arkansas darter, and the Lesser Prairie-chicken.

We understand that the project is not likely to occur for many years, and that site conditions and the project description are likely to change. We look forward to consulting with you further as the time for project implementation approaches in order to discuss any changes in site conditions and project description, or whether there is additional information regarding listed or proposed species. As more information becomes available, this determination may be reconsidered under the ESA.

Mr. Jeff Peterson, US287 Lamar, concurrence

Page 2

We appreciate your submitting this report to our office for review and comment. If the Service can be of further assistance, please contact Alison Deans Michael of my staff at (303) 236-4758.

Sincerely,



Susan C. Linner  
Colorado Field Supervisor

ec: CDOT, R5 (Tony Cady)  
Michael

Ref: AlisonH:\My Documents\CDOT 2007\Region 3\US287\_Lamar\_all\_spp\_concur.docx

**COLORADO DEPARTMENT OF TRANSPORTATION  
MAIL TRANSMITTAL - LOCATION/REGION**

(Use other side for Headquarters & Empire Park delivery)

Deliver to the location or Region below:

- |  |  |   |
|--|--|---|
| <ul style="list-style-type: none"> <li><input type="checkbox"/> Aeronautics</li> <li><input type="checkbox"/> Eisenhower Tunnel</li> <li><input type="checkbox"/> Region 1 (Aurora)</li> <li><input checked="" type="checkbox"/> Region 2 (Pueblo)</li> <li><input type="checkbox"/> Region 3 (Grand Junction)</li> <li><input type="checkbox"/> Region 3 (Glenwood Springs)</li> <li><input type="checkbox"/> Region 3 (Craig)</li> <li><input type="checkbox"/> Region 4 (Greeley)</li> <li><input type="checkbox"/> Region 5 (Alamosa)</li> <li><input type="checkbox"/> Region 5 (Durango)</li> <li><input type="checkbox"/> Region 6 (Denver)</li> <li><input type="checkbox"/> Sign Shop</li> <li><input type="checkbox"/> Warehouse #9</li> <li><input type="checkbox"/> Materials/Geotechnical Branch - N Holly</li> </ul> | <ul style="list-style-type: none"> <li><input type="checkbox"/> Attorney Generals Office</li> <li><input type="checkbox"/> FHWA</li> <li><input type="checkbox"/> State Accounts &amp; Control - 633 17th Street</li> <li><input type="checkbox"/> State Capitol</li> <li>Please indicate office _____</li> <li><input type="checkbox"/> Other _____</li> <li><input type="checkbox"/> ITS/TOC - Corp Circle</li> <li><input type="checkbox"/> Camp George West                             <ul style="list-style-type: none"> <li><input type="checkbox"/> Training Academy - Bldg 43</li> <li><input type="checkbox"/> Maintenance and Operations - Bldg 44</li> <li><input type="checkbox"/> Property Mgmt/Hazardous Waste - Bldg 47</li> <li><input type="checkbox"/> Equipment - Bldg 83</li> </ul> </li> </ul> | <p><b>Region Section:</b></p> <ul style="list-style-type: none"> <li><input type="checkbox"/> Region Transportation Director</li> <li><input type="checkbox"/> Resident Engineer</li> <li><input type="checkbox"/> Business Office</li> <li><input type="checkbox"/> Coordinating</li> <li><input type="checkbox"/> Design</li> <li><input type="checkbox"/> EEO</li> <li><input type="checkbox"/> Engineering Section                             <ul style="list-style-type: none"> <li><input type="checkbox"/> North    <input type="checkbox"/> East</li> <li><input type="checkbox"/> South    <input type="checkbox"/> West</li> </ul> </li> <li><input checked="" type="checkbox"/> Environmental</li> <li><input type="checkbox"/> Maintenance</li> <li><input type="checkbox"/> Materials</li> <li><input type="checkbox"/> Right of Way</li> <li><input type="checkbox"/> Traffic</li> <li><input type="checkbox"/> Utilities</li> </ul> |
|--|--|---|

**RECEIVED**

**SEP 27 2011**

Colo. Spgs.  
**Engineers**

<b>To: (name)</b> <i>Lisa Shansfeld</i>	<b>Date</b> <i>9/23/11</i>	<b>From: (name or location)</b> <i>Jeff Peterson</i>
<input type="checkbox"/> For approval <input type="checkbox"/> Advertised set	<input type="checkbox"/> Revision	<input checked="" type="checkbox"/> For your information
<input type="checkbox"/> Per our conversation <input type="checkbox"/> Per your request	<input type="checkbox"/> Proof	<input type="checkbox"/> As Constructed
<input type="checkbox"/> Award sets <input type="checkbox"/> Investigate and report	<input type="checkbox"/> Other:	

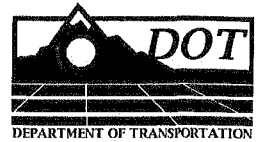
**Comments:** *Lamar FWS cover letter*



# STATE OF COLORADO

## DEPARTMENT OF TRANSPORTATION

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



Susan Linner  
USFWS/ES  
P.O. Box 25486 (MS 65412)  
Denver, CO 80225

Attn: Alison Deans Michael

September 23, 2011

Dear Ms. Linner,

Please find enclosed a memo describing the impacts a new highway east of Lamar, in Prowers County, Colorado may have on federally listed and other special status species. The details of the new highway, species effects determination and justification and area photographs are all enclosed. According to the analysis, it was determined that the project *may affect, but is not likely to adversely affect* the following species:

Arkansas darter (*Etheostoma cragini*)  
Piping Plover (*Charadrius melodus*)  
Least Tern (*Sternula antillarum*)

It was further determined that the project will have *no effect* on the Lesser Prairie Chicken (*Tympanuchus pallidicinctus*).

Because this project proposes to install a new highway, it does not qualify to take advantage of the Shortgrass Prairie Initiative.

The Colorado Department of Transportation (CDOT) is requesting that the US Fish and Wildlife Service review the attached document and concur or disagree with the determination in writing. If you have any questions or need any additional information please contact Rob Frei, Region 2 CDOT at 719-227-3251 or myself at 303-512-4959.

Thank you for your attention to this matter.

Sincerely,

Jeff Peterson  
CDOT Wildlife Specialist

Cc: CDOT, R2, Rob Frei  
CDOT, R2, Lisa Streisfeld

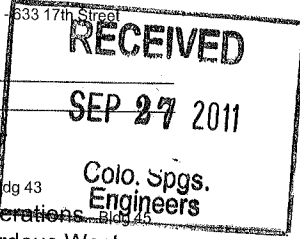
**COLORADO DEPARTMENT OF TRANSPORTATION  
MAIL TRANSMITTAL - LOCATION/REGION**

(Use other side for Headquarters & Empire Park delivery)

Deliver to the location or Region below:

- Aeronautics
- Eisenhower Tunnel
- Region 1 (Aurora)
- Region 2 (Pueblo)
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- Region 3 (Glenwood Springs)
- Region 3 (Craig)
- Region 4 (Greeley)
- Region 5 (Alamosa)
- Region 5 (Durango)
- Region 6 (Denver)
- Sign Shop
- Warehouse #9
- Materials/Geotechnical Branch - N Holly

- Attorney Generals Office
- FHWA
- State Accounts & Control - 533 17th Street
- State Capitol
- Please indicate office \_\_\_\_\_
- Other \_\_\_\_\_
- ITS/TOC - Corp Circle
- Camp George West
  - Training Academy - Bldg 43
  - Maintenance and Operations - Bldg 45
  - Property Mgmt/Hazardous Waste - Bldg 47
  - Equipment - Bldg 83



- Region Section:**
- Region Transportation Director
  - Resident Engineer
  - Business Office
  - Coordinating
  - Design
  - EEO
  - Engineering Section
    - North  East
    - South  West
  - Environmental
  - Maintenance
  - Materials
  - Right of Way
  - Traffic
  - Utilities

To: (name)

*Lisa Sheisfeld*

Date

*9/23/11*

From: (name or location)

*Jeff Peterson*

- For approval
- Per our conversation
- Award sets
- Advertised set
- Per your request
- Investigate and report
- Revision
- Proof
- Other:
- For your information
- As Constructed

Comments:

*Laman Report*





# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Ecological Services  
Colorado Field Office  
P.O. Box 25486, DFC (65412)  
Denver, Colorado 80225-0486

IN REPLY REFER TO:  
ES/CO: T&E/Species List  
TAILS: 65412-2010-SL-0485

JUN 23 2010

Carolyn Browning  
CH2M Hill  
9193 S. Jamaica Street  
Englewood, Colorado 80112

Dear Ms. Browning:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Fish and Wildlife Act of 1956 (916 U.S.C. 742(a)-754); Fish and Wildlife Coordination Act (FWCA - 16 U.S.C. 661-667(e)); National Environmental Policy Act of 1969 (NEPA - 42 U.S.C. 4321-4347); Department of Transportation Act (49 U.S.C. 1653(f)), and; Endangered Species Act of 1973, as amended (ESA - 50 CFR §402.14), as well as multiple Executive Orders, policies and guidelines, and interrelated statutes to ensure the conservation and enhancement of fish and wildlife resources (e.g., Migratory Bird Treaty Act (MBTA - 16 U.S.C. 703), and Bald and Golden Eagle Protection Act (BGEPA - 16 U.S.C. 668)), the Service reviewed your June 11, 2010, request for information on the Service's trust resources in the vicinity of the **US287 and US50 new alignment at Lamar, Prowers County, Colorado.**

## Threatened and Endangered Species

Following is a list of Federal endangered, threatened, proposed and candidate species for Prowers County, which may be used as a basis for determining additional listed species potentially present in the project area. While other species could occur at or visit the project area, endangered or threatened species most likely to be affected include:

Birds:           Piping Plover, (*Charadrius melodus*), Threatened  
                  Least Tern (*Sterna antillarum*), Endangered

The Service also is interested in the protection of species which are candidates for official listing as threatened or endangered (Federal Register, Vol. 61, No. 40, February 28, 1996). While these species presently have no legal protection under the Act, it is within the spirit of this Act to consider project impacts to potentially sensitive candidate species. It is the intention of the Service to protect these species before human-related activities adversely impact their habitat to a degree that they would need to be listed and, therefore, protected

under the Act. Additionally, we wish to make you aware of the presence of Federal candidates should any be proposed or listed prior to the time that all Federal actions related to the project are completed. If any candidate species will be unavoidably impacted, appropriate mitigation should be proposed and discussed with this office.

Fish:           Arkansas darter, *Etheostoma cragini*

Birds:          Lesser prairie-chicken, *Tympanuchus pallidicinctus*

### Migratory Birds

Under the MBTA construction activities in grassland, wetland, stream, and woodland habitats, and those that occur on bridges (e.g., which may affect swallow nests on bridge girders) that would otherwise result in the take of migratory birds, eggs, young, and/or active nests should be avoided. Although the provisions of MBTA are applicable year-round, most migratory bird nesting activity in eastern Colorado occurs during the period of April 1 to August 31. However, some migratory birds are known to nest outside of the aforementioned primary nesting season period. For example, raptors can be expected to nest in woodland habitats during February 1 through July 15. If the proposed construction project is planned to occur during the primary nesting season or at any other time which may result in the take of nesting migratory birds, the Service recommends that the project proponent (or construction contractor) arrange to have a qualified biologist conduct a field survey of the affected habitats and structures to determine the absence or presence of nesting migratory birds. Surveys should be conducted during the nesting season. In some cases, such as on bridges or other similar structures, nesting can be prevented until construction is complete. It is further recommended that the results of field surveys for nesting birds, along with information regarding the qualifications of the biologist(s) performing the surveys, be thoroughly documented and that such documentation be maintained on file by the project proponent (and/or construction contractor) for potential review by the Service (if requested) until such time as construction on the proposed project has been completed. The Service's Colorado Field Office should be contacted immediately for further guidance if a field survey identifies the existence of one or more active bird nests that cannot be avoided by the planned construction activities. Adherence to these guidelines will help avoid the unnecessary take of migratory birds and the possible need for law enforcement action.

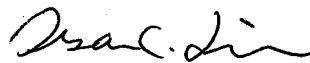
### Wetlands

FWCA provides the basic authority for the Service's involvement in evaluating impacts to fish and wildlife "whenever the waters of any stream or other body of water are proposed or authorized to be impounded, diverted, the channel deepened, or the stream or other body of water otherwise controlled or modified **for any purpose whatever**...by any department or agency of the United States, or by any public or private agency under Federal permit or license," including water crossings and wetland impacts, whether or not those wetlands are under the jurisdiction of the U.S. Army Corps of Engineers [16 U.S.C. 661(1), emphasis

added]. It requires that fish and wildlife resources "receive equal consideration...to other project features...through the effectual and harmonious planning, development, maintenance, and coordination of wildlife conservation and rehabilitation," and requires Federal agencies to consult with the Service during the planning process to help "prevent the loss of or damage to such resources as well as providing for the development and improvement thereof" (16 U.S.C. 661 *et seq*). Full consideration is to be given to Service recommendations.

If the Service can be of further assistance, please contact Alison Deans Michael of my staff at 303 236-4758.

Sincerely,



Susan C. Linner  
Colorado Field Supervisor

ec: CDOT, HQ (Jeff Peterson)  
CDOT, R2 (Rob Frei)  
Michael

Ref: Alison\H:\My Documents\CDOT 2007+\Region 2\US287 & US50 at Lamar spplist.doc





# United States Department of the Interior

FISH AND WILDLIFE SERVICE  
Ecological Services  
Colorado Field Office  
P.O. Box 25486, DFC (65412)  
Denver, Colorado 80225-0486

IN REPLY REFER TO:  
ES/CO: T&E/CDOT  
TAILS: 65412-2007-I-0520

**JUL 18 2007**

Bryan Roeder  
Colorado Department of Transportation  
4201 East Arkansas Avenue, Shumate Building  
Denver, Colorado 80222

Dear Mr. Roeder:

Based on the authority conferred to the U.S. Fish and Wildlife Service (Service) by the Endangered Species Act of 1973 (ESA), as amended (16 U.S.C. 1531 *et seq.*), the Service reviewed CH2MHill's August 19, 2004, report regarding the effects of construction of a new reliever route of **U.S. Highways 287 and 50 just east of Lamar in Prowers County, Colorado**, on federally listed species. You also committed to conducting burrowing owl (*Athene cunicularia*) surveys prior to clearing and grubbing if that work starts between March 1 and October 31, and to adhering to CDOT's prairie dog (*Cynomys ludovicianus*) mitigation policy. On September 17, 2004, we concurred that the project is not likely to adversely affect any listed species.

In a letter dated June 5, 2007, you state that the prairie dog colony in the project vicinity has declined in size and density, but that you still intend to follow your prairie dog mitigation guidance. We would also encourage you to conduct the burrowing owl surveys as agreed to, if warranted. Given that the project description has not changed, and that you will still be taking precautions to protect the prairie dogs and the burrowing owl, the Service still finds your determination acceptable and agrees that no federally listed species will likely be adversely affected by the project.

Should project plans change or if additional information regarding listed or proposed species becomes available, this determination may be reconsidered under the ESA. If the Service can be of further assistance, please contact Alison Deans Michael of my staff at (303) 236-4758.

Sincerely,

Susan C. Linner  
Colorado Field Supervisor



Post-it® Fax Note	7671	Date	7/26/07	# of pages	2
To	Laura Dreher	From	Bryan Roeder		
Co./Dept	CH2M Hill Enviro Planner	Co.	CDOT EPB		
Phone #	719-477-4973	Phone #	303-512-4420		
Fax #	719-634-9965	Fax #	303-757-9445		

June 5, 2007

Susan Linner  
 Field Supervisor  
 Colorado Field Office  
 U.S. Fish and Wildlife Service  
 P.O. Box 25486 - DFC  
 Denver, Colorado 80225

Reference: U.S. Fish and Wildlife Service Updated Concurrence Request  
 US 287 at Lamar Truck Route Environmental Assessment  
 Prowers County, Colorado

Dear Ms. Linner:

The Colorado Department of Transportation (CDOT) is currently conducting an Environmental Assessment for relocating segments of U.S. 287 and U.S. 50 at Lamar, Colorado, to a location approximately 1 mile east of Lamar. Correspondence with the U.S. Fish and Wildlife Service in September 2004 confirmed that the project is unlikely to adversely affect federally listed species within the subject area (see attached).

Windshield surveys of the project site performed by a Project Biologist in April 2007 noted a significant decline in density and size of the black-tailed prairie dog colony (*Cynomys ludovicianus*) identified in 2004. However, CDOT still plans to adhere to the CDOT policy regarding prairie dog mitigation as included in the Environmental Assessment. The purpose of this letter is to request confirmation that the concurrence provided in your previous correspondence remains unchanged.

Thank you for your assistance. Please feel free to contact me at (303) 512-4420 should you require additional information.

Sincerely,

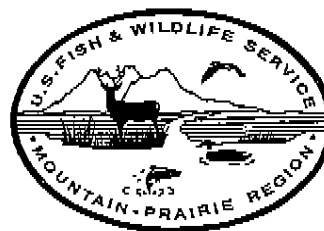
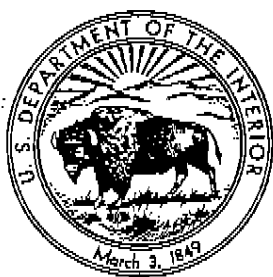


Bryan Roeder, Colorado Department of Transportation

Cc:  
 Dick Armand, CDOT Region 2  
 Laura Dreher, CH2M HILL







**UNITED STATES DEPARTMENT OF THE INTERIOR  
FISH AND WILDLIFE SERVICE  
ECOLOGICAL SERVICES**



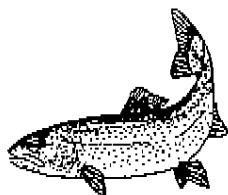
**COLORADO FIELD OFFICE  
755 PARFET STREET, SUITE 361  
LAKEWOOD, COLORADO 80215**

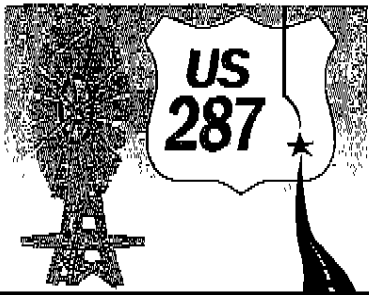
**Phone: (303) 275-2370**

**FAX: (303) 275-2371**

<b>SENT TO:</b> <u>Jessie Gueric</u>	<b>PHONE NO.</b> _____
<b>SENT BY:</b> <u>Adam Michael</u>	<b>FAX NO.</b> <u>710 - 206 - 9939</u>
<b>PAGES TO FOLLOW:</b> <u>7</u>	<u>286 - 9716</u>
<b>SUBJECT:</b> _____	<u>286 - 5026</u>
<b>COMMENTS:</b>	

**MAILING ADDRESS:  
755 PARFET STREET, SUITE 361  
LAKEWOOD, COLORADO 80215**

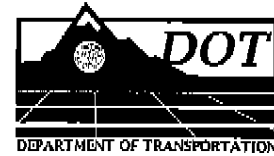




## US 287 at Lamar

"Partnership with the Community"

Environmental Agency  
Scoping Meeting  
July 19, 2002



## COMMENTS

### General Comments:

Mr. Knop,

I'm sorry I'm unable to attend the meeting; there are just too many obligations this time of year! I would however, like to relay to you some potential concerns of the Fish & Wildlife Service.

① There are several species that are listed that occur in Prowers County. We are not familiar enough with the site to tell you whether or not these species actually occur in the project area, but they do occur in the county. They are:

lesser prairie-chicken (candidate)	piping plover (threatened)
black-tailed prairie dog (candidate)	bald eagle (threatened)
Arkansas darter (candidate)	mountain plover (proposed)
interior least tern (endangered)	

② Migratory birds. Just about every bird species is protected under the Migratory Bird Treaty Act. Harassing, harming, killing, taking nests or nest trees is not allowed without a permit. Nest surveys should be performed prior to commencing the project.

Please keep me informed and if you could send the meeting minutes + handouts to me, I'd appreciate it.

Thanks  
Alison Michael

③ Induced Development due to new road. Be sure to cover this in Cumulative Effects!

Name: Alison Michael

Organization and Department:  
US Fish & Wildlife Service, Ecological Services

Address:  
755 Pacific Street, Suite 361

City: Lakewood

Zip: 80215

Thank you for your participation with our Agency Scoping Coordination efforts. Please write your comments on this form and leave it with Kirkham Michael personnel at the scoping meeting, or mail it within 14 days to the address on the reverse side.

## RECOMMENDED\* BUFFER ZONES AND SEASONAL RESTRICTIONS FOR COLORADO RAPTORS

\*These zones and seasonal restrictions are recommended as guidance only and may be subject to change. They do not represent official Division policy.

Prepared By

Gerald R. Craig

Colorado Division of Wildlife

Updated February 8, 2001

Tolerance limits to disturbance vary among as well as within raptor species. As a rule, ferruginous hawks and golden eagles respond to human activities at greater distances than do ospreys and kestrels. Some individuals within a species also habituate and tolerate human activity at a proximity that would cause the majority of the group to abandon their nests. Other individuals become sensitized to repeated encroachment and react at greater distances. The tolerance of a particular pair may change when a mate is replaced with a less tolerant individual and this may cause the pair to react to activities that were previously ignored. Responses will also vary depending upon the reproductive stage. Although the level of stress is the same, the pair may be more secretive during egg laying and incubation and more demonstrative when the chicks hatch.

The term "disturbance" is ambiguous and experts disagree on what actually constitutes a disturbance. Reactions may be as subtle as elevated pulse rate or as obvious as vigorous defense or abandonment. Impacts of disturbance may not be immediately evident. A pair of raptors may respond to human intrusion by defending the nest, but well after the disturbance has passed, the male may remain in the vicinity for protection rather than forage to feed the nestlings. Golden eagles rarely defend their nests, but merely fly a half mile or more away and perch and watch. Chilling and over heating of eggs or chicks and starvation of nestlings can result from human activities that appeared not to have caused an immediate response.

A 'holistic' approach is recommended when protecting raptor habitats. While it is important for land managers to focus on protecting nest sites, equal attention should focus on defining important foraging areas that support the pair's nesting effort. Hunting habitats of many raptor species are extensive and may necessitate interagency cooperation to assure the continued nest occupancy. Unfortunately, basic knowledge of habitat use is lacking and may require documentation through telemetry investigations or intensive observation. Telemetry is expensive and may be disruptive so a more practical approach is to assume that current open space is important and should be protected.

Although there are exceptions, the buffer areas and seasonal restrictions suggested here reflect an informed opinion that if implemented, should assure that the majority of individuals within a species will continue to occupy the area. Measurements are somewhat imprecise (fractions of a mile) and reflect the need to maintain some flexibility to adjust buffer zones depending upon intervening terrain and vegetation

screens that obscure the activity. This document is intended to be modified and refined as additional information becomes available, hence the provision of a revision date.

### **BALD EAGLE**

#### **Nest Site:**

Year around closure to surface occupancy\* (beyond that which historically occurred in the area) within ¼ mile radius of nest. No human encroachment from November 15 through July 31 within ½ mile radius of the nest. This closure is more extensive than the Northern States Bald Eagle Recovery Plan due to the generally open habitat used by Colorado's nesting bald eagles. Aside from four Colorado sites in coniferous forests, all others are in cottonwood riparian zones that don't have the vegetational density, and therefore obscurity offered by the habitats in the lake states. Recent evidence suggests that pairs nesting at lower elevations frequent and maintain their nests throughout the year. If it is necessary to work within the ½ mile buffer, the intrusion should be restricted to August 15 through October 15.

#### **Winter Night Roost:**

Activity should be eliminated within 1/4 mile radius of winter roosts between November 15 and March 15. If periodic visits (such as oil well maintenance work) are required within the buffer zone after development, activity should be restricted to the period between 1000 and 1400 hours from November 15 to March 15. Limited restrictions may be necessary out to ½ mile if there is a direct line of sight from the roost to the activities.

#### **Hunting Perch:**

Diurnal perches associated with important foraging areas should also be protected from human encroachment. Preferred perches may be at varying distances from human encroachment and buffer areas will vary. However, at least 2 management plans recommend zones that range from 1/8 mile (200 meters) to 1/4 mile (400 meters) depending upon topographic or vegetational screening.

### **GOLDEN EAGLE**

#### **Nest Site:**

No surface occupancy\* (beyond that which historically occurred in the area) within 1/4 mile radius of the nest site and associated alternate nests. Seasonal restriction to human encroachment within ¼ mile of the nest and any alternate nests from January 1 to July 15.

### **OSPREY**

#### **Nest Site:**

No surface occupancy\* (beyond that which historically occurred in the area) within 1/4 mile of the nest site. Seasonal restriction to human encroachment within ¼ mile of the nest from April 1 to August 31. Some osprey populations have habituated and are tolerant to human activity in the immediate vicinity of their nests.

### **FERRUGINOUS HAWK**

#### **Nest Site:**

No surface occupancy\* (beyond that which historically occurred in the area) within ½ mile radius of the nest site, and associated alternate nests. Seasonal restriction to human

\* Surface occupancy includes human habitation as well as non-human habitation, examples of which would be oil and gas wells, tanks, roads, tracks, trails, etc.

encroachment within  $\frac{1}{4}$  mile of the nest and any alternate nests from February 1 to July 15. This species is especially prone to nest abandonment during incubation if disturbed.

### RED-TAILED HAWK

#### **Nest Site:**

No surface occupancy\* (beyond that which historically occurred in the area) within  $\frac{1}{3}$  mile radius of the nest site, and associated alternate nests. Some members of this species have adapted to urbanization and may tolerate human habitation to within 200 yards of their nest. Development that encroaches on rural sites is likely to cause abandonment. Seasonal restriction to human encroachment should be in effect from February 15 to July 15.

### SWAINSON'S HAWK

#### **Nest Site:**

No surface occupancy\* (beyond that which historically occurred in the area) within  $\frac{1}{4}$  mile radius of the nest site, and associated alternate nests. Some members of this species have adapted to urbanization and may tolerate human habitation to within 100 yards of their nest. Seasonal restriction to human encroachment within  $\frac{1}{4}$  mile of the nest from April 1 to July 15.

### PEREGRINE FALCON

#### **Nest Site:**

No surface occupancy\* (beyond that which historically occurred in the area) within  $\frac{1}{2}$  mile of the nest site. Seasonal restriction to human encroachment within  $\frac{1}{2}$  mile of the nest cliff(s) from March 15 to July 31. A 1 mile buffer with a closure from February 1 to August 31 was originally stipulated in the approved Recovery Plan, but recent field evidence suggests that the zone can be reduced to  $\frac{1}{2}$  mile. Due to propensity to relocate nest sites, sometimes up to  $\frac{1}{2}$  mile along cliff faces, it is more appropriate to designate 'Nesting Areas' that encompass the cliff system and a  $\frac{1}{2}$  mile buffer around the cliff complex.

### PRAIRIE FALCON

#### **Nest Site:**

No surface occupancy\* (beyond that which historically occurred in the area) within  $\frac{1}{2}$  mile radius of the nest site.

### GOSHAWK

Reynolds et al. (1993) proposed 30 acres for the nest, a post fledge family area of 420 acres, and a foraging area of 5400 acres in size that encompasses habitat for squirrels, rabbits, jays, woodpeckers and grouse. For purposes here, it seems that a buffer of  $\frac{1}{2}$  mile around the nest should protect the integrity of the nesting and post fledging effort. Occupancy of the nesting and brood rearing area takes place from early March through late September.

\* Surface occupancy includes human habitation as well as non-human habitation, examples of which would be oil and gas wells tanks roads tracks trails etc.

STATE OF COLORADO

Bill Ritter, Jr., Governor  
DEPARTMENT OF NATURAL RESOURCES  
**DIVISION OF WILDLIFE**  
AN EQUAL OPPORTUNITY EMPLOYER

Mark B. Konishi, Acting Director  
6060 Broadway  
Denver, Colorado 80216  
Telephone: (303) 297-1192  
[wildlife.state.co.us](http://wildlife.state.co.us)



*For Wildlife-  
For People*

July 5, 2007

CH2MHill  
19 South Tejon St.  
Colorado Springs, Colorado 80903-1505  
719-6332-8805

Ms. Dreher

Thank you for the opportunity to comment again on the proposed highway relocation of U.S 287 and U.S. 50 around the town of Lamar, Colorado and potential impacts to the Lesser Prairie Chicken (*Tympanuchus palidicinctus*). The Lesser Prairie Chicken is currently listed as a state of Colorado threatened species and listed federally as warranted but precluded. The specific area of proposed highway work is approximately one mile east of Lamar, beginning on the southern outskirts of town and arcing to the north around the east side of town, crossing the Arkansas River and joining into existing State Highway 196 just north and east of Lamar.

In 2007, an intensive search was performed similar to the effort in 2004 by the Colorado Division of Wildlife and volunteers. There were two routes that surveyed the area of the proposed highway relocation. No Lesser Prairie Chickens were detected on any of the survey routes following the proposed by-pass. There have not been any reports of Lesser Prairie Chickens in the area of the proposed by-pass since 2004. The one individual reported by Jeff Yost appears strongly to be a single occurrence of a lone bird passing through the area. There is no data to suggest construction of the by-pass will impact the current distribution and population of Lesser Prairie Chickens in southeast Colorado.

If you have further questions or concerns please contact Colorado Division of Wildlife Terrestrial Biologist Trent Verquer at 719-336-6605. Thanks again for the opportunity to comment.

Sincerely,

Dan Prenzlow  
Regional Manager

Cc: Travis Black, Area Wildlife Manager  
Trent Verquer, Terrestrial Biologist  
Mike Smith, Species Conservation Biologist  
Brian Dreher, Senior Terrestrial Biologist



**CH2MHILL**

**CH2M HILL**  
19 South Tejon St.  
Suite 400  
Colorado Springs, CO 80903-1505  
**Tel 719.633.8805**  
**Fax 719.633.2352**

April 26, 2004

Mark Konishi  
Regional Manager  
Colorado Division of Wildlife  
1204 East Olive  
Lamar CO 81052

Reference: Colorado Division of Wildlife (CDOW) Lesser Prairie-Chicken Surveys  
Prowers County, Colorado

Dear Mr. Konishi:

As you are aware the Colorado Department of Transportation (CDOT) is currently conducting an Environmental Assessment of relocating segments of U.S. 287 and U.S. 50 at Lamar, Colorado, to a location approximately 1 mile east of Lamar. As part of the impacts assessment we are currently trying to identify potential impacts to sensitive species located in the study corridor.

The survey data gathered by the CDOW in April 2004 for lesser prairie-chicken habitat is of specific interest to us for this project. The purpose of this letter is to formally request that survey data including survey routes, potential lek locations, and survey results be sent as soon as it is available.

Thank you for your assistance. Please do not hesitate to contact me at (719) 477-4973 should you require additional information.

Sincerely,

CH2M HILL

Laura Dreher

