

Colorado Department of Transportation

Non-Historic Section 4(f) De Minimis Use Clearance Form

CDOT Request for *De Minimis* Finding

Based upon the information provided and this analysis below, CDOT believes that the Section 4(f) use of this property is considered *de minimis* as defined in 23 CFR 774.17.



Carol Coates, Non-historic Section 4(f) Specialist
CDOT Region 1

9/6/16

Date

FHWA *De Minimis* Finding



for John M. Gater, PE
Division Administrator
FHWA Colorado Division

9/12/16

Date

Project Information

| | |
|--|---|
| Date: August 31, 2016 | Region: 1 |
| Project Title: 6th Avenue Extension Environmental Assessment | Project Location: City of Aurora, Arapahoe County |
| Project Number: N/A | Project Route: SH-30 |
| Lead Agency: City of Aurora | NEPA Class: EA |
| Project Description: A new roadway alignment from SH-30/6th Ave to the E-470 Intechange at East 6th Parkway. This would close the gap in the existing major arterial street system, reduce out of direction travel, and improve the efficiency and reliability of the transportation system. The proposed project would be a six lane arterial roadway with a raised median and sidewalks. | |

Resource Information

| | |
|---|------------------------------------|
| Section 4(f) Resource: Environmental Day Camp | Type of 4(f) Resource: Public Park |
| Official with Jurisdiction: Tom Barrett, Director of PROS, City of Aurora | |

De Minimis Documentation:

- 1. Describe the Section 4(f) property and the attributes and features that qualify it for Section 4(f) protection;**

The Environmental Day Camp Park is a City of Aurora open space area with dispersed recreation, however, the parcel has received Section 6(f) Land and Water Conservation funds and is required to be managed for recreation purposes in perpetuity.

- 2. Describe the impacts to the Section 4(f) property, and why they are considered *de minimis* as defined by 23 CFR 774.17. Include all avoidance, minimization and mitigation or enhancement measures.**

The Environmental Day Camp would be permanently and temporarily impacted by grading associated with the proposed roadway and bridge. Permanent impacts would include 0.2 acre of the parcel and temporary impacts would include an additional 0.6 acre (see attachment). The new roadway must transition to existing SH 30 on the east side of the project and is constrained by Buckley AFB south of existing 6th Avenue; therefore, minor grading impacts occur north of existing 6th Avenue on the Environmental Day Camp at the SH 30 tie in. There are additional grading impacts on the west side of the Environmental Day Camp that are tied to the bridge over Sand Creek. The 6th Avenue Parkway roadway elevation must be raised significantly from existing elevation to meet minimum vertical clearances for the bridge over the Sand Creek and the Triple Creek Trail, causing the 4:1 slopes to spill into the Environmental Day Camp leading up to the structure.

- 3. For parks, recreational facilities, and wildlife and waterfowl refuges:**

- a. Describe the Public Outreach that has been or is being conducted; and**

On July 14th, 2016, during a public meeting for the Environmental Assessment, a poster board with information about the proposed impacts to the Environmental Day Camp (see attachment) was displayed. A form was used at the public meeting to gather comments on the proposed project and specifically asked for comments on the proposed impacts to the Environmental Day Camp. Additionally, as part of the Environmental Assessment 30-day public comment period, comments were accepted from June 30, 2016 to July 30, 2016. The following comments were received: 1. Children in an Environmental Park with a highway running right over it. The noise along will be an environmental menace. 2. No comments except that the plan seems to take into consideration existing wildlife and maintenance of green space. 3. Looks acceptable to me. 4. Happy with proposal as is.

- b. Include written concurrence from the official with jurisdiction over the 4(f) resource with the *de minimis* determination.**

The OWJ letter, which is attached to this form, was signed by Tom Barrett, City of Aurora, Director of Parks, Recreation and Open Space on 8/26/16.

Form prepared by: Carol Coates

Attach all required documentation as described above.

For Non-Historic Section (f), please enter information into the SharePoint tracking database: [Section 4\(f\) Tracking](#)



COLORADO
Department of Transportation
Region 1

Planning & Environmental
2000 South Holly Street,
Denver, CO 80222-4818

August 22, 2016

Mr. Tom Barrett, Director of Parks, Recreation, & Open Space
City of Aurora
15151 East Alameda Parkway, 3200
Aurora, CO 80012

RE: The Environmental Day Camp Section 4(f) *De Minimis* Concurrence Request for the 6th Avenue Parkway Extension

Dear Mr. Barrett,

This letter and enclosure constitute a request for review and concurrence on a finding of Section 4(f) *de minimis* impact to the Environmental Day Camp as a result of the 6th Avenue Parkway Extension project. Below is a description of the proposed project, an explanation of Section 4(f), a description of the Section 4(f) use of the Environmental Day Camp, and the public involvement process.

Proposed Project

The Colorado Department of Transportation (CDOT) is proposing to extend the 6th Avenue Parkway for approximately 2 miles along a new alignment, connecting existing 6th Avenue/SH 30 with the existing 6th Avenue Parkway at E-470 to the east. The project vicinity is shown on Attachment 1. This would close the gap in the existing major arterial street system, reduce out of direction travel, and improve the efficiency and reliability of the transportation system. The proposed project would be a six lane arterial roadway with a raised median and sidewalks.

Section 4(f)

Section 4(f) of the U.S. Department of Transportation Act affords special protection to publicly owned parks, recreational lands, wildlife and waterfowl refuges, and public or privately owned historic sites. Use of a Section 4(f) property occurs when: 1) land is permanently incorporated into the transportation facility; 2) there is a temporary occupancy of land that is adverse in the terms of the statute's preservation purpose; or 3) there is a constructive use (the project's impacts are so severe that the protected activities, features, or attributes of an adjacent property are substantially impaired).

A *de minimis* impact is one that, after taking into account all measures to minimize harm (such as avoidance, minimization, mitigation, or enhancement measures) results in a determination that the project will not adversely affect the activities, features, or attributes of the property.



Section 4(f) Use of the Environmental Day Camp

The Environmental Day Camp would be permanently and temporarily impacted by grading associated with the proposed roadway and bridge. Permanent impacts would include 0.2 acre of the parcel and temporary impacts would include an additional 0.6 acre (see attachment 2). The new roadway must transition to existing SH 30 on the east side of the project and is constrained by Buckley AFB south of existing 6th Avenue; therefore, minor grading impacts occur north of existing 6th Avenue on the Environmental Day Camp at the SH 30 tie in. There are additional grading impacts on the west side of the Environmental Day Camp that are tied to the bridge over Sand Creek. The 6th Avenue Parkway roadway elevation must be raised significantly from existing elevation to meet minimum vertical clearances for the bridge over the Sand Creek and the Triple Creek Trail, causing the 4:1 slopes to spill into the Environmental Day Camp leading up to the structure. The 4:1 slope will result in permanent impacts. Construction staging and activities will result in temporary impacts that will be revegetated.

Minimization Measures

Avoidance and minimization of impacts to the Environmental Day Camp were considered during the alternatives screening process and the Proposed Action best minimized impacts to the Environmental Day Camp as compared to the other alternatives because it required the least amount of temporary and permanent impact as compared to other alternative design options. An avoidance alternative of building a wall was considered instead of grading the impacted area. However, due to a major water line being located in the immediate vicinity, a wall would have been placed on the water line. It is generally preferred to not have structures on top of utilities because in the need for repairs the walls would have to be removed and reconstructed. As such, grading of the area was selected. Additional minimization measures include:

- The impacts would not affect existing recreational use of the park.
- Access to the Environmental Day will be maintained throughout construction.
- Areas temporarily impacted during construction will be revegetated and restored to pre-construction conditions.

Public Notice

On July 14th, 2016, during a public meeting for the Environmental Assessment, a poster board with information about the proposed impacts to the Environmental Day Camp (see attachment 3) was displayed. A form was used at the public meeting to gather comments on the proposed project and specifically asked for comments on the proposed impacts to the Environmental Day Camp (see attachment 4). Additionally, as part of the Environmental Assessment 30-day public comment period comments were accepted from June 30, 2016 to July 30, 2016. The following comments were received:

1. Children in an Environmental Park with a highway running right over it. The noise along will be an environmental menace.
2. No comments except that the plan seems to take into consideration existing wildlife and maintenance of green space.
3. Looks acceptable to me.



4. Happy with proposal as is.

Each individual comment will be responded to in the Finding of No Significant Impact.

City of Aurora Consultation

To acknowledge receipt of this letter and your concurrence with the impacts listed above and the *de minimis* Finding, please provide your signature below.

Based on the information presented above and on the attached documentation, the effects of the proposed project to the Environmental Day Camp are considered a *de minimis* impact and the requirements of 23 USC 138(b), 49 USC 303(d), and 23 CFR 774 have been satisfied. This finding is considered valid unless new information is obtained or the proposed effects change to the extent that consultation must be reinitiated.

If you have questions, please contact me at 303-757-9445 or at my email address: carol.coates@state.co.us.

Sincerely,



Carol Coates
Environmental Project Manager

I concur:



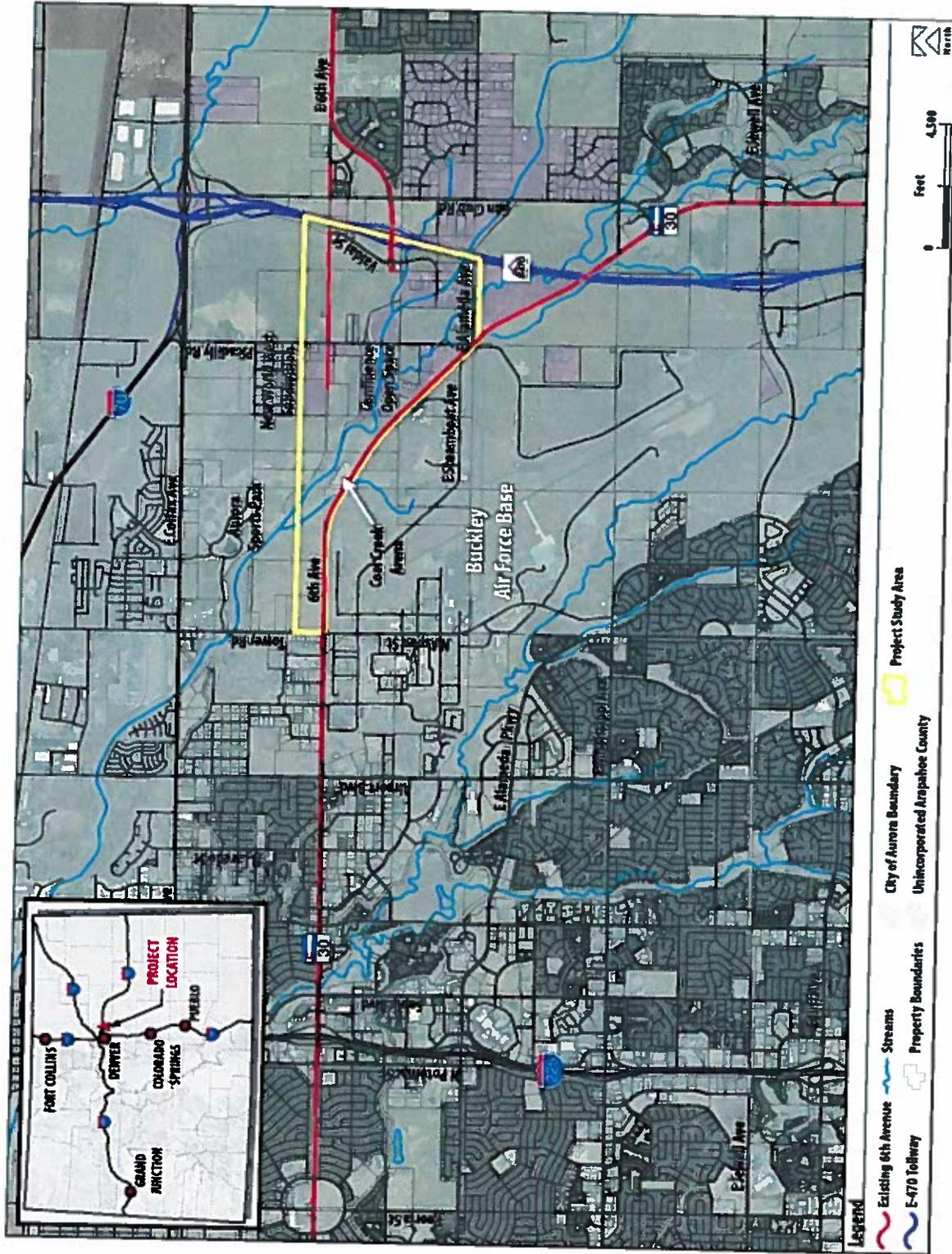
Tom Barrett
Director of Parks, Recreation & Open Space
City of Aurora

8/26/16

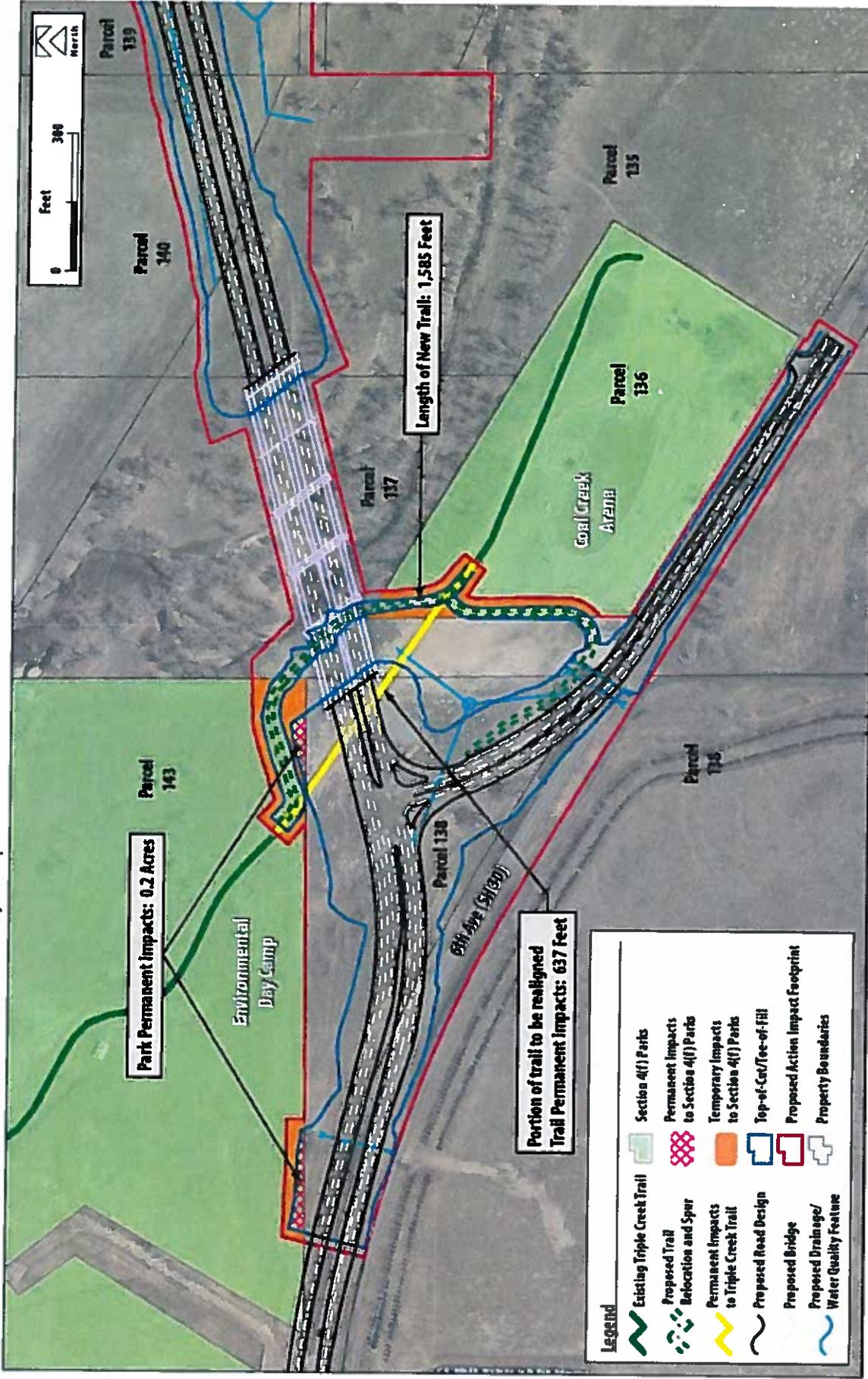
Date



Attachment 1. Project Area



Attachment 2. Project Impacts to the Environmental Day Camp



WHY IS THERE A PROPOSED *DE MINIMIS* FINDING ON THE ENVIRONMENTAL DAY CAMP?

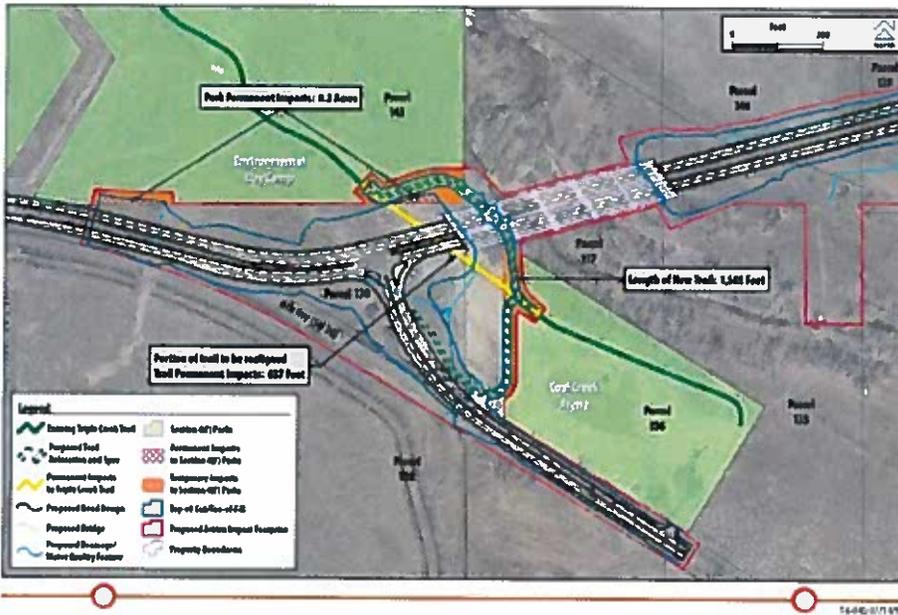
The Environmental Day Camp will be impacted by grading associated with the Proposed Action roadway and bridge. Impacted vegetation will be reseeded with native seed once construction activities are completed to blend in with the surrounding open space.

What is a *de minimis* finding?

The use of a transportation project on a park, recreational area, or wildlife and waterfowl refuge that qualifies for Section 4(f) protection may be determined to be *de minimis* if it does not adversely affect the activities, features, and attributes that qualify the resource for protection under Section 4(f) in 23 CFR 774.5(b)(2).

This project does not adversely affect the activities, features, and attributes that qualify the resource for protection under 4(f), therefore, FHWA and CDOT propose *de minimis* finding for this resource.

CDOT and FHWA are soliciting public input on this proposed *de minimis* finding to advance this determination.



Attachment 4: Environmental Assessment Comment Form

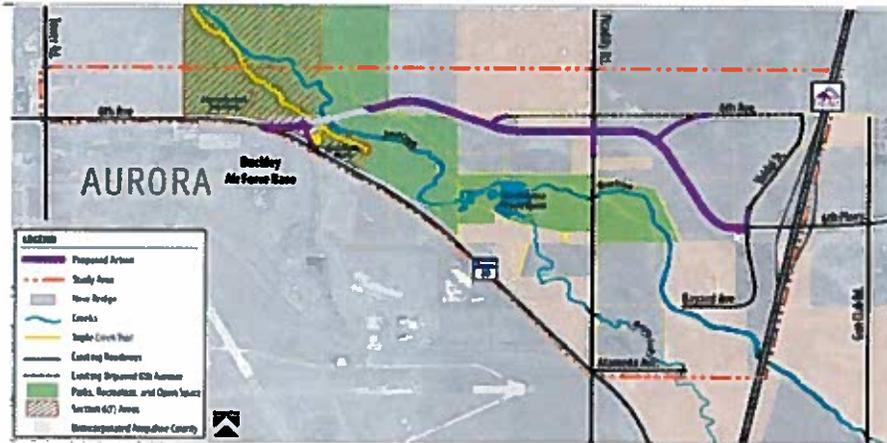
6TH AVENUE PARKWAY ENVIRONMENTAL ASSESSMENT

**COMMENT FORM
Page 1**

We welcome your comments on the 6th Avenue Parkway Extension Environmental Assessment. The City of Aurora, in consultation with the Federal Highway Administration (FHWA) and the Colorado Department of Transportation (CDOT), is proposing the extension of 6th Avenue Parkway along a new roadway alignment between SH 30 and E-470. For further information and future project updates, please visit the project website at www.aurora.gov/6thaveparkway

Name _____
 CONTACT INFORMATION _____
 Address, City, Zip _____
 Email Address _____
 Please check if you do not want your contact information published in the decision document.

Please provide any comments you have on the Proposed Action (see map below), No Action Alternative, environmental impacts, or any other project-related topics.

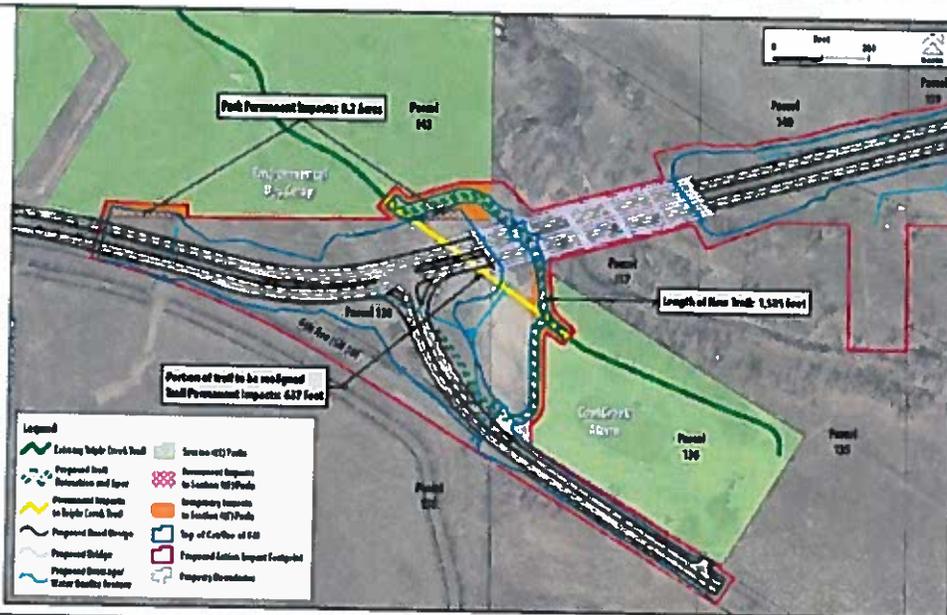


Comments must be received by **July 30, 2016** Please turn over



Continue comments here

Please provide any comments you have about the *de minimis* finding that FHWA is considering making on the Environmental Day Camp parcel (see map below)? A *de minimis* finding is one that, after taking into account any measures to minimize harm results in a determination that the project would not adversely affect the activities, features, or attributes qualifying a park, recreation area, or refuge for protection under Section 4(f).



You may submit your completed comment form to a project representative at the Public Open House Meeting sign-in table, or at any time during the June 30 - July 30, 2016 public comment period in the following ways:

Email: 6thavepkwy@fhwa.com

Mail to: Felsburg Holt & Uttevig
Attention: 6th Avenue Project Team
8300 South Syracuse Way, Suite 800
Centennial, CO 80111

Comments must be received by July 30, 2016

