

Appendix A – EA Availability

Public Notice of Availability
Colorado Department of Transportation
State Highway 7 - Cherryvale Road to 75th Street
Environmental Assessment and Draft Section 4(f) Evaluation
Document Availability and Upcoming Public Hearing

The Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT) have completed an environmental study for the existing State Highway 7 (Arapahoe Road) from Cherryvale Road to 75th Street in Boulder County, Colorado.

Preferred Alternative

What has been identified as the Preferred Alternative?

FHWA/CDOT identified a preferred alternative which provides two through lanes in each direction on the east and west ends of the project. The two through lanes in each direction narrow to one through lane in each direction between Westview Drive and east of the BNSF railroad bridge. More information on the Preferred Alternative, its environmental impacts, and mitigation are included in the EA document.

EA Document Availability – June 23, 2008

When and where will the EA document be available to the public?

Beginning June 23, 2008, the document will be available at the locations listed below for a review and comment period ending July 25, 2008:

CDOT Headquarters - Public Info. Office
4201 East Arkansas Avenue
Denver, CO 80222

FHWA Colorado Division Office
12300 W. Dakota Ave., Suite 180
Lakewood, CO 80228

CDOT Region 4 Headquarters
1420 2nd Street
Greeley, CO 80634

Boulder County Transportation Dept.
Courthouse Annex
2045 13th Street
Boulder, CO 80302

CDOT Region 4, Boulder Residency
1050 Lee Hill Road
Boulder, CO 80302

Boulder Public Library
1000 Canyon Blvd.
Boulder, CO. 80302

CDOT Environmental Programs Branch
4201 East Arkansas Avenue
Denver, CO 80222

The document can be viewed on the project website at: <http://www.dot.state.co.us/SH7EA/index.asp>
Postage-paid comment sheets will be available for mail-in at all locations or comments can be recorded via the project website.

Public Hearing – July 8, 2008

When will questions be answered and comments received?

FHWA/CDOT will hold a public hearing on **July 8, 2008**, at the location below. The public hearing will begin at 4:30 p.m. with an open house format where guests can review information. **Promptly at 5:15 p.m., a 20-minute presentation will be given, followed by a 20-minute question and answer period.** After that, the open house format will continue. Project team members will be available to answer any additional questions. A court reporter will be available to receive formal comments.

Location: Douglass Elementary School
840 75th Street, Boulder, CO

Time: 4:30 p.m. – 6:30 p.m. (Presentation at 5:15 p.m.)

Reasonable accommodations for individuals with physical disabilities will be made.
Par informacion en Espanol, por favor comunicarse con Catherine Cavoto 303) 988 4939.

Comments may also be sent to Gray Clark at the address below to be received by July 25, 2008:

Gray Clark
Muller Engineering Company
777 South Wadsworth Blvd. Suite 4-100
Lakewood, CO 80226
gclark@mullereng.com

Proof of Publication/Invoice (General - Varied Publication Dates)

STATE OF COLORADO COUNTY OF BOULDER

Valerie Yamamoto, of lawful age, being first duly sworn upon oath deposes and says:

1. That she is the Financial Services Representative of The Daily Camera and has personal knowledge of all the facts set forth in this affidavit and is a competent person to certify that the facts stated herein are accurate and she hereby certifies:

That The Daily Camera is a public daily newspaper of general circulation as defined by law and is printed and published wholly in the City of Boulder, County of Boulder and State of Colorado: That it has been admitted to the United States mails as second class matter under the provisions of the Act of Congress of March 3, 1879, and amendments thereto: And that it is a legal newspaper duly qualified to publish legal notices of advertisement which are required to be published in said City of Boulder and said County of Boulder or both.

2. That The Daily Camera is duly qualified to publish the annexed public notice, which is a full, true and correct copy of the original thereof, and the same was published in The Daily Camera 2 times, the date of the first publication being the 23rd day of June, and the date of last publication being the 7th day of July.

Further affiant sayeth not.

Valerie Yamamoto signature and name.

Subscribed and sworn before this 9th day of July, A.D. 08. Witness my hand and official seal.

Melissa L. Najera signature and Notary Public title.

Publication Fee/Amount Due \$ 158.40
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2500 Public Notice 2500 Public Notice 2500 Public Notice

PUBLIC NOTICE OF AVAILABILITY State Highway 7 - Cherryvale Road to 75th Street Environmental Assessment and Draft Section 4(f) Evaluation Document Availability and Upcoming Public Hearing. Includes public hearing details and contact information for CDOT and FHWA.

Published in the Camera on June 23rd & July 7th, 2008 - #5422995

PUBLIC NOTICE OF AVAILABILITY			
<p>SH 7 <i>Cherryvale Rd. to 75th St.</i></p>	<p>State Highway 7 - Cherryvale Road to 75th Street Environmental Assessment and Draft Section 4(f) Evaluation Document Availability and Upcoming Public Hearing</p>		
<p>The Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT) announce the availability of the Environmental Assessment (EA) for the State Highway 7 (Arapahoe Road) from Cherryvale Road to 75th Street in Boulder County, Colorado.</p> <p>The preferred alternative provides two through lanes in each direction on the east and west ends of the project. The two through lanes in each direction narrow to one through lane in each direction between Westview Drive and east of the BNSF railroad bridge. The preferred alternative provides improvements to bicycle and pedestrian facilities as well as safety improvements. More information on the Preferred Alternative, its environmental impacts, and mitigation are included in the EA document.</p> <p>The public may provide written comments by mail or e-mail to:</p> <p>Gray Clark, PE Muller Engineering Company 777 South Wadsworth Blvd. Suite 4-100 Lakewood, CO 80226</p>			
	<p>PUBLIC HEARING</p> <p>Tuesday, July 8, 2008 from 4:30 p.m. – 6:30 p.m. Douglass Elementary School: 840 75th Street, Boulder, CO</p> <p>A 20-minute presentation will be given at 5:15 p.m., followed by a 20-minute question and answer period. Comments will be received at the hearing in writing or by a court reporter.</p>		
<p>Beginning June 23, 2008, the document will be available during normal working hours at the locations listed below for a review and comment period ending July 25, 2008:</p> <table border="0"> <tr> <td style="vertical-align: top;"> <p>CDOT Headquarters - Public Info. Office 4201 East Arkansas Avenue Denver, CO 80222</p> <p>CDOT Region 4 Headquarters 1420 2nd Street Greeley, CO 80634</p> <p>CDOT Region 4, Boulder Residency 1050 Lee Hill Road Boulder, CO 80302</p> <p>CDOT Environmental Programs Branch 4201 East Arkansas Avenue Denver, CO 80222</p> </td> <td style="vertical-align: top;"> <p>FHWA Colorado Division Office 12300 W. Dakota Ave., Suite 180 Lakewood, CO 80228</p> <p>Boulder County Transportation Dept. Courthouse Annex 2045 13th Street Boulder, CO 80302</p> <p>Boulder Public Library 1000 Canyon Blvd. Boulder, CO 80302</p> <p>CDOT Project Website http://www.dot.state.co.us/SH7EA/index.asp</p> </td> </tr> </table>		<p>CDOT Headquarters - Public Info. Office 4201 East Arkansas Avenue Denver, CO 80222</p> <p>CDOT Region 4 Headquarters 1420 2nd Street Greeley, CO 80634</p> <p>CDOT Region 4, Boulder Residency 1050 Lee Hill Road Boulder, CO 80302</p> <p>CDOT Environmental Programs Branch 4201 East Arkansas Avenue Denver, CO 80222</p>	<p>FHWA Colorado Division Office 12300 W. Dakota Ave., Suite 180 Lakewood, CO 80228</p> <p>Boulder County Transportation Dept. Courthouse Annex 2045 13th Street Boulder, CO 80302</p> <p>Boulder Public Library 1000 Canyon Blvd. Boulder, CO 80302</p> <p>CDOT Project Website http://www.dot.state.co.us/SH7EA/index.asp</p>
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Appendix B – Transcript of Public Hearing

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PUBLIC HEARING

State Highway 7 - Cherryvale Road to 75th Street
Environmental Assessment and Draft Section 4(f)
Evaluation Document Availability and Public Hearing

Tuesday, July 8, 2008

4:30 p.m.

Douglass Elementary School

840 - 75th Street

Boulder, Colorado

* * * * *

1
2 MR. MARCUCCI: All right, we'd like to
3 get this started. If everyone could find a seat, that
4 would be great. We'd like to welcome you. My name is
5 Dan Marcucci. I'm CDOT project manager on this
6 project. I would like to welcome you to the State
7 Highway 7 Environmental Assessment and Draft Section
8 4(f) hearing. Thank you all for coming out.

9 First off, I'd like to introduce some of
10 the project team. Joining me up here is Mark Gosselin,
11 regional CDOT program engineer; Carol Parr, regional
12 environmental manager, she will be assisting in the
13 presentation; and Gray Clark from Muller Engineering,
14 who's the consultant team who helped prepare the
15 documents and presentation.

16 First off, before we get started, I'd
17 like to please hold the comments until after the
18 presentation. We'll have a comment period after that.
19 First off, I would like to remind you of the project
20 location and study area. Many of you are aware of it
21 already, but it's State Highway 7 on Arapahoe Road from
22 Cherryvale Road to the 75th Street intersection. The
23 intersection improvements were completed in November of
24 2006.

25 Now I'll hand it over to Carol, where

1 she'll explain a little bit about the NEPA process.

2 MS. PARR: Good evening. Well, the NEPA
3 process is widely here tonight. Anytime we have an
4 action that is undertaken by a federal agency, we have
5 to go through the NEPA process. We completed an
6 environmental assessment for this project and the
7 project started in about 2001. I think there's another
8 project before that, but this actual project started in
9 2001, and we went out to the public to gather
10 information about the concerns they have on State
11 Highway 7.

12 At the time we developed a purpose and
13 need. Then we start collecting data, which you can
14 tell that we collect traffic data, design data,
15 environmental data, socioeconomic data, and we take
16 that and we start developing alternatives, and we
17 develop alternatives that will meet that purpose and
18 need.

19 Now, we include a no-build alternative
20 as a comparison; so we bring forth alternatives, then
21 we have the no-build alternative, then we analyze the
22 alternatives. And I don't remember exactly how many
23 alternatives we looked at. Do you remember?

24 MR. CLARK: There are probably about 15
25 or 20 variations of alternatives.

1 MS. PARR: So, as Gray said, we have
2 about 15 or 20 alternatives and we got down to one
3 alternative, the preferred alternative that's in the
4 document in the Environmental Assessment. And we
5 developed and we drafted the Environmental Assessment,
6 and right now where we're at is public and agency
7 review. The review time is through July 25th, and any
8 comments you make, either by e-mail, paper or tonight
9 to the court reporter, are all treated the same because
10 when we put the decision document together after the 25
11 days, all those comments will be addressed. I'm going
12 to turn it back over to Dan.

13 MR. MARCUCCI: Thanks, Carol. An
14 important part of any project is to identify the
15 purpose and need of that project, what needs to be done
16 and what should be done. For this project, we
17 identified several areas, the first being to reduce
18 congestion. State Highway 7 currently operates at or
19 near capacity, meaning theoretically it's handling the
20 maximum amount that it can already, and because of
21 population and employment growth, both in Boulder and
22 east of town, traffic volumes are anticipated to
23 continue to grow in the future.

24 The next area identifies roadway
25 deficiencies and safety issues. I'll go through a

1 couple of them here. The best example of roadway
2 grades and the stopping sight distance problems are
3 evident on the hill between Legion Park and Westview
4 Drive. The steep approach grades on each side of the
5 road contribute to the stopping sight distance at the
6 top.

7 The next example is the shoulder widths.
8 Where there are shoulder widths, they're inconsistent.
9 This makes is unfriendly to bicyclists and also does
10 not provide room for incapacitated vehicles to move off
11 the road and out of traffic flow. One of the things
12 about the roadway grades is it also makes it difficult
13 to traverse in inclement weather for some people.

14 Just another example would be access
15 control. There's virtually no access control along
16 State Highway 7, meaning there are numerous areas where
17 traffic can come and go from State Highway 7, and this
18 creates safety issues on two fronts. First, is traffic
19 along State Highway 7, it doesn't know where to
20 anticipate traffic entering the highway, and also the
21 traffic entering State Highway 7 may not have -- it may
22 not be the best area and may not be sight distance and
23 such things as that.

24 The next area we looked at, we wanted to
25 improve mobility for multiple modes of transportation:

1 this is bicyclists, pedestrians and bus facilities.
2 Currently most bus stops are not even accommodated with
3 sidewalks. There are very few sidewalks in the
4 corridor currently, and due to the lack of shoulders,
5 the corridor is pretty unfriendly to bicyclists.

6 Next slide. Now we go through our
7 preferred alternative and kind of highlight some of our
8 design features and also highlight some of our purpose
9 and need items. The first thing on the purpose and
10 need was to reduce congestion. Part of doing this
11 would be to add capacity. As far as adding capacity,
12 we've added lanes. We've extended the existing
13 four-lane section here on down to the signalized
14 intersection for the Boulder Valley School District
15 access. It also includes a center left turn lane. It
16 later transitions to a two-lane rural section after the
17 intersection.

18 If we go back up to the beginning,
19 improvements for multiple modes of transportation, we
20 have on-street bicycling lanes, five-foot bicycling
21 lanes, for the entire length of the project. The south
22 side we've incorporated an 8-foot sidewalk from
23 Cherryvale down to Westview; and then on the northern
24 side of the project you'll notice we've incorporated a
25 12-foot multi-use path, which extends for the entire

1 length of the project and connects to the 75th
2 intersection.

3 As we continue on to the west, we come
4 to the hill near Legion Park and Westview Drive. Our
5 purpose and need identified the roadway grades were too
6 steep and stopping sight distance was insufficient.
7 The current plan -- or this plan incorporates an 8- to
8 12-foot cut at the top of the hill. Flattening these
9 slopes will help to increase the stopping sight
10 distance. It will also make it easier for vehicles to
11 traverse in inclement weather.

12 We're now into the two-lane rural
13 section. Actually, the bicycle lanes have transitioned
14 to 10-foot shoulders, 10-foot shoulders on the highway.
15 These shoulders also act as breakdown lanes for
16 incapacitated vehicles so they can get out of the
17 traffic flow and reduce the back-ups. The two-lane
18 template extends down under a proposed new railroad
19 bridge and eventually ties into the intersection
20 improvements previously completed at 75th and Arapahoe.

21 Oh, one other thing, you'll notice some
22 shifts in the alignment of State Highway 7. These
23 are -- we shifted south a couple places and north here
24 to -- we wanted to avoid environmentally sensitive
25 areas. Carol will be addressing those areas in a

1 couple slides.

2 Next slide, please. Just one more
3 slide. I'm describing the preferred alternative.
4 These are a few typical sections of the area. The top
5 two are essentially the same. This is extending
6 Cherryvale to the Boulder Valley School District
7 access. You can see there's two through lanes in each
8 direction on both of them, the center left turn lane,
9 the 5-foot on-street bicycle lanes, and then the only
10 difference would be the placement of these auxilliary
11 transit lanes based on need. Those are essentially
12 right turn-only lanes or bus lanes through
13 intersections.

14 After the intersection of Boulder Valley
15 School District, we start the transitioning down to the
16 two-lane rural section, one lane construction, with a
17 continuous center left turn lane and the 10-foot bike
18 lanes.

19 One other thing you may notice, the
20 12-foot multi-use path extending for the entire length
21 of the project, and here is the sidewalk from
22 Cherryvale to Westview.

23 Now I'm going to hand it back to Carol
24 and she's going to go over a summary of impacts.

25 MS. PARR: If you haven't had an

1 opportunity, we just listed four of the -- I won't say
2 more important but the ones that have more impacts than
3 other impacts for environmental resources. We have
4 flip charts over on the table that list all the impacts
5 for the preliminary designs we have right now. So I'll
6 describe some of these impacts, but, you know, they can
7 change a little bit, and I'm sure you've been told that
8 at the table over there, but it has impacts and
9 mitigation measures in the flip charts.

10 So right-of-way, right now we have four
11 structures that it's showing would be taken for the
12 preferred alternative. Historic preservation, okay, on
13 historic preservation, under the Federal Highway
14 Administration Guidelines 4(f), we have to be sure that
15 there's no prudent and feasible alternative before we
16 impact a historic resource; and if we do impact a
17 historic resource, then we have to be sure that we
18 minimize harm. So we meandered the roadway to avoid
19 historic resources, and those are the resources that
20 Dan was saying, and we designed our roadway that way,
21 and so that's why it's like that.

22 For Legion Park, it's also considered --
23 4(f) also covers nonhistoric resources, such as parks
24 and recreation for the public. And on Legion Park, we
25 are doing temporary easements due to the construction

1 of the slope. We are taking a lot of the trees down on
2 the hill, I think approximately 10 on the north side
3 and about 100 on the south side and, again, that's why
4 the visual on impacts. There's photo simulations back
5 there. I think we have about four individual houses
6 that are going to have noise impacts, and we'll look at
7 mitigation for those. We have a few wetland impacts
8 and no threatened and endangered species, so these are
9 the ones that have the most, I guess.

10 And I'm going to turn it once more back
11 to Dan.

12 MR. MARCUCCI: So the most, then,
13 logical question you might have is what's next in this
14 process. This summer CDOT will work to continue the
15 NEPA process, working towards the completion of the
16 final decision document. This document will
17 incorporate comments received today and during the
18 overall comment period. We hope to have this
19 accomplished this summer. After that, future project
20 work, all dependent on funding, of course. Preliminary
21 and final design within -- we should be working on that
22 within the next year -- or over the next year, I should
23 say. During that, we will obtain or will identify
24 specific right-of-way needs. After that, we'll work to
25 obtain that right-of-way following federal guidelines.

1 And then the most important part, actually building it,
2 initiating construction. It's currently scheduled to
3 be built sometime in 2010, all dependent on funding, of
4 course.

5 Next slide. All right, that pretty much
6 wraps up our presentation for now. We would like to
7 open the floor for a 20-minute comment session. If
8 you'd like to make a public comment, please state your
9 name and address, also loudly enough for the court
10 reporter to hear.

11 MR. KENT: Can we ask questions first,
12 is that possible?

13 MR. MARCUCCI: Yeah, we can ask
14 questions, more specific questions about property maybe
15 one on one.

16 MR. KENT: Just general. What is the
17 purpose of going back to two lanes --

18 MR. MARCUCCI: We'll get to it, just one
19 second. If you want to make a public comment, state
20 your name and your address and please keep your
21 comments brief so we can get to everyone who wants to
22 make a comment in one or two minutes. If you prefer
23 not to make a public comment, there are several other
24 methods that you can use. You can either fill out a
25 comment sheet, which I've seen many of you working on

1 here today, you can comment directly to the court
2 reporter, or you can also visit our web site and
3 comment there. All comments received will be handled
4 in the same manner, all are equally important.

5 And with that, like I said earlier, more
6 specific property questions might be better suited for
7 one-on-one discussion afterwards, but with that, myself
8 and the project team would like to open it up for a
9 comment. We have a roving microphone.

10 MS. HIGHMAN: Rosemary Highman, 1056
11 Columbia Place.

12 MR. MARCUCCI: Can you spell your name
13 too, please.

14 MS. HIGHMAN: Rosemary, got that,
15 Highman, H-i-g-h-m-a-n, 1056 Columbia Place. As long
16 as you're doing construction, can you bury the overhead
17 power lines and the other lines, and are you
18 coordinating with people who have their water pipes and
19 various things, are you working to coordinate the
20 construction so that it's all done at one time?

21 And then the other part is I heard three
22 different cut depths on Legion Hill, an oral comment of
23 6 to 7 cut -- feet, sorry, and then I think you said it
24 or one of the other slides said 8 to 10 feet, and the
25 environmental impact said 13 feet cut on Legion Hill.

1 Which will it be?

2 MR. MARCUCCI: As far as the cut, at the
3 level of design we have right now, we're not exactly --
4 that has not exactly been pinned down. I've thrown out
5 the number 8 to 12.

6 MS. PARR: And for the environmental
7 part, we wanted to look at the impacts on the most it
8 would be cut. So the environmental part, we did look
9 at 13 feet, and it's my understanding we're in
10 preliminary design still, so it could be less; but when
11 we looked at environmental impacts, we did the most.

12 MR. CLARK: The EA evaluated a design
13 speed that is higher than what is being considered for
14 design. 50 or 55 miles per hour was the design speed
15 for the EA, the worst case. Right now we're
16 considering 45 to 50 miles per hour, which would reduce
17 that cut. And, Nancy, I don't recall what the current
18 is. Is it currently 10-foot?

19 MS. LAMBERTSON: Six to seven.

20 MR. CLARK: It is six to seven?

21 MS. LAMBERTSON: Just to throw it out
22 there, what's being shown on that picture is conception
23 design. We've gone a little further in the design, and
24 we've been able to make some adjustments to the profile
25 to minimize the cut of the hill.

1 MR. CLARK: But it's still a work in
2 progress.

3 MS. LAMBERTSON: Yes.

4 MS. HIGHMAN: And then the power lines?

5 MR. CLARK: And the power lines, which
6 specific area? Were you talking about the major
7 overhead power lines that go to the Xcel plant, or are
8 you talking about power lines parallel to the roadway?

9 MS. HIGHMAN: Parallel to the roadway.

10 MR. CLARK: There will be major utility
11 relocates. There will be relocation of water lines if
12 required, sewer lines, as well as electric lines and
13 communication lines. Usually the relocation of
14 overhead facilities are relocated overhead again,
15 although there are some opportunities to underground
16 those facilities, and I think that would require some
17 conversation with Boulder and Boulder County and CDOT.

18 MR. GOSSELIN: It's up to Xcel.

19 MR. CLARK: It's up to Xcel? Okay.

20 MR. KENT: Joe Kent, K-e-n-t, 531
21 Columbine Avenue in Broomfield. What's the purpose of
22 going from a four-lane highway down to a two-lane
23 highway back to a four-lane highway? And I know one of
24 the alternatives was staying four lane all the way.
25 How did you come down to arrive in the preferred

1 alternative to two-lane, and was it because you
2 couldn't get the right-of-way from either side of
3 Legion Hill?

4 MR. MARCUCCI: Well, not so much from
5 Legion Park, or Legion Hill. Part of the reason was
6 during our decision matrix, deciding between two
7 alternatives, the two-lane segment was more compatible
8 with local and regional planning. That's right there
9 at Westview, the road runs next to I think it's a rural
10 arterial right there, so --

11 MR. KENT: Doesn't the amount of traffic
12 dictate a four-lane highway?

13 MR. MARCUCCI: Actually, we show -- our
14 simulations show traffic travel time actually remaining
15 the same from I think is it 63rd over to 75th, still
16 five minutes. So we don't show a significant reduction
17 in travel time.

18 MR. KENT: What does it do to backed up
19 traffic on Arapahoe like it is now? Because you're
20 backing up from two lanes to one lane now, and it backs
21 up. How is what you're doing going to stop the backup?
22 That's what I don't understand.

23 MR. CLARK: I guess, first of all, Dan
24 went over the project purpose. And NEPA has several
25 functions. One is to improve capacity, one is to

1 improve safety and upgrade to current standards and
2 then also to provide multi-modal enhancements, so the
3 capacity portion is one part of the purpose. The
4 segment that's going to be two-lane, the new segment
5 that's going to be constructed with the two-lane
6 section starts at Westview and continues to the east.
7 There are four lanes at the intersection at 75th, but
8 the four lanes through the intersection at 75th were
9 constructed to provide increased capacity at the
10 signalized intersection, not to accommodate a future
11 four-lane going from the east and going to the west.
12 So it allows more traffic to go through a very
13 congested intersection where there's a lot of traffic
14 going from north to south also on 75th.

15 The other enhancements going in are
16 widened shoulders, improved sight distance, auxiliary
17 lanes wherever they're required, right turn lanes and
18 left turn lanes, and all the traffic that's turning
19 would be out of the through traffic lane, all vehicles
20 that are experiencing difficulty with snow conditions
21 can pull off to the side of the road; and so for that
22 three-quarter of a mile section that's being perceived
23 as a constrained section, traffic will still flow
24 through there better than it is now, significantly
25 better than it is now, based on all these other

1 improvements, and so we do think that there will be
2 some increase in capacity.

3 It's not additional drainage capacity,
4 but even with a traffic engineering analysis, when you
5 widen and clear roads, improve sight distance, widen
6 shoulders, you do incrementally improve capacity. So
7 it's not an even trade. You're not going to see, we
8 don't think, the same kind of congestion that you see
9 now with just the two-lane restraint section out there.

10 So the local planning was also taking
11 into consideration other studies that have been done on
12 the facility on the two-lane or on the State Highway
13 7/Arapahoe Road facility, so we're incorporating those
14 considerations into all the others identified in the
15 preferred alternative.

16 MR. HOFFMEISTER: I'm Jim Hoffmeister,
17 2400 Park, Park Lake subdivision. I've been there 30
18 years. I looked at the chart, 2-28, 2-29.

19 I'll start over, Hoffmeister, Park Lake
20 subdivision. I looked at the chart and referred to
21 2-28 and 29 in the assessment. It clearly shows
22 double, almost, the amount of traffic at peak times
23 from what it was in 2002, I believe. The assumption
24 was that is -- that by the County Commissioners,
25 apparently, is if we don't expand the road, traffic

1 will not increase, but it obviously has increased,
2 doubled during that time.

3 Part of the question is, in studies of
4 traffic, I hope that you will come out and actually try
5 to drive Arapahoe going into Boulder at about 7:15 to
6 9 o'clock. I don't think your counters report what's
7 actually happening there. In your assessment it says
8 it's near capacity. It's way over capacity at those
9 peak times. I hope that -- and this is not personal, I
10 know you folks are doing the best that you can, but it
11 seems to me that to get a more accurate assessment of
12 what's happening on the highway, you and some staff
13 need to come out there several times during the week
14 over a period of a month at the peak traffic times just
15 to see what it's like. Thank you.

16 MS. PARR: Thank you.

17 MR. CLARK: And we did. You and I had a
18 conversation a little bit earlier, and there are some
19 graphs in the study that are on the table over here
20 that we can point out to you if you want to look at
21 them. There is a distinct peak traffic westbound in
22 the morning and there's a distinct peak traffic in the
23 afternoon. The p.m. peak, it's classic 5 o'clock, it
24 just comes to like a mountain peak. So during those
25 timeframes there is a lot of traffic on the highway

1 going in one direction or the other.

2 What we have noticed is some of that
3 traffic has spread out a little bit. It used to be, I
4 think, several years ago right at 8 o'clock and now
5 it's maybe expanding from 7:30 to 8:30 or 7:00 to 9:00,
6 and so there is some natural, I guess, traffic
7 adjustment taking place by people sort of adjusting
8 their travel times.

9 MR. KENT: I think that's additional
10 traffic. I don't think it's people spreading out.
11 It's additional people using the road.

12 MR. CLARK: I don't believe it's double.
13 I think the daily traffic has maybe doubled since 1988,
14 I think. It was around 10,000 per day, now it's about
15 19,000 per day, or at least the last time we counted
16 about a year ago it was 19,000 a day. And those peaks
17 hit all over the city and all over the metro area,
18 there's congestion during those peak timeframes, and we
19 feel that this segment of roadway that is going to be a
20 two-lane section is three-quarters of a mile long and
21 will handle the traffic fairly efficiently.

22 It doesn't mean there won't be traffic
23 perceived to be bumper-to-bumper, but we do think it's
24 going to flow fairly well, especially with the
25 improvements made at 75th. That was the bottleneck

1 when we originally started evaluating this corridor,
2 and the improvements out there I think provided an
3 improvement to traffic, both in the morning and
4 afternoon.

5 MR. ROETTAER: My name is Bill
6 Roettaer, R-o-e-t-t-a-e-r. My address is 4507 Mulberry
7 Court. What's the justification for the center turn
8 lane along the entire length of the project? That
9 greatly expands the footprint as far as more
10 right-of-way acquisition, makes a cut through the hill
11 all the more difficult because of the wider
12 right-of-way. So what is the justification for
13 including that center left turn lane throughout the
14 length of the project?

15 MR. CLARK: The point that you brought
16 up over the hill is an excellent example to meet design
17 criteria for the left turn lane at Westview going in
18 the westbound direction and the left turn lane going in
19 the eastbound direction going to Valtec. There's an
20 industrial park on the east side of the hill. To
21 provide the turn lane and then the taper, those almost
22 start to overlap with each other. They don't overlap
23 but they come within several hundred feet of each
24 other, so there really is not enough room to hourglass
25 the roadway in between those turn lane requirements, so

1 that is a really good example.

2 As you move west on the project
3 corridor, there are multiple access points once you get
4 into a more organized setting that require a left turn
5 slot to essentially allow these vehicles to get out of
6 the traffic and allow the through traffic to operate at
7 its highest efficiency. So it is a design criteria
8 requirement.

9 And I guess, just to state here, that
10 this comment period right now, we will be continuing
11 with the open house afterwards, and any of these
12 specific questions, I guess if they're more general in
13 nature and you want to make sure they get in the public
14 record, now is an excellent time to do that, otherwise
15 we'll be happy to answer these questions even after the
16 comment period. So if you'd rather talk about some of
17 your issues, certainly feel free to comment now or make
18 a comment afterwards and we can talk with you or you
19 can make comments to the court reporter afterwards.

20 MS. MUENCH: Lorene Muench, M-u-e-n-c-h.
21 I just want to say that I'm really glad something is
22 going to happen with the center lane going left into
23 Westview because it's pretty dangerous. When you're
24 trying to make a left turn into that subdivision, with
25 a lot of traffic behind you coming at high speeds, you

1 feel like a sitting duck, and there have been a few
2 times when I've had to just keep going in order to
3 avoid having a collision from behind. So I just want
4 to say that that is a great thing in terms of safety.

5 My concern is that if the funding is
6 pulled, then what often happens is the problems that
7 seemed big when there was funding available suddenly
8 aren't taken seriously when the funding source dries
9 up. So if this funding does get pulled, I would like
10 to see some efforts made to make that a safe place,
11 even without four lanes in that area, or center lane in
12 that area.

13 Something to make it very safe or safer
14 than it is now would be to pave the areas beside the
15 shoulders so that it would be easier for people to go
16 around somebody who's trying to make a left turn in
17 that area. Right now someone even has a reflector
18 sign, making it very difficult to go around somebody
19 making a left turn, which really increases the chance
20 of accidents. So I would just like to see safety in
21 mind, even without this project.

22 MR. CLARK: Great comment.

23 MR. CONDON: Bob Condon, 7602 Arapahoe,
24 C-o-n-d-o-n. We already lived through the first phase
25 of this project. We're down there, we could see if it

1 improved north/south traffic and it did. But the
2 east/west traffic, especially the westbound in the
3 morning, there wouldn't really be any improvement until
4 this next phase was done, and, boy, you got out there
5 on 75th, built this huge intersection, basically you're
6 looking at what looks like a commercial intersection
7 but, of course, Boulder County doesn't see it that way.
8 I just don't see this whole rural two-lane thing and
9 all that, why did we have to give up all that we did;
10 and traffic-wise when you go from four to two to four
11 to two, you're just building a racetrack and road rage
12 thing.

13 We see it every day, especially in the
14 afternoon where people come out of a two-lane and
15 accelerate and they've got to get back narrowed down to
16 the bridge. Personally I thought the first project
17 should have gone a little further and not narrowed up
18 right in front of our house, so it's downright scary to
19 make a right turn into our driveway in the afternoon.

20 And in the afternoon, the peak may be at
21 5 o'clock, but anytime after about 2 o'clock, it gets
22 pretty bad, and your traffic is spread out more, so it
23 gets harder and harder to make a left turn across
24 there. When it goes down to two-lane all the way,
25 people will tend to let you in. Now they're looking at

1 that expansion coming west into the two lanes, or even
2 four lanes, they won't even move over a lane to let you
3 in because it's just the psychology of it when you keep
4 going four, two, four, two. I just see that as causing
5 some problems. I don't quite understand what the
6 reason is for that little two-lane section.

7 MR. CLARK: Thanks.

8 MR. HUDDLE: Tim Huddle, 1012 Fox Bridge
9 Court, and I guess I'd like to echo his sentiment as
10 far as when there's two lanes going to one, the road
11 rage that I see every day, everybody has to be in a
12 hurry, everybody's got to be first, nobody wants to let
13 anybody in, and I don't know if that's necessarily --
14 it's probably not a design flaw, it's probably a human
15 condition, but that's something that this should be
16 taken into account, especially going east on the hill,
17 right before Westview, that that's going to be a
18 problem, especially in the winter.

19 And another question I had is how long
20 is the project going to take to complete?

21 MR. CLARK: Thanks for the comment. And
22 for construction, I'm not sure. Two construction
23 seasons, so maybe 18 months or something like that, so
24 it might be a summer and then a winter and then maybe
25 another summer.

1 MR. TENENBAUM: I'm Bruce Tenenbaum,
2 7279 Arapahoe, T-e-n-e-n-b-a-u-m. Just a counterpoint
3 to what I'm hearing here, having lived in this area for
4 many, many years, the improvement at the intersection,
5 from my perspective living close to the intersection,
6 actually made this whole trip into town heading west
7 much better. I've had a five-minute difference when I
8 leave to when I come back. At a quarter of 8:00, it is
9 really packed, 20 till 8:00, it's open. I think that
10 the little bit that has been done so far has a huge
11 impact in improving the accessibility on Arapahoe Road,
12 especially west in the morning. Even though it does
13 still seem busy, it's significantly better than it was
14 prior to the last construction phase.

15 In addition, I like the concept of going
16 to two lane, four lane, two lane -- the other way
17 around -- simply because this will slow down traffic.
18 I think that if it was continued to be four lane, you
19 know, it probably would be a 55-, 60-mile-an-hour
20 freeway. I like the idea of the purpose to slow down.

21 MR. CLARK: Thanks.

22 MR. CONWAY: Tom Conway, C-o-n-w-a-y,
23 4582 Four-Mile Canyon Drive. My office is at 7191
24 Arapahoe. Traffic is a lot better than it was. We
25 don't see the number of accidents that we used to, so

1 it has improved safety somewhat. My question is you're
2 spending all this money on the bridge there. Are you
3 going to accommodate four lanes?

4 MR. CLARK: The turn configuration would
5 allow for a four-lane roadway under the railroad
6 bridge, if that eventuality ever came about.

7 MR. CONWAY: So it's four-lane?

8 MR. CLARK: We're not building a major
9 infrastructure for the railroad. That may need to be
10 reconstructed 20 years down the road.

11 MR. GOSSELIN: We're looking at 30 years
12 for this process here. When we build a structure, we
13 expect it to last about 80 years, so that's why we're
14 going well beyond what this study is looking at when we
15 design and construct a railroad bridge. If we wanted
16 to four-lane it, we have this document that shows it
17 has not been four-laned, we would have to come back and
18 do a similar process as this in the future before we
19 expand that to four lanes, but it's not anticipated in
20 the next 30-year horizon that we're looking at that.

21 MR. SLEEPER: My name is Joe Sleeper,
22 6500 Arapahoe. I'm representing the Boulder Valley
23 School District, and we have several comments because
24 we clearly impact the travel lane in that area. We'll
25 also make several comments and provide those in written

1 form, but we do stage about 150 buses out of there a
2 day, school buses. We also host RTD that comes in
3 there several times during the day and several hundred
4 employees that go in and out during those peak times,
5 so we have some concerns about how that intersection
6 directly in front of us will be configured. Like I
7 said, we'll submit those in written form.

8 The question I have, though, I think
9 this was preferred alternative 3; is that correct, the
10 alternatives?

11 MR. CLARK: I think I've gotten them
12 confused, but I think it's 2.

13 MR. SLEEPER: I did note you had a
14 project budget in there, and I guess my question is,
15 you're a couple years out. Knowing what asphalt is
16 doing right now, what contingencies are in place to
17 either increase the funding because demands during the
18 construction period or what contingencies do you have
19 to justify the project accordingly? Do you have parts
20 of the project that you will scale back as a result of
21 budget cuts, or do you hope to meet that budget?

22 MR. GOSSELIN: At this time our goal is
23 to build what we show. If the escalating costs get
24 beyond what we can deal with, then at that point we
25 would think about cutting it back slightly; but until

1 we have a design for the full build so we can get costs
2 for that, we can't start cutting things out. So we
3 will be looking at doing it in concrete instead of
4 asphalt because of the escalating asphalt costs, but
5 that's something that we have to get through this
6 process before we get into final design and start
7 looking at those kinds of issues.

8 MR. ROETTAER: Bill Roettaer again.
9 You indicated the final design speed for this hasn't
10 been determined; is that correct?

11 MR. CLARK: We are currently doing some
12 early preliminary design, which has increased the next
13 step past what you see on the table, and we are looking
14 at a 45-mile-per-hour design speed. The 75th
15 intersection was a 45-mile-per-hour design speed. To
16 the west in front of the school is 45 miles per hour.
17 At one point in the study we were considering 55 miles
18 per hour over the hill. So it would be a consistent
19 45 miles per hour through the whole length of the
20 corridor.

21 MR. ROETTAER: I think that the
22 residents and the businesses along this stretch will be
23 very concerned about higher speed limits and everything
24 like that. Just the fact that you're widening the
25 roadway will encourage drivers to speed up, so I think

1 you need to do everything you can to design the roadway
2 so that speeds are limited to 45 miles per hour
3 maximum.

4 MR. CLARK: Thanks.

5 MR. MARCUCCI: Any more comments?

6 MR. McLENNON: Just a quick question. I
7 was wondering how much extra traffic flow are you
8 looking at from the Park-n-Ride for the Fast-Trax going
9 in there at 63rd and Arapahoe? Are you expecting a lot
10 of stuff -- I mean, people coming in from the east --

11 MR. MARCUCCI: First off, can we get
12 your name?

13 MR. McLENNON: My name's Scott McLennon.
14 I've got a shop at 7183 Arapahoe.

15 MR. GOSSELIN: We looked at kind a
16 sensitivity analysis at the Park-n-Ride. Right now the
17 plan for a Fast-Trax does not have a funded Park-n-Ride
18 there. Actually, we have representatives from
19 Fast-Trax here.

20 MR. McLENNON: Or a station.

21 MR. GOSSELIN: Right now it is not
22 funded, so we cannot assume that it will be there, but
23 we did look at it and see what it did to us. It had a
24 minor impact for our overall numbers.

25 Mr. McLENNON: So you don't think

1 there's going to be much flow from the east to get to
2 that station?

3 MR. GOSSELIN: More from the west.

4 MS. McAFEE: Actually, what the document
5 says, I just looked it up, it said a 800-space
6 Park-n-Ride and 75 percent of the patrons to and from
7 the west. So that was our best guess.

8 MR. GOSSELIN: The best guess was that
9 anybody that lives to the east and they're trying to go
10 to Denver, they'd rather travel towards Denver to get
11 on the train, which would be at the Louisville stop.

12 MR. McLENNON: If there was an easier
13 path, it would attract a little more attention.

14 MR. MARCUCCI: All right. Any more
15 questions or comments? If not, I would like to thank
16 you all for coming out. We'll continue the open-house
17 format now where we can continue to address any more
18 specific questions you have.

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PUBLIC COMMENTS

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3 COMMENT 1: I would like to see them
4 continue the two lanes going east past Westview Drive
5 to the crest of the hill, then merge them into the one
6 lane, as opposed to them merging them into one lane
7 right at Westview, which is where I turn all the time
8 off of Westview.
9

10 COMMENT 2: I'm the owner of Boulder
11 Door and Millwork at 6655 Arapahoe, and I would like to
12 make sure that they do not insert a raised median in
13 front of our driveway so that traffic can still turn
14 left into our facility and we can still turn left out
15 of our facility.
16

17 COMMENT 3: This is Marcia and Jim
18 Hoffmeister. We live in the Park Lake subdivision, and
19 I want to tell CDOT that 75th to 95th is a death trap.
20 For bicyclists the siding is barely a foot wide, and
21 now with the increased gas costs, more people are
22 bicycling to work and they go at peak traffic hours and
23 traffic has to move out to get around them and it is a
24 death trap. I'm amazed that nobody's been killed.
25

1 COMMENT 4: I'm Bruce Tenenbaum, at 7279
2 Arapahoe. I do want to say that Gray and this whole
3 team have worked with me for the last several years,
4 including CDOT right-of-way people, and have recognized
5 the majority of the concerns that I've had in a very
6 professional manner and have dealt with it in their
7 design, and I'm very appreciative and it's wonderful
8 what they're doing.

9 The only little concern I want to bring
10 up that I see at this point is there is a potential for
11 a large concrete or masonry retaining wall on the north
12 side of Arapahoe directly across from my home,
13 potentially very high, and I'm afraid that it could
14 have the impact of creating an amphitheater effect on
15 the noise coming out of my property. I would like some
16 awareness to be put to that issue on the final design.

17
18 COMMENT 5: I'm Jim Hoffmeister. The
19 only thing I have is that I would be concerned about
20 the cost benefit of this change. My bias is that
21 unless it's four-lane, there's no way it can handle the
22 increased volume of traffic, and it will probably take
23 two or three years to complete this. At what cost, I
24 don't know at the moment. By that time, the
25 developments east of us, east of 287 on Arapahoe, will

1 continue to expand and the volume is going to
2 dramatically increase again, so we probably won't be
3 any better off three years from now than we are now
4 because we haven't made it four-lane, we've made it
5 three-lane, and it's not even an effective turning
6 lane.

7 So I'm wondering what's the cost benefit
8 of what we're doing. We've lived in Park Lake for 30
9 years, so we've been seeing this increased traffic and
10 fighting that volume over the time period, so we think
11 CDOT and the County Commissioners, we'll say this in
12 other places too, should look at the cost benefit of
13 what they're doing. And that's it.

14

15 COMMENT 6: My name is Joe Kent. We own
16 the property at 6551 Arapahoe, and a bunch of comments.
17 One, we own the north side of the street. We have
18 trees that line Arapahoe, two sets of trees, Russian
19 olives and green ash. They were put in as a sight
20 barrier, and they're not for landscaping purposes,
21 they're for sight barrier purposes. We have
22 semitrailers on the property. Boulder County would
23 prefer us to have the semitrailers covered and not
24 seen. The trees today are about 8 feet tall. The
25 sight barrier is perfect. It appears you will be

1 taking all the trees. We don't want that. We want to
2 save the trees, and I'm not sure you can.

3 So I guess the next comment is if you're
4 going to take the trees, we'd like you to put them
5 back. Again, it's not as a landscaping purpose. It's
6 as a sight barrier.

7 Second thing, you're at the light where
8 our property is, it's a one-lane highway with a left
9 turn lane in the school district and a right turn
10 lane -- or there is no right turn lane, it's a straight
11 through lane and turn lane. We are going to be
12 decelerating semitrailers at that point to turn onto
13 our property and we'll be blocking traffic.

14 That's the two comments. Please keep us
15 informed of what's going on. We've signed in.

16 The public hearing was concluded at
17 6:30 p.m.

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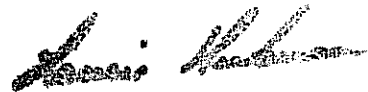
C E R T I F I C A T E

STATE OF COLORADO)
) ss
COUNTY OF JEFFERSON)

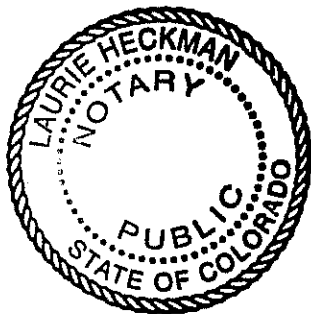
I, Laurie Heckman, Notary Public of the State of Colorado, duly appointed to report the above public hearing, do hereby certify that said hearing and comments were stenographically reported by me at the time and place heretofore set forth, and was reduced to typewritten form under my supervision as per the foregoing;

That the foregoing is a true and correct transcript of my shorthand notes then and there taken;

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 14th day of July 2008.



Laurie Heckman, RPR
Notary Public
My Commission expires:
September 1, 2008



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Appendix C – Agency Comments

- A1 – City of Lafayette
- A2 – Boulder Valley School District
- A3 – City of Boulder and Boulder County
- A4 – Naropa University
- A5 – Boulder Valley School District
- A6 – Denver Regional Council of Governments
- A7 – United States Department of the Interior
- A8 – United States Environmental Protection Agency

From: Douglas Short [douglass@cityoflafayette.com]
Sent: Monday, June 23, 2008 8:25 AM
To: A. Gray Clark
Cc: Marcucci, Daniel; Parr, Carol; Gosselin, Mark
Subject: RE: SH7 - Cherryvale to 75th
...just for the record my vote is for 4-lanes the entire section from Cherryvale to 75th.....but I am but a lowly Public Works Director...so what do I know!!

From: A. Gray Clark [mailto:gclark@MULLERENG.COM]
Sent: Monday, June 23, 2008 8:13 AM
To: Douglas Short
Cc: Marcucci, Daniel; Parr, Carol; Gosselin, Mark
Subject: RE: SH7 - Cherryvale to 75th

Doug,

The preferred alternative includes 4 lanes on the west end of the project and transitions to a two-lane section over the Legion Park hill (between Westview Drive and the BNSF Railroad Overpass).

Please let me know if you have any further questions.

Thanks,

Gray

A. Gray Clark, P.E.
Transportation Project Manager
Muller Engineering Company, Inc.
777 S. Wadsworth Blvd.
Suite 4-100
Lakewood, CO. 80226
303 988-4939 phone
303 988-4969 fax

From: Douglas Short [mailto:douglass@cityoflafayette.com]
Sent: Friday, June 20, 2008 1:33 PM
To: A. Gray Clark
Subject: SH7 - Cherryvale to 75th

Is the preferred alternative to extend SH7 with 4 lanes (two in each direction) from Cherryvale to 75th...??

Doug Short
Public Works Director
City of Lafayette

From: Jim Blankenship [jim@jlbcivil.com]

Sent: Monday, June 30, 2008 3:49 PM

To: A. Gray Clark

Subject: EA Comment

Hi Gary,

I am representing Boulder Valley School District for their site on Arapahoe Road. We are planning for some adjustments to the parking and circulation on their site and was wondering if you forward the contact information for the surveyor who prepared the base maps for the CDOT project. We are looking for someone to help with surveying on this site and would like to talk to them.

Thanks

*Jim Blankenship, P.E.
JLB Engineering Consultants
743 Pear Court
Louisville, Colorado 80027
jim@jlbcivil.com
303-604-1634*



CITY OF BOULDER

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July 18, 2008

Mark Gosselin, CDOT – Region 4
 Colorado Department of Transportation
 1420 2nd Street
 Greeley, CO 80631

RE: City of Boulder and Boulder County's comments on the Arapahoe from Cherryvale to 75th Street Project and the associated Environmental Assessment

Dear Mark,

Staff from the City of Boulder and Boulder County appreciates the opportunity to provide comments on the Arapahoe from Cherryvale to 75th Street Project. Our staff has enjoyed working with you for the many years that this project has been under discussion and we share your desire to bring the planning stage of the project to completion.

Thank you for meeting with Stephany Westhusin and Mike Sweeney recently to discuss the project. Given your conversation it appears there is a good opportunity for agreement to advance components of the project that would meet the needs of CDOT, Boulder County and the City of Boulder. The City of Boulder and Boulder County have reviewed and conferred with each other regarding the environmental assessment for the Arapahoe project from east of Cherryvale to west of 75th Street. The city and the county have the following comments:

- We are supportive and grateful for several components of the project. Specifically, we are supportive of the inclusion of a sidewalk on the south side of Arapahoe, from Cherryvale to Westview and a multi-use path on the north side of Arapahoe, from Cherryvale to 75th Street. In addition, we are supportive of the inclusion of bicycle lanes or shoulders along the entire length of the project; and for the inclusion of several transit stop improvements. We are also supportive of the proposal to limit the cross-section of Arapahoe to three lanes between Westview and the railroad bridge. We believe that CDOT has made very good project decisions in each of these areas.
- A3-1**
- We support the design of this section of roadway, using no greater than a 45 mph design speed. Along those lines, we would encourage CDOT to consider using narrower lane widths, more consistent with other Boulder area facilities. In particular, we would recommend 11 foot travel lanes, and 10 foot turn lanes. We would question whether

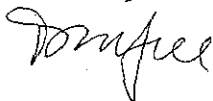
there is a need for 16 foot center turn lanes anywhere in the project. We believe that narrowing lanes can provide additional room for a detached sidewalk or a narrower cross-section, both of which would be beneficial to pedestrians.

- A3-2** ▪ We understand the need for efficiency improvements at the 63rd Street and the BVSD intersections. We would like CDOT to build two lanes in each direction with the second lane designated as a right turn, acceleration/deceleration and queue jump lane. We are willing to discuss agreeing to a defined trigger (i.e. level of service) at which point this designated outside lane could be re-striped as a full service lane. We need to investigate what type of documentation and approval is needed from the local governments, such as a memorandum of understanding approved by Council and the Commissioners.
- A3-3** ▪ We do not advocate adding queue jump lanes to the current recommended 5-lane cross section at the intersections.
- A3-4** ▪ We would like CDOT to construct the additional turn lanes from 63rd Street to 75th Street only in locations which justify the additional lanes based on high turning traffic volumes or high number of correctable accidents – and not build continuous left and/or right turn lanes.
- A3-5** ▪ We would like CDOT to evaluate where to start the 3rd lane going westbound from the 63rd Street intersection – preferably keeping the start of the three lane section where it is today and transitioning from two lanes through 63rd to three lanes where it exists today.
- A3-6** ▪ We are concerned about the proposal to attach both the sidewalk and multi-use path on Arapahoe between Cherryvale and Westview. Arapahoe is an arterial roadway with a speed limit of 45 mph. We would like CDOT to consider detaching the sidewalk on the south side of the roadway, and if possible, detaching the multi-use path on the north side of the roadway.
- A3-7** ▪ With agreement on these items we request that we pursue an agreement with the Denver Regional Council of Governments (DRCOG) regarding how the city of Boulder's federal funds associated with this project can be used effectively without penalizing the city for project delays.

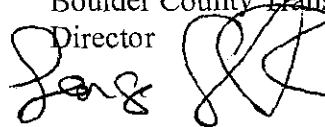
Thank you for considering our requests. We would be glad to discuss our comments in person with you if you would like.

Sincerely,

Tracy Winfree
COB Director of Public Works
For Transportation



George Gerstle
Boulder County Transportation
Director



Cc: Robert Garcia, Regional Transportation Director, CDOT Region 4
Stephany Westhusin, City of Boulder
Michael Gardner-Sweeney, City of Boulder

Naropa University
2130 Arapahoe Ave.
Boulder, CO 80302

July 22, 2008

Re: SH 7 Environmental Assessment
6287 Arapahoe Rd – Naropa University Campus

To: Robert Hayes, CDOT
Gray Clark, Muller Engineering

Gentlemen,

On behalf of Naropa University, I thank you again for your outstanding cooperation in sharing with me the details of the environmental assessment (EA) regarding the widening of Arapahoe Road. In general, Naropa University supports the project as we believe it is the correct improvement for traffic conditions on east Arapahoe and specifically at the intersection of 63rd street and Arapahoe Road. However, it does create significant problems for us that I will detail below.

Naropa University is a primary employer in Boulder and an important educational and cultural contributor to the city, county and surrounding towns. In total, we employ approximately 400 faculty and staff with a student body presently of over 1,100. As a contemplative university, our specialty is offering students the opportunity to focus their study on intellect and intuition – both the inner and outer experiences of being human. Thus, though our classes are sometimes tumultuous, disturbance from the environment, most of the time, can be distracting to both students and faculty.

As you know, a Naropa campus sits at the northwest corner of the intersection of 63rd street and Arapahoe Rd. This campus will be considerably impacted by the project. We believe CDOT ought to consider strongly the fact that one of our campuses sits squarely in the project zone and the impact of the development on our campus and its inhabitants.

Additionally, the campus at 63rd street is not a “satellite campus” as stipulated in the EA. It is a significant property representing one of our three campuses. Specifically it is the heart and soul of our visual and performing arts departments as well as the home of our Extended Studies division. University plans call for the build-out of this campus, at the very least, on the existing 5.5 acres. The inclusion of our yoga, t’ai-chi and aikido classes will likely occur in the near future. Our plans may include all aspects associated with a functioning university including student housing and dormitories. Also, the expansion of the parking lots, which will be required for development of this property, needs to be considered. Naropa’s future calls for substantial growth of this campus.

With the above in mind, I would like to add to the EA public comments and concerns as well as request that considerable attention be brought to the following:

- A4-1**
 - One overall disturbing factor in the EA is that a university campus, an important institution to the City and County of Boulder will be affected by the construction and completed project, yet gets little mention or attention in the assessment.
- A4-2**
 - As mentioned above, we believe Naropa University at 6287 Arapahoe Road should be added to Table 3-27 in regard to “Foreseeable Future Development”.
- A4-3**
 - The EA states that 22, 400 square feet of our property falls into the “area of acquisition”. Representing about 10% of our campus, this is concerning.
- A4-4**
 - Due to the alleged historic gas station, the widening of Arapahoe Road, east and west, will dip south near the intersection of 63rd street. Not given any attention is that similarly, due to the location of the gas station, 63rd street heading north from Arapahoe is projected to be moved extensively to the west. The plan, from all indications, intrudes largely on our eastern border. 63rd street will then encroach on our classroom building, raising noise, carbon monoxide and visual concerns.
- A4-5**
 - Classrooms, studios, windows and many roof top units of our heating and air conditioning system run parallel to 63rd street.
- A4-6**
 - The moving of 63rd street to the west will also likely require the destruction of trees along our eastern border.
- A4-7**
 - The widening of 63rd to the west might intrude on existing parking spaces that cannot be lost.
- A4-8**
 - It is unlikely the university will agree to an increase in the right of way associated with the purchase of our land along the eastern border of our property.
- A4-9**
 - The university was not used as a site for noise testing during the EA and thus, if appropriate, has not been considered for a noise abatement structure. Obtrusive noise is a concern to a classroom environment. “According to CDOT guidelines, the ‘feasibility and reasonableness’ of mitigation needs to be considered for all locations that are projected to experience noise impacts.”
- A4-10**
 - Numerous trees parallel Arapahoe Road on Naropa’s southern border. One of especial interest in an old, very large cottonwood tree, which sits close to the intersection to 63rd street. It is not clear from the engineer’s drawings if this and other trees are endangered by the project.

Considering the shift in 63rd street to the west, curb and gutter work, the 12-foot wide multi-use sidewalk, the water quality pond, the widening of 63rd street, the westbound acceleration lane servicing 63rd street and required RTD bus stop with its associated cement pad, **some or all of these trees are likely in jeopardy.**

- A4-10** • Naropa University frowns upon the possible destruction of these trees.
- The size and location of the water detention pond along our borders is concerning but not overwhelming. Specifics of this proposed water quality structure need to be examined and brought to acceptable university understanding.. We would like to be certain that details related to the location, size, maintenance of and impact on pedestrian circulation are addressed.
- A4-11**
- The EA states, “Because there are very few residential land uses in the study area, adverse impacts on persons of advanced age or with disabilities are not anticipated”. In fact, Naropa University does have among its ranks individuals in both above categories and attention does need to be brought forth in attending to their needs.
- A4-12**

Let me close by reiterating Naropa University’s general support for this project along with our hope that it can be accomplished in ways that are less disruptive to the human and natural environment of our 63rd street campus. We look forward to the coming discussions and negotiations..

Sincerely,

|
Sandy Goldman
Vice President of Operations



Professional Engineers
Civil Engineering

July 24, 2008

Comments to Arapahoe Road (S.H. 7) – Cherryvale Road to 75th Street
Environmental Assessment and Draft Section 4(f) Evaluation

Comments prepared by Boulder Valley School District, 6500 E. Arapahoe Road, Boulder,
Colorado

Mr. Gray Clark
Muller Engineering Company
Suite 4-100
777 South Wadsworth Blvd.
Lakewood, Colorado 80226
Fax: 303-988-4969

- A5-1**
- 1.) The BVSD has concerns pertaining to construction level traffic control and movements with relationship to site access for the BVSD. The BVSD bus barn which serves this portion of the school district area is located on the site and is subject to heavy vehicle movements relying on current configurations and signal timing. The BVSD transportation department is tasked to schedule buses based on expected normal traffic movements to allow for collection of children for school and for return trips home. The BVSD requests that traffic movements with respect to buses and daily operations be maintained insofar as practical and any adjustments to the signals, lanes or traffic flow and that notice be provided to the BVSD a minimum of 10 working days in advance, if not longer.
- A5-2**
- 2.) There are several existing trees along the current boundary of the BVSD parking area which fronts the current right of way for SH7. While it is acknowledged that the road selected cannot be built without removing said trees, the BVSD is concerned that the root structure of these trees extends under the existing pavement and removal of trees and subsequent decay of larger roots could cause damage to the parking lot. In conjunction with this, the existing parking lot does slope to the curb line where these trees were located as such the BVSD is concerned that normal traffic loadings from parked vehicles will be accommodated with any temporary construction means or methods to build the improvements along this reach without having to close down the parking lot.
- A5-3**
- 3.) The BVSD utilizes the current configuration of the access at the stop light, at times exceeding the capacity of intersection. At a minimum, the BVSD requests this intersection geometry be studied for the actual conditions during the operating day and that the intersection, highway approaches and turn lanes, site approaches, and signalization timing be appropriated accordingly. The BVSD would like to note that bus traffic is very heavy in the morning hours, coinciding with the morning rush hour, and during the later afternoon, perhaps ending just before the afternoon rush on

*S.H. 7 – Boulder Valley School District Comments
July 24, 2008*

Page 2

typical days. Additionally, the BVSD experiences high traffic volumes daily from visitors and commercial deliveries. BVSD desires to be involved with and be able to comment on the final design of this intersection. It should be noted that this access is also utilized extensively by RTD for several routes. There is an existing bus stop on the BVSD property that is heavily utilized.

- 4.) The BVSD has installed fiber optics systems on property that need to remain in service. Any activities requiring these systems be relocated shall be coordinate with the BVSD to minimize outages, if any are permitted. Other utility connections, such as water systems, may also need relocation and the BVSD requires that notice be provided in advance of any necessary outages. The BVSD may require an alternate source of feed for any utility normally in service that would be taken out of service as a result of construction. This BVSD location provided centralized data processing and security for the entire district and it's operation is critical to the daily operation of the schools in the District.

A5-4

Respectfully Submitted,
JLB Engineering Consultants
For and On Behalf of Boulder Valley School District



James Blankenship, P.E.
Project Manager

From: Fred Sandal
Sent: Friday, July 25, 2008 8:09 AM
To: 'Gray Clark (gclark@mullereng.com)'
Cc: Steve Cook; Steve Rudy
Subject: Comments on the SH 7 Environmental Assessment

DRCOG has reviewed the State Highway 7 (Cherryvale Road to 75th Street) Environmental Assessment and has the following observations and comments:

- A6-1** P 1-4: Not sure what guidance you will receive from FHWA, but throughout the document is reference to 2030 MVRTP, even though 2035 MVRTP was adopted in December 2007. (We think it is fine that you modeled 2030.)
- A6-2** P 1-4: You should mention that the project is included in the Fiscally Constrained 2035 Regional Transportation Plan.
- A6-3** P 3-30: There are a couple of references to “forecasting from DRCOG.” The document should be consistent with previous pages that refer to “using” the DRCOG model.
- A6-4** P 3-30: You may want to clarify statements such as “the model forecasts SH 7 at capacity in 2030.” For what time(s)? What duration?
- A6-5** P 3-32: Do you have the data to back up statements in the first four paragraphs (data, numbers, charts, etc.) and should it be included in the document?

Thank you for allowing us to comment.

Fred Sandal, AICP

Long Range Transportation Planning Coordinator

Denver Regional Council of Governments

Telephone: 303-480-6731



United States Department of the Interior

OFFICE OF THE SECRETARY
Washington, DC 20240



9043.1
PEP/NRM

AUG 7 2008

ER 08/650

Mr. Shaun Cutting
Program Delivery Engineer
Federal Highway Administration
12300 W. Dakota Avenue, Suite 180
Lakewood, Colorado 80228

Dear Mr. Cutting:

Thank you for the opportunity to comment on the Draft Environmental Assessment and Section 4(f)/6(f) Evaluation for **SH-7, Cherryvale Road to 75th Street in Boulder County, Colorado**. The Department of the Interior (Department) provides the following comments.

GENERAL COMMENT

Removal of the bald eagle from the list of federally protected, threatened and endangered species became effective August 8, 2007; however, it is still protected by the Bald and Golden Eagle Protection Act (BGEPA – 16 U.S.C. 668) and the Migratory Bird Treaty Act (MBTA - 16 U.S.C. 703). We are in the process of developing a permitting system to authorize the taking of bald eagles under the BGEPA. In the interim, we recommend adhering to the Colorado Division of Wildlife's 2002 "Recommended Buffer Zones and Seasonal Restrictions for Colorado Raptors" to avoid and minimize the likelihood of violating the BGEPA or the MBTA.

A7-1

SECTION 4(f) COMMENTS

Following our review of the Section 4(f) Evaluation, we concur that there is no feasible or prudent alternative to the Preferred Alternative selected in the document, and that all measures have been taken to minimize harm to these resources. We acknowledge that you have consulted with the Colorado State Historic Preservation Office, and have prepared a Memorandum of Agreement to minimize adverse effects to historic properties.

A7-2

The Department appreciates the opportunity to review this document. If you need further assistance regarding fish and wildlife resource, please contact Tim Modde, FWS, at (303) 236-4253 or, for questions concerning Section 4(f) resources, please contact Roxanne Runkel, NPS, at (303) 969-2377.

Sincerely,

A handwritten signature in black ink, appearing to read "Willie R. Taylor". The signature is fluid and cursive, with a large initial "W" and a long, sweeping tail.

Willie R. Taylor
Director, Office of Environmental
Policy and Compliance

cc:

Ms. Pamela A. Hutton
Colorado Department of Transportation
4201 East Arkansas Avenue
Denver, CO 80222

Mr. Robert J. Garcia
Colorado Department of Transportation
1420 2nd Street
Greeley, CO 80634



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY

REGION 8
 999 18TH STREET - SUITE 300
 DENVER, CO 80202-2466
 Phone 800-227-8917
<http://www.epa.gov/region08>

SEP 15 2008

Ref: 8EPR-N

Karla S. Petty, PE
 Division Administrator, Colorado Division
 Federal Highway Administration
 12300 W. Dakota Avenue Suite 180
 Lakewood, Colorado 80228

Robert J. Garcia, PE
 Region 4 Transportation Director
 CDOT Region 4, Boulder Residency
 1050 Lee Hill Road
 Boulder, Colorado 80302

Re: EPA Comments on the Environmental
 Assessment (EA) and Draft Section 4(f) Evaluation
 for State Highway 7 (Cherryvale Road to 75th
 Street) in Boulder County, CO

Dear Ms. Petty and Mr. Garcia:

EPA Region 8 has reviewed the Environmental Assessment (EA) and Draft Section 4(f) Evaluation for State Highway 7 (Cherryvale Road to 75th Street) in Boulder County, CO. This document evaluates the environmental, social and economic impact of the proposed action for State Highway 7 between Cherryvale Road and 75th Street (approximately 2.2 miles). The primary purposes of the improvements are to reduce congestion and enhance safety. The improvements are also intended to improve mobility for multiple modes of transportation. Our review did not raise any issues or concerns with the proposed action, and EPA does not plan to submit comments on this document. If you have any questions, please contact Jody Ostendorf at 303 312-7814.

Sincerely,

Larry Svoboda
 Director, NEPA Program
 Office of Ecosystems Protection and Remediation



Appendix D – Public Comments

- E1 – Rose Mary Highman
- F1 – Laurene Facey-Muench
- F2 – Bill Roettker
- F3 – Bill Boothby, Colorado Tennis Facilities
- F4 – James Hoffmeister
- F5 – Albert Chapman, Boulder Door & Millwork Co.
- F6 – Jason Sweeney
- F7 – Marcia Hoffmeister
- F8 – Carol Saunders
- F9 – Tom Conway
- F10 – Anonymous
- F11 – Historic Boulder, Inc.

From: Rose Mary Highman [mailto:gsnaps2000@comcast.net]
Sent: Friday, July 25, 2008 10:14 PM
To: A. Gray Clark
Subject: SH7 input from 7/8/2008 meeting

Mr. Clark, Thank you for the public hearing re the above. I appreciate the 6-7' cut at Legion Hill and the 45 mph and the bike and multi-use lanes. This should make the road better while at the same time being practical. I've always loved the view as one drops down into Boulder headed east at Legion Hill and your plan seems to preserve this by not making the road so wide and so fast that all semblance of country is lost.

As with any cut, please consider surfaces that are not conducive to graffiti. I appreciate your efforts to include RTD stops.

Thank you, Rose Mary Highman

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008

Arapahoe Road (S.H. 7) – Cherryvale to 75th Street

Environmental Assessment and Draft Section 4(f) Evaluation



Your suggestions and/or comments are solicited at this time regarding this Environmental Assessment (EA) and Draft 4(f) Evaluation. Your input is very important to us. Space is provided below for your written comments.

Here are three ways to comment:

- Please hand in this sheet at the public hearing or mail in or fax it to:
 - Gray Clark
 - Muller Engineering Company
 - Suite 4-100
 - 777 S. Wadsworth Blvd.
 - Lakewood, CO 80226
 - Fax 303.988.4969
- Provide Comments to the Court Reporter at this Public Hearing
- Provide Comments on the SH 7 website: <http://www.dot.state.co.us/SH7EA/index.asp>

Comments must be received by July 25, 2008.

I am very happy with the current plans to have double lanes along Arapahoe near Westview. I would like to site alternatives in case the funding for the project is pulled. When going westward along Arapahoe making a ~~left~~ left-hand turn onto Westview - that stretch of road has a ~~steep~~ steep downhill slope, which ~~also~~ makes it dangerous to wait for the eastward traffic to clear before turning since cars coming from behind are often speeding. It would like to see this made safer by at least paving the shoulder so that cars also going westward would be able to go around the turning car, reducing the ~~can~~ chance of an accident.

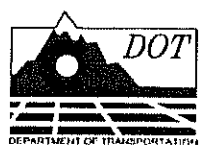
I would also like to see the exit of Westview and Arapahoe widened to make it easier for cars to make both left and right turns simultaneously.

Optional Information:

Name: Laurene Facey-Muench

Address: 1242 Meadowlark Dr City, State, Zip: Boulder, CO, 80303

Public Comment Sheet



Public Hearing / Open House, July 8th, 2008
Arapahoe Road (S.H. 7) – Cherryvale to 75th Street
Environmental Assessment and Draft Section 4(f) Evaluation

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① Center left-turn lane along the entire length of the project is not justified. Additional right-of-way and environmental impacts are not needed if left-turn lanes are included at major intersection only (Cherryvale, 63rd, ~~the~~ entrance at BUSD, Westview Drive, Valtec Lane (?) Consolidate driveways to eliminate conflicts with left turns. Minimize ~~road~~ paved surface to minimize environmental impacts!

② Underground overhead lines while re-locating them.

③ Design speed should be 45 mph MAX. Lane width should be compatible with 45 MPH max!

Optional Information:

Name: BILL ROETTKER

Address: 4507 MULBERRY CT. City, State, Zip: BOULDER 80301

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008
Arapahoe Road (S.H. 7) - Cherryvale to 75th Street
Environmental Assessment and Draft Section 4(f) Evaluation



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Comments must be received by July 25, 2008.

Colorado Tennis Facilities (aka Rocky Mountain Tennis Center) owns 10 acres at 6200 Arapahoe (formerly Birch West). We are being annexed to the City of Boulder (Hess 2010) and are very concerned about the potential loss of parking spaces. Under the proposed layout plus a 10 ft landscape requirement of the City of Boulder, we would lose all of the existing parking spaces in the front row (approx. 20 spaces). This would require us to reduce the number of courts and other facilities which would negatively impact our court revenues.

We are opposed to the idea of a declaration lane because this would further reduce our parking.

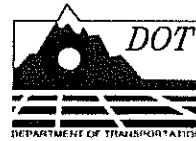
We expect a 50/50 ratio of cars approaching our site from the east or west.

Optional Information:

Name: Bill Boothby, BUSINESS MANAGER, COLORADO TENNIS FACILITIES

Address: 6200 ARAPAHOE City, State, Zip: Boulder CO 80503

Cell: 303 394-0446 bill@rockymountaintenniscenter.com



Public Comment Sheet

Public Hearing / Open House, July 8th, 2008
Arapahoe Road (S.H. 7) – Cherryvale to 75th Street
Environmental Assessment and Draft Section 4(f) Evaluation

Your suggestions and/or comments are solicited at this time regarding this Environmental Assessment (EA) and Draft 4(f) Evaluation. Your input is very important to us. Space is provided below for your written comments.

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Comments must be received by July 25, 2008.

I have lived in Park Lake Subdivision for 30 years. Traffic congestion at peak travel periods has become ~~more~~ much greater over time. Making the current highway into a 3 lane road will not make any significant difference. One lane per way leads to more accidents because people will inevitably try to use the center lane to pass slow traffic, even though traffic is limited on this highway, so this will lead to more accidents.

The court commissioners have looked a very flimsy report, a relay, on their thinking. They assumed that if a restricted highway is confined, less people will use the roadway than misguides such a notion is. Look at the traffic volume cited on page 3-29 & 3-28 of the Environmental Assessment report. Traffic is a great deal less than what is reported. Traffic in peak travel periods is nearly double today compared to 2007. People will use a roadway whether it is a restricted or not because it is the over the most direct route to Grand Ball Park. The increase in development east of 287 will just compound the problem.

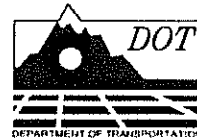
The current plan is a ~~no~~ traffic waste of the tax payer's money. Please remember the cost-benefit of the proposed change in the center of the above!

Optional Information:

Name: James Hoffmann
Address: 2400 Park Lake Drive City, State, Zip: Boulder, CO, 80302

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008
Arapahoe Road (S.H. 7) – Cherryvale to 75th Street
Environmental Assessment and Draft Section 4(f) Evaluation



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Comments must be received by July 25, 2008.

PLEASE DO NOT INSERT A RAISED MEDIAN IN FRONT OF THE ACCESS TO BOULDER ROAD & MILLWOCK AT 6655 ARAPAHOE ROAD.

ADDITIONALLY, THE CENTER LANE SHOULD CONTINUE TO OUR ACCESS AT BOULDER ROAD & MILLWOCK.

THE HISTORIC GAS STATION HAS A BEAUTIFUL STONE FACADE BENEATH IT'S CURRENT WOOD BOARD EXTERIOR.

Optional Information:

Name: *ALBERT CHAPMAN*

Address: *1132 WESTVIEW DR* City, State, Zip: *Boulder, CO 80303*

*ALSO: OWNER OF BOULDER ROAD & MILLWOCK CO.
6655 ARAPAHOE RD
BOULDER CO 80312 303 499 5681*

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008

Arapahoe Road (S.H. 7) – Cherryvale to 75th Street

Environmental Assessment and Draft Section 4(f) Evaluation



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Comments must be received by July 25, 2008.

I live on Westview Dr and exit onto Arapahoe daily. Currently the proposal shows 2 lanes traveling east on Arapahoe and merging into 1 lane traveling east at Westview Dr. I believe this will create an already problem of slowing down traffic to a standstill prior to cresting the top of the hill on Arapahoe.

I would like to see the 2 lanes going east on Arapahoe continue to the crest of the hill and then merge into 1 lane. This should allow traffic (especially in winter) to not have to merge as soon and thereby eliminate stopping and spinning out at Westview.

Today there is a turnout going east on Arap for cars turning on Westview. Your proposal today shows a turn lane evolving from a 2 lane into 1. There does not seem to be any improvement.

Lastly, please consider this right turn lane to be used in conjunction with the proposed bike lane thus providing more space for turning right onto Westview.

Optional Information:

Name:

Jason Sweeney

Address:

6599 Stearns Ave

City, State, Zip:

Boulder 80303

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008
 Arapahoe Road (S.H. 7) – Cherryvale to 75th Street
 Environmental Assessment and Draft Section 4(f) Evaluation



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Comments must be received by July 25, 2008.

We live at Park Lake.

① 15th to 95th on Arapahoe is a Death Trap for bicyclists. The siding is a foot or less wide. Now that gas is more expensive more people are bicycling to work at Rush Hour. I am amazed that no one has been killed.

② This Cherryvale to 75th should be 4-lane. The mentality of "don't build it and they won't come" did not work. They come anyway.

③ And what about 15th to 95th - Nearly impossible to get onto Arapahoe at rush hour now.

Optional Information:

Name:

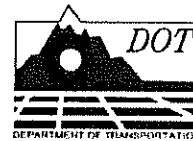
Marije Hoffmeister

Address:

2400 Park Lake Dr. City, State, Zip: Boulder CO 80301

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008
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Comments must be received by July 25, 2008.

My understanding is that the RR bridge over Arapahoe will be widened to accommodate 4 lanes which seems OK but minimal considering the bike path/multi-use path planned. Seems to me that while this project is underway, the future could be brought to us now & widen the road & underpass more than present planning.

Retain the rural feeling, if that is the goal, by more trees along the road

Thanks for planning the 3rd lane (at least) for turning into & out of Westview Drive.

Will there be an entry onto multi-use path via curbless flat curb (don't know the term) across from Westview Drive? I'm a bicyclist & anticipate using multi-use path to planned train to Longmont and Denver & DIA

Instead of stop lights I am in favor of roundabouts. 75th + 63rd would be good places to incorporate them now. (Also at BVSD building)

I am happy for these changes. May they happen soon!

Optional Information:

Name: CAROL Saunders

Address: 1076 Westview Dr

City, State, Zip: Boulder, CO 80303

CVCT

Multi-use path ending at Westview is not long enough. I use my bike to 75th & go north or south (to avoid narrow road east of 75th).

Buying the power lines would be great.

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008
 Arapahoe Road (S.H. 7) – Cherryvale to 75th Street
 Environmental Assessment and Draft Section 4(f) Evaluation



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 Fax 303.988.4969
- Provide Comments to the Court Reporter at this Public Hearing
- Provide Comments on the SH 7 website: <http://www.dot.state.co.us/SH7EA/index.asp>

Comments must be received by July 25, 2008.

The property at Lot 11 & Lot 12 will have a serious problem with access of 40 to 60 foot semi trailers to both 7183 & 7191 Arapahoe. 7191 HAS TWO ACCESS DOOR WEST & NORTH SIDES your existing PLAN DOES NOT LEAVE ACCESS FOR SEMI-TRAILERS OR U-HAUL TRUCKS & TRAILER 30-50 FT LONG. Septic lines - cleanouts, septic tanks & DISTRIBUTIONS BOXES APPEAR EFFECTED BY THE NATURE/WALKING TRAIL THE WATER RETENTION POND WHICH WAS REQUIRED BY BOULDER COUNTY WILL ALSO BE CUT APPROX BY 1/2 ITS VOLUME. Acquisition of 7165 Arapahoe WOULD REPRESENT A YEARLY LOSS OF APPROX \$34,000 IN RENTAL. LOSS OF PARKING FOR CUSTOMER CARS REPRESENTS APPROX 20-25 SPACES WHICH IS CRITICAL FOR U-HAUL VEHICLES AND DAILY CUSTOMER PARKING AND EMPLOYEE PARKING. ADDITIONAL PARKING WILL BE LOST BECAUSE WE WILL NOT HAVE ENOUGH ROOM TO PULL VEHICLES INTO OR OUT OF THE NORTH SIDE OF 7191 ARAPAHOE. LOSS OF TREES WILL RAISE TEMPERATURE LEVELS AT 7191 ARAPAHOE. THE HIGHWAY WIDENING WILL ELIMINATE ANY ACCES OVER

Optional Information:

Name: TOM CONWAY 303.443.1343
 Address: 7191 ARAPAHOE City, State, Zip: BHDR 80303

TO THE EAST END OF THE PROPERTY WHERE WE HAVE APPROX 25 PORSCHES STORED.

THE ONLY VIABLE SOLUTION IS A WIDER FRONT ACCESS THAN PLANNED TO ENTER HIGHWAY 7. THE RETENTION POND COULD BE ELIMINATED AND USED AS AN ACCESS TO THE PORSCHES STORED ON THE EAST END. WE NEED TO ACCESS THESE VEHICLES APPROX TWICE DAILY.

THE GRADE LEVEL WHERE WE ACCESS HWY 7 WILL HAVE TO BE AS CLOSE AS POSSIBLE TO LEVEL GRADE TO ACCOMMODATE 50-60 FOOT SEMI-TRAILERS.

IT MAY BE POSSIBLY TO UPGRADE ACCESS FROM VALTEC GOING EAST ^{FROM THE NORTHEAS CORNER OF LOT.} A TELEPHONE POLE WOULD HAVE TO BE MOVED AS WILL A WELL HEAD. SOME TYPE OF UNDERGROUND DRAINAGE WILL HAVE TO BE INSTALLED TO ACCOMMODATE WATER FROM ROAD IMPROVEMENT.

I AM MORE THAN WILLING TO DISCUSS THESE ISSUES.

Tom Conway
443.1343 x 3

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008
Arapahoe Road (S.H. 7) - Cherryvale to 75th Street
Environmental Assessment and Draft Section 4(f) Evaluation



Your suggestions and/or comments are solicited at this time regarding this Environmental Assessment (EA) and Draft 4(f) Evaluation. Your input is very important to us. Space is provided below for your written comments.

Here are three ways to comment:

- Please hand in this sheet at the public hearing or mail in or fax it to:
Gray Clark
Muller Engineering Company
Suite 4-100
777 S. Wadsworth Blvd.
Lakewood, CO 80226
Fax 303.988.4969
- Provide Comments to the Court Reporter at this Public Hearing
- Provide Comments on the SH 7 website: <http://www.dot.state.co.us/SH7EA/index.asp>

Comments must be received by July 25, 2008.

~~XXXXXXXXXXXX~~ THE STRUCTURE ON THE NORTHEAST
CORNER OF VALTEC AND ARAPAHOE SHOULD BE
REMOVED. IT BLOCKS THE VISION OF BOTH
THOSE COMING OUT FROM VALTEC AND
THOSE GOING WEST ON ARAPAHOE.

Optional Information:

Name: _____

Address: _____ City, State, Zip: _____

Public Comment Sheet

Public Hearing / Open House, July 8th, 2008
Arapahoe Road (S.H. 7) – Cherryvale to 75th Street
Environmental Assessment and Draft Section 4(f) Evaluation



Your suggestions and/or comments are solicited at this time regarding this Environmental Assessment (EA) and Draft 4(f) Evaluation. Your input is very important to us. Space is provided below for your written comments.

Here are three ways to comment:

- Please hand in this sheet at the public hearing or mail in or fax it to:
Gray Clark
Muller Engineering Company
Suite 4-100
777 S. Wadsworth Blvd.
Lakewood, CO 80226
Fax 303.988.4969
- Provide Comments to the Court Reporter at this Public Hearing
- Provide Comments on the SH 7 website: <http://www.dot.state.co.us/SH7EA/index.asp>

Comments must be received by July 25, 2008.

Historic Boulder thanks you for
realigning Arapahoe Avenue in
order to protect the historic
gas station at 63rd Street.

We realize that this decision
increases the impact on the
properties on the south side of
Arapahoe but when a historic
building is lost, so is
part of our history.

Optional Information:

Name: Historic Boulder, Inc.

Address: 1123 Spruce St. City, State, Zip: Boulder, CO

80302

Appendix E – Section 4(f) Coordination

**State Highway 7 (Cherryvale Road to 75th Street) Finding of No Significant Impact and Final Section 4(f) Evaluation
Appendix E - Section 4(f) Coordination**

Date	Letter Subject	Author	Recipient	Page #
19-May-08	FHWA Determination of Legal Sufficiency for the Section 4(f)	Sara Purcell	Karla Petty	1
7-Mar-08	Letter notifying SHPO of finding of 4(f) <i>de minimis</i> finding for project	Robert Autobe	Georgiana Contiguglia	2
3-Mar-08	Letter of concurrence on finding of <i>de minimis</i> impact for historic resources	Carol Parr	Karla Petty	4
28-Nov-07	Letter of concurrence on finding of <i>de minimis</i> impact for Cottonwood Ditch and Legion Park	Carol Parr	FHWA Division Administrator	7
27-Nov-07	Copy of materials sent to FHWA regarding <i>de minimis</i> impact on Cottonwood Ditch and Legion Park	Robert Autobe	Richard Koopmann	17
2-Nov-07	Letter notifying SHPO of finding of <i>de minimis</i> impact for Cottonwood Ditch segment	Brad Beckham	Georgiana Contiguglia	18
26-Apr-07	Letter requesting concurrence on finding of <i>de minimis</i> impact for Enterprise Ditch	Brad Beckham	State Historic Preservation Officer	19
25-Apr-07	Letter of notification on <i>de minimis</i> impact for Enterprise Ditch	Brad Beckham	FHWA Division Administrator	21
30-Jan-07	Letter requesting concurrence on finding of <i>de minimis</i> impact for Enterprise Ditch	Brad Beckham	FHWA Division Administrator	22
4-Dec-06	Memorandum of Agreement Letter for Cottonwood Ditch and Burlington Northern Railroad	Brad Beckham	Advisory Council on Historic Preservation	24
20-Nov-06	Memorandum of Agreement Letter for Cottonwood Ditch and Burlington Northern Railroad	Brad Beckham	FHWA Division Administrator	25
14-Nov-06	Transmittal Letter and MOA for Cottonwood Ditch and Burlington Northern Railroad	Brad Beckham	State Historic Preservation Officer	26
24-Jun-06	Letter of concurrence with finding of no adverse effect for Enterprise Ditch	Georgiana Contiguglia	Brad Beckham	30
31-May-06	Letter requesting concurrence on determination of effect for Enterprise Ditch	Brad Beckham	CDOT Environmental Programs Branch Manager	31
24-Mar-06	Letter of concurrence with finding of adverse effect for Cottonwood Ditch	Georgiana Contiguglia	State Historic Preservation Officer	33
24-Mar-06	Letter of concurrence with finding of no adverse effect for Enterprise Ditch	Georgiana Contiguglia	CDOT Environmental Programs Branch Manager	34
15-Aug-05	Letter of concurrence with finding of no adverse effect for historic properties	Georgiana Contiguglia	CDOT Environmental Programs Branch Manager	35
12-Aug-05	Letter of concurrence with finding of no adverse effect for Cottonwood Ditch siphon	Georgiana Contiguglia	CDOT Environmental Programs Branch Manager	37
4-Aug-05	Letter requesting comment on effects determinations for historic properties	Brad Beckham	Denise Grimm	39
4-Aug-05	Transmittal Letter providing information to SHPO concerning Cottonwood Ditch siphon	Brad Beckham	Boulder County Historic Preservation Advisory Board	43
6-Jun-05	Letter requesting information for eligibility of Cottonwood Ditch siphon	Georgiana Contiguglia	State Historic Preservation Officer	45
29-Mar-05	Letter of concurrence with findings for historic properties, ditches, and railroad	Georgiana Contiguglia	Brad Beckham	47
24-Mar-05	Letter requesting concurrence concerning historic boundaries and effects determinations	Brad Beckham	Georgiana Contiguglia	49
17-May-05	Letter concerning impacts to Legion Park	Richard Koopmann	Mark Gessellin	53

Memorandum

Office of Chief Counsel

Subject: Legal Sufficiency Comments on May 5, 2008 Revision to
SH 7 (Cherryvale Road to 75th Street) EA/4(f)
Bolder County, Colorado

Date: May 19, 2008

From: Sara Purcell
Legal Counsel
San Francisco, California

In Reply Refer To:
HCC-WE

To: Karla S. Petty, P.E.
Colorado Division Office
Lakewood, Colorado

Attn: Melinda Urban

I am writing to provide comments on my review of the subject EA/4(f) revised in response to my earlier comments submitted on April 15, 2008. In reviewing the revised EA/4(f) I relied on the matrix and the “tracked changes” you e-mailed to me May 8th. I think the May 5, 2008, revised document is well done, but I do have the following few minor comments:

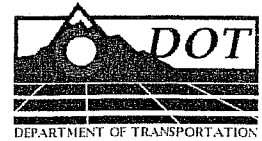
1. In Section 4.1, quoting the new Section 4(f) regulations (p 4-1), the quote should be exact and the section identified. I am not sure where the material quoted comes from, but it might be best to quote the introduction and paragraphs (a) and (b) of 23 CFR § 774.3 and either foot note the section (23 CFR § 774.3 (a) and (b)) or put it after the period at the end of the quote.
2. In Section 4.4, second paragraph (p 4-14), delete “lands that are part of a historic” because this paragraph applies to all 4(f) properties.
3. In Section 4.4.2, in “The following measures..” clause (p 4-18), rewrite it to say “The following measures to avoid, minimize, mitigate and enhance the below-listed 4(f) resources were taken into consideration in making the de minimis finding for project impacts to these historic properties:”
4. In Section 4.4.2, after the discussion of impacts to the DeBacker-Tenenbaum House (p 4-19, the wording is awkward due to the new material. I suggest changing the first sentence by adding an “s” to “finding,” adding “with regard to these six properties” after “no adverse effect” and dropping “s” from “reflects.” I suggest the second sentence be changed by deleting “is the” and “based on this finding, and” and changing “taking” to “takes.”

Once the changes in the above comments are made, I consider the revision of May 5, 2008, to be legally sufficient in accordance with 23 CFR § 774.7 (d). If you disagree with any changes specified in my comments, or you have any questions about them, please give me a call at (415) 744-2644. If the changes are made as indicated, I do not need to see this document again.

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



RECEIVED

MAR 10 2008

March 7, 2008

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

Muller Engineering Company, Inc.

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

Dear Ms. Contiguglia:

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

Project Effects

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

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

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

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

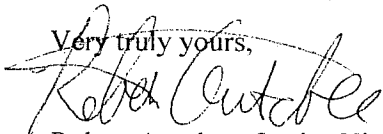
DeBacker-Tenenbaum House (5BL9029): Widening of SH 7 will require the completion of a retaining wall along CDOT right-of-way north of the house. The retaining wall will not directly impact the property's landscaping or buildings. The Burlington Northern and Santa Fe (BNSF) railroad located west of the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

De Minimis Determination

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

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

Very truly yours,



Robert Autobee, Senior Historian
CDOT-Region 4 Environmental

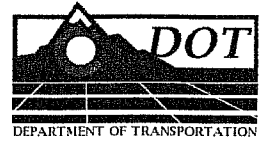
Enclosures: correspondence

cc: Carol Parr, CDOT Region 4
File/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



RECEIVED

MAR 10 2008

March 3, 2008

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

Muller Engineering Company, Inc.

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

Dear Ms. Petty:

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

Project Effects

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

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

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

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

DeBacker-Tenenbaum House (SBL9029): Widening of SH 7 will require the completion of a retaining wall along CDOT right-of-way to the north of the house. The retaining wall will not directly impact the property's landscaping or buildings. The Burlington Northern and Santa Fe (BNSF) railroad located west of the property will be temporarily realigned to the east of its existing location. This work will not directly impact 5BL9029. However, a temporary easement of approximately 2,000 square feet is necessary to build the fill slope for the railroad shoe-fly alignment, which is also a temporary improvement. These fill slopes will be located partially within the historic property boundary and the limit of the fill may impact some of the landscaping along the property's western boundary. With the exception of a single juniper bush, the vegetation impacted by the toe of the slope is not part of the original plantings that contribute to the property's significance. CDOT will build a temporary 2-foot to 4-foot-long retaining wall to minimize impacts inside the historic property boundary. Crews will remove the retaining wall after construction is completed. There will be no direct impacts to the property or the elements that make the property eligible for NRHP-listing. In August 2005, the SHPO concurred that these actions would result in *no adverse effect*.

Finding of De Minimis Impact

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

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

If you concur with this finding, please sign below.

Very truly yours,



Carol Parr
CDOT Region 4 Environmental Manager

Enc:

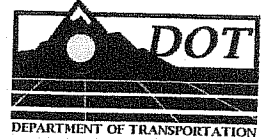
cc: Lisa Schoch, CDOT-EPB
File/CF

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

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



November 28, 2007

RECEIVED

DEC 19 2007

Muller Engineering Company

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

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

Dear Mr. Nicol:

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

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

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

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

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

- Identified All Parks, Open Space, and Recreation Facilities Along Project Corridor
- Public Comments
 - Project team received 29 Comment Sheets Containing 173 Different Responses
 - None of the Comments Specifically Addressed Legion Park
- ❖ Second EA Public Meeting, November 9, 2004
 - Information Presented
 - Project Background
 - Alternatives Evaluation
 - Preferred Alternative (4-Lane)
 - Environmental Impacts
 - Visual Display Identified Specific Impacts to Legion Park – With Cut Slopes Or With A Retaining Wall
 - Photo Simulations Showed View Of Legion Park Before And After Construction – With Cut Slopes Or With A Retaining Wall
 - Public Comments
 - Question to the Public on the comment sheet: In the area of Legion Park and the City of Boulder Open Space (top of hill), both cut slopes and retaining walls are being considered. Cut slopes would require a larger construction impact area affecting more vegetation and trees, while retaining walls would be up to 20-23' tall. Which do you prefer?
 - 43 Responses Preferred Cut Slopes
 - 18 Responses Preferred Retaining Walls
 - Project team received 75 Comment Sheets Containing 293 Responses
 - Four Comments Addressed Retaining Walls
 - Graffiti will be a problem if walls are built (2 comments)
 - Concern about the aesthetics of the wall (1 comment)
 - Concern with sight restrictions and shadows causing icing problems (1 comment)
 - Two requests that cut slopes appear more natural
 - One respondent wanted as many trees saved as possible
- ❖ After the signing of the EA, the project team will conduct a public hearing. At this time, the team will inform those in attendance of the *de minimis* findings and the public will have an opportunity to comment. This meeting has yet to be scheduled.
- ❖ All Public Process Information Is Documented In The EA

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

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

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

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

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

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

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

Project Effects

- 1) Improvements to SH 7 require the construction of a temporary bridge to carry the Burlington Northern railroad over the Cottonwood Ditch #2. CDOT will remove the bridge upon the project's completion.
- 2) CDOT will also construct a permanent bridge to replace the existing railroad bridge over the ditch. The proposed bridge will be similar in configuration to the existing bridge (approximately a 15-foot span vs. the existing 12-foot span). The introduction of the new bridge will not alter the resource's current alignment or change the ditch's existing surface or materials.

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

Finding of De Minimis Impact

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

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

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

Sincerely,



Carol Parr
CDOT Region Environmental Manager

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

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

cc: Lisa Schoch, CDOT-EPB
File/CF

Finding of 4(f) de minimis for Legion Park

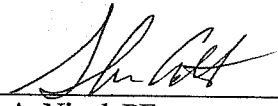
The Federal Highway Administration hereby finds that:

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

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

I concur:

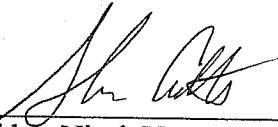
DN


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

12/11/07
Date

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

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

I concur:  _____ Date 12/11/07

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

LEGION PARK ATTACHMENTS

N 75th St

Arapahoe Rd

Legion Park

Valmont Reservoir

Hillcrest Reservoir

Leggett-Owen

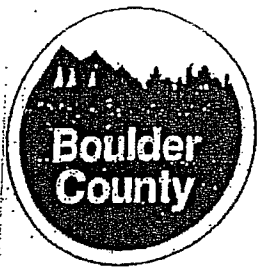
DISCLAIMER
This map is for illustrative purposes only, and is not suitable for parcel-specific decision making. The areas depicted here are approximate. More site-specific studies may be required to draw accurate conclusions.



Legion Park



- Open Space Trails
- Legion Park Trail
- Access Road and Parking Lot
- Open Space
- City of Boulder Open Space
- Other Open Space
- County Open Space
- County Subdivisions
- Other Municipal Lands
- Subdivisions
- NUPUD Conservation Easements



Post Office Box 471 • Boulder, Colorado 80306

Parks and Open Space Department

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

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

May 17, 2005

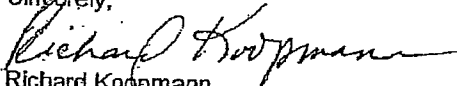
Colorado Department of Transportation
1050 Lee Hill Road
Boulder, CO 80302
Attn: Mark Gosselin

Dear Mr. Gosselin,

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

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

Sincerely,

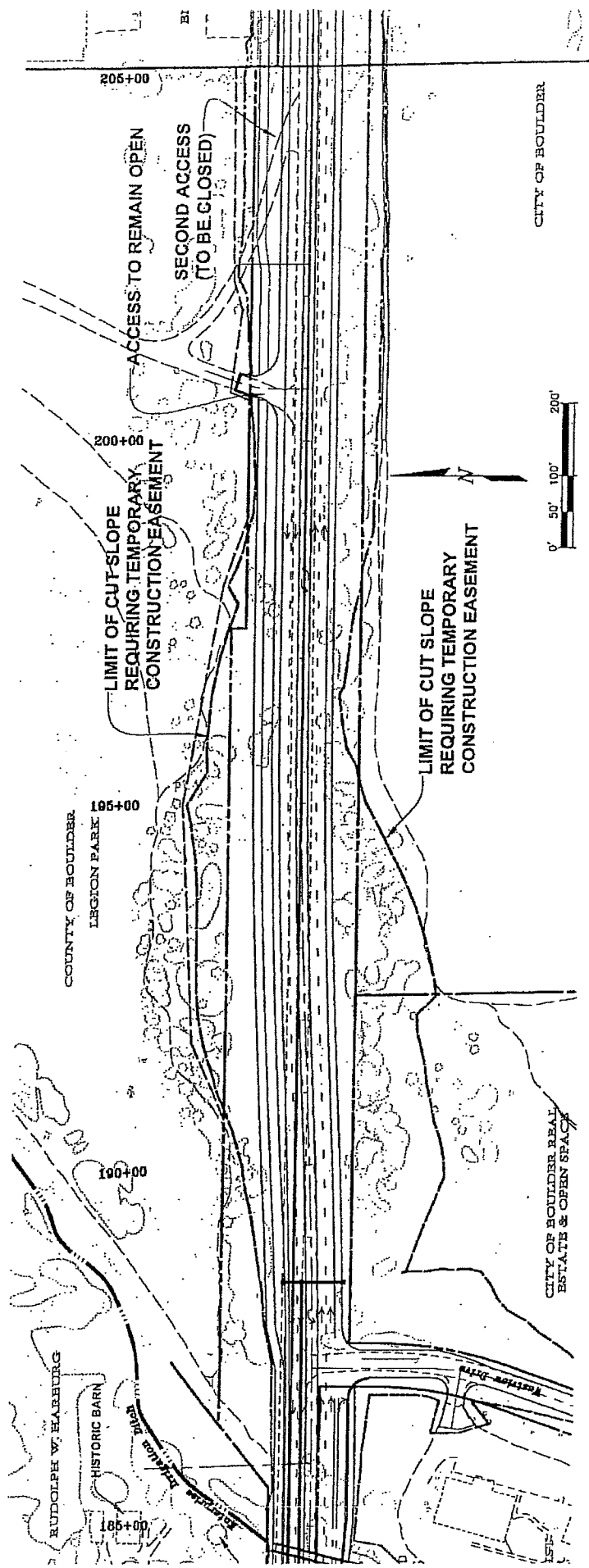

Richard Koopmann
Resource Planning Manager

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

Tom Mayer
County Commissioner

Ben Pearlman
County Commissioner

Will Toor
County Commissioner



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



November 27, 2007

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

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

Dear Mr. Koopman:

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

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

Very truly yours,

Robert Autobee, Senior Historian
CDOT-Region 4

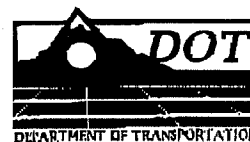
Enclosures

cc: Carol Parr CDOT Region 4
File/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



November 2, 2007

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

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

Dear Ms. Contiguglia:

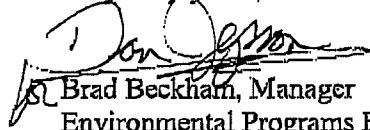
This letter and the attached materials constitute notification of a Section 4(f) *de minimis* impact for a segment of the Cottonwood Ditch #2 (5BL4488.3) associated with the Environmental Assessment referenced above.

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

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

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

Very truly yours,



Brad Beckham, Manager
Environmental Programs Branch

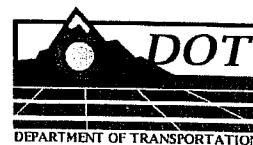
Enclosures: March 24, 2005 letter from CDOT to SHPO
March 29, 2005 SHPO response
March 13, 2006 letter from CDOT to SHPO
March 24, 2006 SHPO response

cc: Carol Purr, CDOT Region 4/Lisa Schoch, CDOT-EPB
P/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



April 26, 2007

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

RECEIVED

MAY 30 2007

Muller Engineering Company, Inc.

Dear Mr. Nicol,

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

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

Project Effects

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

Finding of *De Minimis* Impact

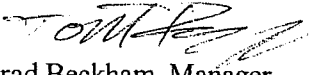
CDOT consulted with the SHPO regarding eligibility and effects to this ditch segment in correspondence dated August 4, 2005. At that time, CDOT determined that the project would result in *no historic properties affected*, but in their response dated August 15, 2005, SHPO determined that the entire Enterprise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

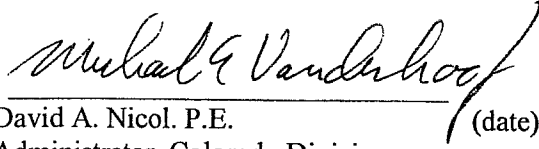
Based on the information presented above and on the attached documentation, the effects of this proposed improvement on the properties noted above constitute a *de minimis* impact and the requirements of 23 USC 138 and 49 USC 303 have been satisfied. This finding is considered valid unless new information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

obtained or the proposed effects change to the extent that consultation under Section 106 must be reinitiated.

If you concur with this finding, please sign below.

Sincerely,

for 
Brad Beckham, Manager
Environmental Programs Branch

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

Enclosures:

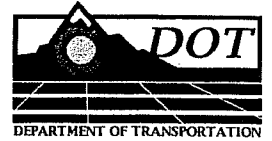
Section 106 correspondence
Site form for 5BL4164.2
Exhibit 3

cc: Carol Parr, Region 4
File/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



April 25, 2007

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

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

Dear Ms. Contiguglia:

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

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

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

Very truly yours,

Brad Beckham, Manager
Environmental Programs Branch

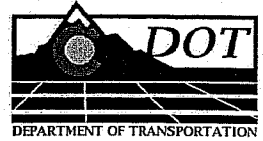
Enclosure: August 5, 2005 (Letter from CDOT to SHPO)
August 15, 2005 (Response, SHPO to CDOT)

cc: Carol Parr, CDOT Region 4
F/CF

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



January 30, 2007

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

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

Dear Mr. Nicol:

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

Project Effects

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

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

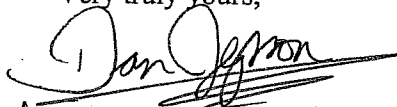
Finding of *De Minimis* Impact

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

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

If you concur with this finding, please sign below.

Very truly yours,



for Brad Beckham, Manager
Environmental Programs Branch

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

cc: Carol Parr, Region 4
File/CF

I concur: Michael A. Vanderhooft 2/22/07
for David A. Nicol, PE Date
Administrator, Colorado Division
Federal Highway Administration



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

RECEIVED

MAR 28 2007

Muller Engineering Company, Inc.

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

December 4, 2006

REC'D DEC 07 2006

Colorado Federal Aid Division

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

Dear Ms. Legard:

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

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

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

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

Sincerely yours,

Melinda Castillo

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

Enclosure: Copy of MOA for ACHP files

cc: Thomas E. Norton, CDOT Executive Director

Attn: R. Autobee, CDOT Environmental Programs (w/original MOA)

Karla Harding, CDOT Region 4 Director ✓

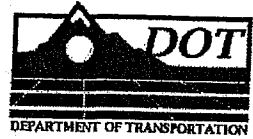
Attn: S. Elmquist, CDOT Region 4 Env. Manager



STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



November 20, 2006

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

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

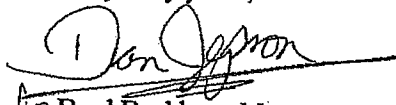
Dear Mr. Nicol:

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

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

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

Very truly yours,

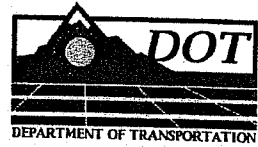

for Brad Beckham, Manager
Environmental Programs Branch

Enclosures (Original MOA for signature)

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



November 14, 2006

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

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

Dear Ms. Contiguglia:


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

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

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

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

Very truly yours,


Brad Beckham, Manager
Environmental Programs Branch

Enclosure: Original copy of signed MOA

cc: Carol Parr, CDOT Region 4
F/CF

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

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

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

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

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

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

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

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

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

STIPULATIONS

FHWA shall ensure that the following measures are carried out:

I. MITIGATION

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

A. ARCHIVAL DOCUMENTATION

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

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

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

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

II. DURATION

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

III. MONITORING AND REPORTING

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

IV. DISPUTE RESOLUTION

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

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

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

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

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

V. AMENDMENTS AND NONCOMPLIANCE

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

VI. TERMINATION

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

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

SIGNATORIES:

Federal Highway Administration

Michael E. Vandenberg

12/4/06

for David Nicol, P.E., Division Administrator

Date

Colorado State Historic Preservation Officer

Georgianna Contiguglia

Nov. 15, 2006

Georgianna Contiguglia, SHPO

Date

INVITED SIGNATORY:

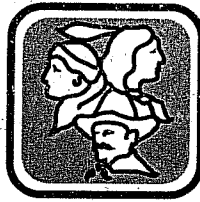
Colorado Department of Transportation

Tom Norton

11/9/06

for Tom Norton, Executive Director

Date



COLORADO
HISTORICAL
SOCIETY

RECEIVED

MAY 03 2007

Muller Engineering Company, Inc.

June The Colorado History Museum 1300 Broadway Denver, Colorado 80203-2137
March 24, 2006

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

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

Dear Mr. Beckham,

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

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

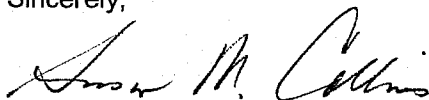
If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.

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

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

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

Sincerely,

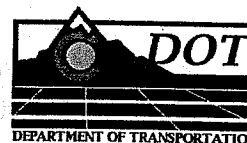

Georgianna Contiguglia
State Historic Preservation Officer

0006 1111

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



RECEIVED

JUN 19 2006

Muller Engineering Company, Inc.

May 31, 2006

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

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

Dear Ms. Contiguglia:

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

Consultation Background

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

EFFECTS DETERMINATION

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

NOTIFICATION OF SECTION 4(F) DE MINIMIS DETERMINATION

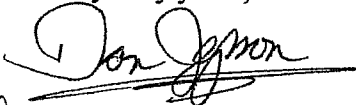
The project has been determined to have *no adverse effect* on the Enterprise Ditch (5BL4164/5BL4164.4). Based on this finding, FHWA may make a *de minimis* finding for the Section 4(f) requirements for this historic property. Your written concurrence on the *no adverse effect* finding as outlined above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

evidence that consultation requirements of Section 6009 of SAFETEA-LU, as they will be codified at 23 U.S.C. § 138(b)(2)(B) and (C), and 49 U.S.C. § 303(d)(2)(B) and (C), are satisfied.

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

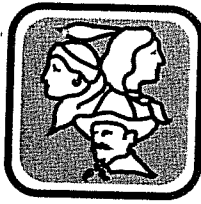
We request your concurrence with the revised determination of effect outlined herein and acknowledgment of the *de minimis* notification. Your response is necessary for the Federal Highway Administration's compliance with Section 106 of the National Historic Preservation Act, and the Advisory Council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

Very truly yours,


for Brad Beckham, Manager
Environmental Programs Branch

Enclosure: Plan Sheet

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



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

March 24, 2006

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

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

Dear Mr. Beckham,

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

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

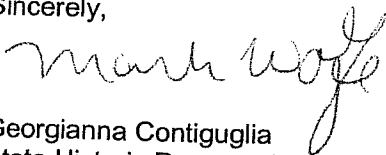
If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.

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

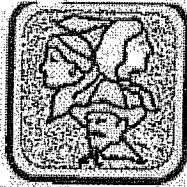
Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

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

Sincerely,



for
Georgianna Contiguglia
State Historic Preservation Officer



COLORADO HISTORICAL SOCIETY

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

March 24, 2006

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

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

Dear Mr. Beckham,

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

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

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

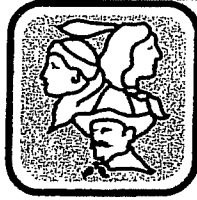
We request being involved in the consultation process with the local government, which as stipulated in 36 CFR 800.3 is required to be notified of the undertaking, and with other consulting parties. Additional information provided by the local government or consulting parties might cause our office to 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 Coordinator, at (303) 866-4678.

Sincerely,


Georgianna Contiguglia
State Historic Preservation Officer



COLORADO
HISTORICAL
SOCIETY

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

August 15, 2005

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

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

Dear Mr. Beckham,

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

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

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

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

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

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

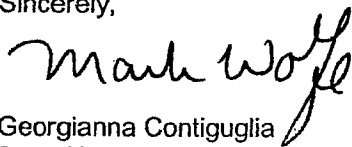
If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CFR 60.4, in consultation with this office.

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.

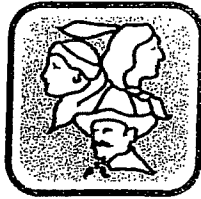
Please note that our compliance letter does not end the 30-day review period provided to other consulting parties.

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

Sincerely,



for Georgianna Contiguglia
State Historic Preservation Officer



COLORADO
HISTORICAL
SOCIETY

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

August 12, 2005

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

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

Dear Mr. Beckham,

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

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

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

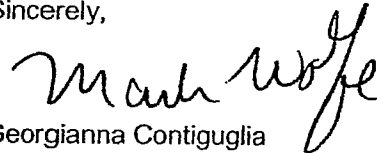
If unidentified archaeological resources are discovered during construction, work must be interrupted until the resources have been evaluated in terms of the National Register criteria, 36 CRF 60.4, in consultation with this office.

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

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

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

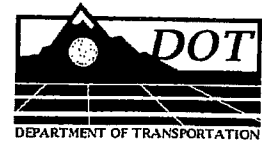
Sincerely,

for 
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



August 4, 2005

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

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

Dear Ms. Grimm:

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

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

REVISED HISTORIC BOUNDARY, BUTLER-SMITH PROPERTY

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

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

EFFECTS DETERMINATIONS

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

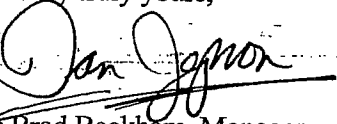
Several other properties were identified as State Register-eligible or eligible for local landmark designation in the 2002 Section 106 consultation. These include the Arapahoe School (5BL409) and Goodview Hill/Veteran's Memorial park (5BL516). Because these are not National Register-eligible properties,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

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

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

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

Very truly yours,


Brad Beckham, Manager
Environmental Programs Branch

Enclosures: Site Form for 5BL8917
Exhibits 1-4

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

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



August 4, 2005

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

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

Dear Ms. Contiguglia:

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

Your questions and our responses are outlined as follows:

- 1) What information is the 1931 date based on?

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

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

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

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

The period of significance is 1863 to 1955.


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

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

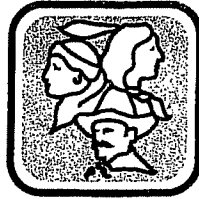
We have also determined that the proposed work to replace the siphon, as described in our letter of July 1 2005, will result in *no adverse effect* to this historic irrigation feature.

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

Very truly yours,


for Brad Beckham, Manager
Environmental Programs Branch

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



**COLORADO
HISTORICAL
SOCIETY**

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

July 6, 2005

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

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

Dear Mr. Beckham,

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

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

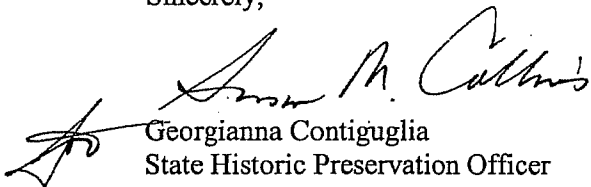
In order to understand whether or not the siphon contributes to the ditch, it is our opinion that the period of significance of the ditch needs to be addressed. On the original August 2001 survey form, the siphon with a construction date of c.1920 was considered contributing to the Cottonwood Ditch #2,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

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

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

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

Sincerely,



Georgianna Contiguglia
State Historic Preservation Officer



COLORADO
HISTORICAL
SOCIETY

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

March 29, 2005

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

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

Dear Mr. Beckham,

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

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

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

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

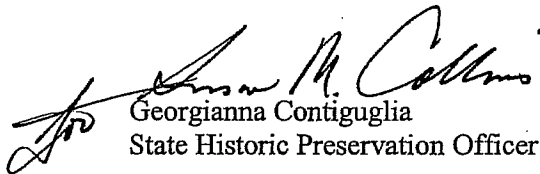
properties affected under Section 106 for resource 5BL.4164/Enterprise Ditch and resource 5BL.9617/7195 Arapahoe Road.

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

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

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

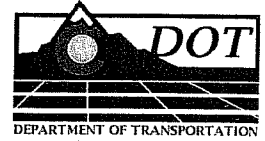
Sincerely,


Georgianna Contiguglia
State Historic Preservation Officer

STATE OF COLORADO

DEPARTMENT OF TRANSPORTATION

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



March 24, 2005

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

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

Dear Ms. Contiguglia:

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

Project Background

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

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

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

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

REVISED HISTORIC BOUNDARIES

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

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

ELIGIBILITY DETERMINATIONS

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

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

Enterprise Ditch (SBL4164.4): The Enterprise Ditch is a newly recorded resource; a 1000-foot segment of the ditch was evaluated for this project. The rural setting of this segment has been compromised by light industrial development and the ditch has been piped where it runs through these industrial properties. For these reasons, this segment does not retain sufficient integrity and is considered *not eligible*. Please see the attached site form and photos for more information about the eligibility of this resource.

7195 Arapahoe Road (SBL9617): This property consists of a main residential building and some associated outbuildings. The main house was built in 1930 and its integrity has been compromised by numerous modifications, for which there are no known dates. It does not retain the integrity to qualify for eligibility to the National Register under any of the NRHP Criteria and has been determined *not eligible*. Please refer to the attached site form and photographs for more information.

EFFECTS DETERMINATIONS

Colorado Southern Burlington Northern RR segment (SBL400.5): The preferred alternative involves the construction of a temporary alignment offset 25 feet to the east of the existing alignment and the construction of a bridge along this alignment over SH 7 (see the BNSF Alternative graphic). This temporary alignment is required so that the new, longer bridge over State Highway 7 can be constructed while train operations can continue on the temporary alignment. The ultimate railroad alignment will follow the existing alignment. The following features are part of this alternative:

- To construct the temporary alignment, approximately 500 feet of the existing railroad track will be temporarily impacted along the southern curve and approximately 600 feet of existing track will be temporarily impacted along the northern curve (see A on the attached graphic).
- The widening of State Highway 7 will require the removal of approximately 25 to 35 feet of existing track on the north side of the highway. This portion of the track alignment will ultimately be on the future bridge structure over State Highway 7 (please see B on the attached graphic).
- A temporary bridge will be required to carry the temporary railroad alignment over the Cottonwood Ditch (C on the attached graphic). This temporary bridge can be removed following the project.

FHWA and CDOT have determined that the permanent impact to 25 to 35 feet of the railroad segment will result in an *adverse effect* to the historic Colorado Southern Burlington Northern RR segment (SBL400.5) because that portion of the railroad will be removed.

Cottonwood Ditch #2 (SBL4488.3): As noted above, for the preferred alternative a temporary bridge will be required to carry the temporary railroad alignment over the Cottonwood Ditch #2 (C on the attached graphic). This temporary bridge will be removed following the project. In addition, a permanent bridge will be required to replace the existing railroad bridge over the Cottonwood Ditch #2. The proposed bridge will be similar in configuration to the existing bridge (approximately 15-foot span vs. existing 12-foot span), and will not alter the current alignment of the ditch and the ditch will retain its natural earth bottom.

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

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

Enterprise Ditch (5BL4164.4) and 7195 Arapahoe Road (5BL9617)

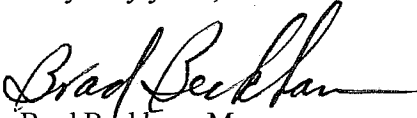
Neither of these resources is NRHP-eligible, and as such the project will result in *no historic properties affected*.

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

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

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

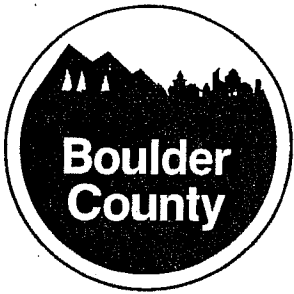
Very truly yours,


Brad Beckham, Manager
Environmental Programs Branch

Enclosures

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

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



Parks and Open Space Department

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

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

May 17, 2005

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

Dear Mr. Gosselin,

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

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

Sincerely,

Richard Koopmann
Resource Planning Manager

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